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The Making of Ritual in the 19th Century Social Sciences

Scott, Wintor

Princeton, NJ : Princeton University

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The Making of Ritual in the 19th century Social Sciences

Wintor Scott

A DISSERTATION

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OF PRINCETON UNIVERSITY

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OF DOCTOR OF PHILOSOPHY

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Abstract:

This dissertation investigates how 19th-century nation-state discourses shaped theories of sacrifice and ritual within early sociology of religion. It argues that ideas about sacrifice and ritual were not driven solely by scientific inquiry but were strongly—if often unconsciously—influenced by political currents that promoted national unity and transnational power. During this period, ancient practices of sacrifice and ritual were reinterpreted using the emerging nation-state's motifs, blending historical reconstructions of antiquity with contemporary political discourse. In Germany and Scotland, influential figures such as the German theologian Albrecht Ritschl and sociologist William Robertson Smith connected religious notions of the Protestant community with the concept of a social contract—a foundational idea for building a unified nation with shared obligations and ambitions for transnational expansion. Embedding this idea in his later sociological writings, Smith argued that sacrifice functioned as a collective agreement within communities, binding individuals together through practices such as blood-revenge. In France, intellectuals like Marcel Mauss and Henry Hubert adapted a South Asian theory of ceremonial action—Mīmāṃsā philosophy—to align with French imperial policies. They claimed that the same sacrificial procedure could serve multiple roles in maintaining social equilibrium. Their work embedded the theory of sacrifice into the discourses of the French Third Republic's civilizing mission, asserting that ritual was a critical tool for implementing assimilation policies and reinforcing national strength even in distant colonies. Meanwhile, political unrest in the French Third Republic led Émile Durkheim to balance scientific inquiry with political realities in his development of a social cohesion theory of ritual. Durkheim promoted a ritual vision of national stability amid competing sacrificial models and integrated Aristotelian political philosophy to explain the stability of social structures before his "religious turn." By embedding the emerging nation-state as a central motif in their theorizations, these theorists reveal an unacknowledged debt in constructing a narrative that perpetuated the cultural order and political legitimacy of the transnational nation-state. Ultimately, this critique exposes the contingency of our inherited categories and suggests that the sociology of religion discursively forged the new rituals underpinning the modern nation-state's role as both a domestic and global power—playing an indispensable role in *the making of ritual*.

ॐ ऐं ह्रीं सरस्वत्यै नम:

ॐ ऐं ह्रीं सरस्वत्यै नम:

ॐ ऐं ह्रीं सरस्वत्यै नम:

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अग्निर्ज्योतिर्ज्योतिरग्निः स्वाहा। सूर्यो ज्योतिर्ज्योतिः सूर्यः स्वाहा।

अग्निर्वर्चो ज्योतिर्वर्चः स्वाहा। सूर्यो वर्चो ज्योतिर्वर्चः स्वाहा।

ज्योतिः सूर्यः सूर्यो ज्योतिः स्वाहा।।

- Śukla Yajur Veda Mādhyandina Saṃhita 3.9

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Wintor L. Scott
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Introduction

The Making of Ritual

This dissertation examines how the sociology of religion intersects with the emergence of transnational nation-states in the 19th century to illuminate the role of transnational nation-state discourses in shaping theoretical representations of sacrifice and ritual. Many scholars of ancient religion overlook 19th-century political and historical evidence showing that paradigms of sacrifice and ritual were deeply embedded within national and transnational discourses advancing specific political agendas. Social analysts of the time –often without conscious intention– rehearsed motifs of liberal discourse that supported democratic nation-states and their colonial expansion. This intersection is evident in the portrayal of sacrifice as a social contract during liberal uprisings in Germany and France, as an instrument of power in discourses of civilizing missions over non-European spaces, and as a ritual theory of social cohesion in public debates over competing national visions. Although ceremonial practices in Greco-Roman and Vedic traditions may seem disconnected from modern state formation, contemporary theories of ritual and sacrifice in antiquity still continue the fundamental theoretical legacy of the 19th century sociology of religion. This underscores the importance of examining sacrifice and ritual in the discursive, symbolic, and representational context of modern nation-state formation.

In ancient religions, sacrifice and ritual appear central to expressing a cosmic and poetic ethos. Without Chryses' hecatomb to Apollo in the *Iliad* or King Janamejaya's snake sacrifice (Sk. *sarpa-sattra*) framing the retelling of the *Mahābhārata*, these narratives would lose much of their literary mystique. Moreover, these traditions reflect the values of complex civilizations that,

alongside their literary achievements, practiced intricate ceremonies deeply intertwined with social, political, and economic realities. Over the decades, scholars such as Walter Burkert, René Girard, Jean-Pierre Vernant, Marcel Detienne, Brian Smith, and Jan C. Heesterman[1]—captivated by the mystery of sacrifice and ritual—have increasingly scrutinized these institutions. Much of the debate has focused on how the violence inherent in these practices channels, legitimates, and mediates social hierarchies and power structures, both socially and psychologically. Only recently have researchers like Tal Asad (1993), Ivan Strenski (2002, 2003), Bernard Cohn (1996, 2012), and Robert Yelle (2013, 2019) begun exploring the relationship between the 19th-century European theorization of sacrifice and ritual and their transformation under the emerging political forms of the transnational nation-state[2].

Nineteenth-century Europe provides a crucial case study for the transformation of autocratic regimes into democracies and the simultaneous rise of imperialism—a dynamic

[1] Walter Burkert's *Homo Necans: The Anthropology of Ancient Greek Sacrifice* (1972) provides a dedicated study of sacrifice in ancient Greece, while René Girard's *Violence and the Sacred* (1977) famously accounts for the ancient Greek scapegoat ritual within his theory of mimetic desire. Jean-Pierre Vernant and Marcel Detienne's *Cuisine of Sacrifice among the Greeks* (1979) examines how sacrifice and violence function as means of securing cooked food and distinguishing civilized humans from animals. In his 1993 work, *The Broken World of Sacrifice*, the late Dutch Indologist Jan Heesterman (1925–2014) reconstructs his decades-long argument that the Vedic sacrificial texts bear traces of an older, lost tradition in which sacrifice originally constituted a life-and-death struggle among competitors for material, social, and existential goods. Both Brian Smith and Heesterman further develop theories of ritual as violence in South Asia.

[2] Tal Asad's (1993) *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* boldly undertakes a genealogy of ritual action as society's symbolic representation, drawing on Clifford Geertz's concept of "Religion as a Cultural System." Strenski's monographs, *The First Theory of Sacrifice* (2002) and *Contesting Sacrifice* (2003), offer historical analyses of the polemical, political, and theological contexts of sacrificial discourse in France from the Ancien Régime to the Third Republic. In *Representing Authority in Victorian India* (2013), Bernard Cohn demonstrates how the British Empire employed Mughal rituals to legitimize its imperial authority at the turn of the 19th century. Robert Yelle's *The Language of Disenchantment* (2018) provides a case study of how Protestant Christian polemical discourses on ritual and sacrifice in 19th-century British India reshaped attitudes toward these practices through a Weberian strategy of "disenchantment," while his subsequent article, "From Sovereignty to Solidarity: Some Transformations in the Politics of Sacrifice from the Reformation to Robertson Smith" (2019), addresses earlier discourses of sacrifice in the writings of Julius Wellhausen and William Robertson Smith.

known as liberal imperialism. How, then, did sacrifice and ritual contribute to these movements? This dissertation argues that theories of sacrifice and ritual functioned as discursive, symbolic idioms, negotiated between scientific inquiry and geopolitical imperatives, to leverage authority and legitimacy amid competing nationalist visions. Whether this intellectual "debt" to the transnational nation-state is explicitly acknowledged or implicitly embedded, such theorizations reproduce its discursive influence by constructing a mythopoetic narrative of antiquity that reinforces the perceived inevitability of the nation-state's emergence. In other words, without claiming that they contributed to the material production of the transnational nation-state, the theorization of sacrifice and ritual functioned—in an indirect, non-causal manner—to shape the 19th century ideological production of the transnational nation-state by embedding national motifs in its framework of scientific analysis[3]. Thus, sacrifice and ritual, forged at the intersection of scientific and transnational rationales, persist not as anachronisms but as an historico-discursive process that constructs potent mythopoetic narratives of state origins through religious institutions.

Control over the representational meaning of sacrifice and ritual could leverage authority within domestic politics. For example, Germany's constitutional history—from the March Revolutions to Otto von Bismarck's unification of *kleine Deutschland*—illustrates a struggle between competing models of the nation-state, one championed by the liberal, educated bourgeoisie and the other by the traditional aristocracy. Following a model that values truth based on origin, the German theologian Albrecht Ritschl (1822-1889) argued that the proper conception of the Protestant community reflected the social contract of the original Christian

[3] The same 19th-century frameworks of sacrifice and ritual continue to shape contemporary discursive production of the transnational nation-state by their legacy in contemporary studies of religious antiquity.

community of apostles. Ritschl's view not only discursively endorsed the constitutional monarchy of the Frankfurt Assembly but also influenced the early sociologist of sacrifice William Robertson Smith (1848-1894), who incorporated this political conception of the social contract into his analysis of camel sacrifices among pre-Islamic Saracen and contemporary "nomadic tribes" of Jeddah. In doing so, Smith effectively reproduced the liberal discourse of the nation-state within historical narratives of religious antiquity.

A similar dynamic occurred in the political struggles of the Third Republic of France, where debates between proponents of the old monarchical constitution and advocates of the new republican constitution underscored competing visions of the nation-state. Viewing political order as a reflection of social structures forged by the cohesive dynamics of ritual, Emile Durkheim (1858-1917) countered right-wing nationalist arguments that promoted individual sacrifice – in the false conviction of French army captain Alfred Dreyfus (1859-1935) for espionage– as beneficial to the nation. By asserting that individualism was essential for ritual cohesion of modern French society, Durkheim defended a liberal vision of the nation-state for the Third Republic. In both cases, sacrifice and ritual played crucial roles in rhetorically supporting particular political visions amid competing models of national organization.

Specialized knowledge about sacrifice and ritual could also leverage support for programs of transnational expansion. Recent scholarly trends of liberal imperialism in Germany, Great Britain and France have shown that liberals in the early to mid 19th century had found a banner for the unification of the nation-state precisely in advocating for various forms of informal and formal imperialism[4]. The relation between imperialism and the nation-state relied

[4] See footnote above for scholarship.

not only on discussions about the economic benefits of colonial markets and free-trade to the nation, but also on civilizing missions of the dependent colonies whose policies of assimilation sought to transform transnational spaces into productive areas of labor and trade. Its direct expression appears in arguments emphasizing that understanding the habits and customs of colonial subjects was essential for effective governance. For instance, Professor William Ridgeway, one of the first to argue for the ritual origins of Greek tragedy, led a deputation to Prime Minister Henry H. Asquith to establish an Imperial Bureau of Archaeology for socio-anthropological training ("55. Anthropology and the Empire," 1909). His delegation argued that commanding foreign troops required a deep understanding of their cultural and social backgrounds. Likewise, Marcel Mauss employed similar rhetoric in his sociological questionnaire to advocate for the integration of sacrifice and ritual knowledge into the policies of assimilation in the French Third Republic's administration of Indochina (Bert, 2011). In this way, we can see the theorization of sacrifice and ritual as an active negotiation between science and transnational expressions of the French civilizing mission.

Even when the nation-state or its expansion was not explicitly mentioned, studies of ritual and sacrifice helped create the myth of the nation-state's inevitable emergence. Drawing on early 19th-century liberal constitutional movements and ideas of national unity through collective praxis of expansion, analysts described sacrificial communities in terms of a social contract united by an ethical praxis of blood-vengeance, which served to expand the natural community beyond the blood-lines of the kinship group. This conception aligned with contemporary aspirations for national consolidation through transnational expansion.

Today, aside from the occasional formalities like swearing into political office and an exchange of marriage vows, ritual and – to an even lesser extent– sacrifice hold little relevance

in mainstream culture and politics, remaining the primary focus of historians specializing in premodern and ancient literature. Although their imperial legacy endures in institutions like Yale's Human Relations File—which supported U.S. initiatives such as the Plains Indians survey and, during World War II, efforts to "liberate" Micronesia and Melanesia from Japan through area-specific knowledge—these concepts are overshadowed by the institution's broader state-funded ethnographic projects of comprehensive cultural description (Cohn, 1996, pp. 12–13). Few if any intellectuals or laypersons are aware of their relevance for the persistence of an autochthonous historical narrative of the colonial nation-state. Moreover, most formerly colonized developing countries no longer consider their traditional practices of sacrifice and ritual relevant to modern times. In his 1924 address at the opening of the Pune Vidyālaya for the Study of Mīmāṃsā, Bombay high court lawyer Padarang Vaman Kane (1880–1972) even apologized for "the provision of an *agnihotra* hall in these days of progress and enlightenment" (Kane, 1924, pp. 39–40). Today, nearly a century later, the study of Mīmāṃsā is virtually extinct in India, and few remain both competent and willing to perform Vedic ceremonies like the *agnihotra*, while academic fields such as political philosophy, business, technology and economics, following a global trend much decried by humanists, are prioritized for their potential to drive democratic and market development.

This raises a critical question for both scholars and laypersons: what are the stakes of ignoring the concepts of sacrifice and ritual embedded in a legacy of violence and oppression which continues to affect the daily aspirations of individuals over three-quarters of the world? Is it justifiable to analyze religious antiquity using concepts originally developed to serve national and transnational power, or does their role in facilitating cultural contact across time and space validate their use in the liberal academy? Can we claim their analytical objectivity? Should we,

as the political theorist Herbert Lüthy suggests, accept that "the ex-colonial peoples themselves show no desire to undo the basic effects of the secular process" (cited in Mommsen, 1981, p. 76) and therefore embrace the current order—and the history of sacrifice and ritual that underpins it? Although the global order of nation-states and international trade is unlikely to vanish soon, what of the historical ex-colonial peoples who, by bequeathing their ceremonial knowledge to "humanity," rendered entire communities—both colonized and colonizer—sacrificial victims of the liberal nation-state? Are they obsolete like the colonial past, or do the "holy dead" still offer insights on how to break free from the legacy of sacrificial victimhood, pointing us toward alternative paths overlooked in the rush of power-hungry elites?

Without claiming to offer definitive answers to these complex questions, my dissertation proposes that many contemporary theories of sacrifice and ritual conform to a discourse of power that perpetuates the myth of the liberal, transnational nation-state, thereby excluding alternative interpretations that might arise from a critical study of 19th-century history and a sympathetic engagement with premodern ceremonial traditions. Jonathan Sheehan (2006) defended the use of categories like "sacred" and "profane" in comparative religion—despite their roots in premodern Christian polemics—arguing that scholars must not only master a culture's grammar but also describe it in theoretical, reductionist terms unavailable to that culture. While reductive categories perform an indispensable analytical function, the fact that such categories were imposed on subject colonies should prompt reflection on our own scholarly motivations. These categories reflect not indigenous religious traditions but the material, discursive, and political conditions of the European nation-state. By employing them in contemporary studies, we perpetuate a vision of history and the present whose teleology culminates in the necessity of the nation-state and the global market of labor and trade. Examining the theorization of sacrifice and

ritual within transnational nationalism reveals how these practices helped create the myth of the nation-state's inevitable emergence. Challenging this myth opens new avenues for researching ceremonial action that do not perpetuate the historical violence of national and transnational expansion.

This dissertation addresses a gap in contemporary studies of sacrifice and ritual by investigating the relation between the nation-state and the theorization of sacrifice as a relation forged in a discourse negotiated between science and national power. The first two chapters explore the links between William Robertson Smith's communal theory of sacrifice, Albrecht Ritschl's conception of the Protestant community, and the liberal discourse of the national community as a social contract in Germany. The first chapter situates Ritschl's theological vision within the mid-century political struggles of the German educated liberal classes (Ger. *Bildungsbürgertum*) for a unified, democratic nation-state with transnational reach. It traces how Ritschl's portrayal of the Protestant community—as a social contract bound by the expression of religious consent in belief and ethical obligations—mirrors his political aspirations for a constitutional monarchy and the expansion of the Prussian Union Church across diverse religio-political spaces. In Ritschl's work, distinctions between the Protestant community and the political ideals of the German *Bildungsbürgertum* blur, whether conceived as a democratically elected constitutional monarchy with transnational scope or as a Protestant Union Church united by individual election in faith and by a collective praxis of Christian cultural expansion.

Although these conceptions may seem disconnected from the instrumental use of sacrifice and ritual for national and transnational power, their strength lies in their mythic and rhetorical ability to sustain modern nation-state ideologies through an epistemology rooted in origins. Chapter 2 examines how contemporary ideas of sacrifice and ritual depend on

fundamental nation-state myths by tracing the intellectual genealogy from Albrecht Ritschl's ethical and religious vision of the Protestant community to William Robertson Smith's communal theory of sacrifice, as expressed in *Lectures on the Religion of the Semites* (1889). Smith innovated on the premodern view of sacrifice as divine command by arguing that it played a socially regulative and stimulative role in the religion of ancient communities. By investigating the influence of his former instructor, Ritschl, on his early theological writings, it traces a clear connection between their ideas of Protestant community. After his sociological turn, Smith incorporated Ritschl's framework into his theory of sacrifice's communal function in religious antiquity. Collectively, these chapters argue that the nation-state as a social contract—celebrated by German liberals at the Frankfurt Assembly as the ideal form of a unified, transnational nation—became the master myth for contemporary understandings of sacrifice as the function for the equilibrium of society and the origins of law.

Against the emergence of the communal idea of sacrifice as the master myth of the liberal nation-state, the following chapters demonstrate its application to national and transnational state policies through historical and genealogical studies of Durkheimian sociology in the French Third Republic. Chapters 3 and 4 examine Marcel Mauss and Henry Hubert's structural theory of sacrifice—as presented in their *Essay on the Nature and Function of Sacrifice* (1899)—within the discursive context of French imperialism during the Second and Third Republics.

Chapter 3 begins by situating Mauss's growing involvement in French transnational projects in Indochina and Africa. It argues that Mauss and Hubert viewed their structural theory of sacrifice as a means to implement assimilation policies—the only "effective" and "ethical" method for the French Third Republic to govern its dependent colonies. Evidence from Mauss's manual of descriptive sociology – known as the "Ethnographic Questionnaire"(1901-2) –

developed concurrently with his research on Vedic ceremony, shows that he embedded his arguments for the utility of sacrifice and ritual within the transnational discourse of the civilizing mission, as famously articulated by Jules Ferry.

Drawing from the intertextuality of the "Ethnographic Questionnaire," Chapter 4 demonstrates that the structural theorization of sacrifice in *Essay on the Nature and Function of Sacrifice* (1899) stood as an discursive example of the modified emic knowledge that can be strategically deployed to support assimilation policies under the Third Republic's civilizing mission. The chapter opens with Mauss and Hubert's acknowledgment of "borrowing one of the classifications given in South Asian texts"—a dependence on Mīmāṃsā philosophy[5] that becomes clear through their citations. These texts contrast the variations of different obligations (Sk. *nitya*, *naimittika*, *kāmya*) of the same pattern (Sk. *prakṛti*) of a ceremony (Sk. *yāga*) within its various duplicate (Sk.*vikṛti*) ceremonies. By translating this Mīmāṃsā deontic framework into Durkheimian terms, Hubert and Mauss argue that the same sacrificial procedure can serve multiple functions in maintaining social equilibrium. Their intervention shifts theories of sacrifice from historicist to structural definitions, translating emic performance into the language of power that discursively reproduced the motifs of the Third Republic's civilizing mission.

[5] Mīmāṃsā philosophy is a South Asian school of philosophy written in Sanskrit language. Its main textual tradition is based on the Jaimini-Mīmāṃsā-sūtra, also known as Pūrva-Mīmāṃsā or the "Prior Mīmāṃsā", and is associated with the legendary sage Jaimini, the reputed author of the statements (*sūtras*) of the text. The main commentator of the Pūrva-Mīmāṃsā is Śabara Svāmin (c. 6th CE). The subject matter of the Pūrva-Mīmāṃsā-sūtra is quite extensive, dealing with overlapping epistemic, metaphysical, as well as linguistic aspects of philosophy in a large part of the first chapter of its text (known as the *tarka-pada* 1.1.). The remainder of the 12 chapters, however, treat the subject matter of "ceremonies" from various angles, i.e. eligibility of performer, relation of primary and subsidiary acts, constitution of an "event" etc, but always from a rational and methodical procedure. The statistical fact that they mostly treat the various relations of ceremonial conduct justifies an understanding of them as philosophers of "ceremonial action".

Although these ideas originated in the context of French expansionism in Indochina and West Africa, they simultaneously emerge in national public discourse as a tool for challenging competing visions of the French nation-state and defending a liberal-socialist vision of national cohesion. Chapters 5 and 6 engage Durkheim's social cohesion theory of ritual in relation to the instability of Third Republic politics and the imperative to maintain national stability. Chapter 5 offers a reading of Durkheim's "Individualism and Intellectuals" (1898 [1973]) during the Dreyfus affair, in which he refutes right-wing nationalist arguments portraying Captain Alfred Dreyfus as a sacrificial victim for the nation's benefit. This work reveals that Durkheim's "religious turn" – as reflected in the social cohesion theory of ritual in *The Elementary Forms of Religious Life* (1912)– was significantly influenced by his political intervention in the Dreyfus affair, which promoted a ritual vision of French national stability amid competing sacrificial models.

Chapter 6 traces Durkheim's intellectual evolution from political philosophy to sociology, exploring the intellectual genealogy of his theory of social cohesion before his "religious turn" during the crisis of the Dreyfus Affair. During this early period, I show that his inquiries were rooted in political philosophy and influenced by the uncertain political context of the early Third French Republic. I argue that this unstable political climate directed Durkheim to develop a theory of social cohesion that explained and defended the stability of the Third Republic. The chapter outlines his transition from analyzing political constitutions (Gk. *politeia,* Lat. *consensus*) to explaining social cohesion and from legislative authority to the objective authority of social representation.When sacrifice and ritual became central motifs in national debates that threatened the Third Republic's stability, Durkheim adapted his political-philosophical approach to the object of religion, defining ritual as a tool to reinforce societal

stability. Generally, Durkheim's work reflects how his social cohesion theory of ritual was actively and continuously negotiated between his scientific and political agendas within the broader French discourses of transnational nation-state. After Durkheim, the term ritual could be applied to explain how both non-European and European societies maintained authority through its practices.

Together, these chapters reveal a 19th-century dialectic in which both European society and its non-European dependents became permeated with sacrifice and ritual, suggesting that the rise of the nation-state was accompanied by a discourse of rituals designed to govern national and transnational spaces. One interpretation is that this new ritual discourse united communities through shared liberal democratic practices—a hypothesis examined in the conclusion by tracing the legacy of sacrificial theories in contemporary discourse. This concluding chapter applies the genealogical analysis developed in the previous six chapters to reexamine René Girard's *Violence and the Sacred* (1977), situating his scapegoat theory of sacrifice within his engagement with Freud's reading of Robertson Smith and in dialogue with Maria Saldaña-Portillo's analysis of the cannibalistic logic underlying marginalized experiences in the American Southwest—an enduring afterlife of the nation-state's mythopoetic discourse[6]. By reconsidering Girard's use of Freud's framework, the chapter shows how communal violence has been reshaped by mythopoetic logics that sustain modern nation-state narratives, while Saldaña-Portillo's interpretation of Chicana/o marginality as a cannibalistic logic of victimhood demonstrates how these sacrificial motifs are internalized by historically marginalized communities, transforming their identities into self-devouring manifestations of colonial legacy.

[6] For this reading, see Chapter 5 of María Saldaña-Portillo, *Indian Given: Racial Geographies Across Mexico and the United States* (Durham: Duke University Press, 2016).

Ultimately, this analysis exposes the contingency of our inherited categories and suggests that the sociology of religion symbolically forged the new rituals underpinning the modern nation-state's role as both a domestic and global power. As such, it played an indispensable role in the *making of ritual*.

Chapter 1

The Communal Theory of Sacrifice in *Lectures on the Religion of the Semites* (1889): Part I: German Transnational Nationalism & Albrecht Ritschl's conception of the Protestant community

§0
The Frankfurt Assembly, Protestant Theology and Sacrifice

The following two chapters of this dissertation explore how German liberal ideas regarding the nation-state as a social contract— and as unified by a transnational field of praxis—influenced William Robertson Smith's communal theory of sacrifice, which attributed to sacrifice a stimulative and regulative influence on the formation of society. This two-chapter argument supports the dissertation's thesis that the theoretical representations of sacrifice and ritual were indebted to discourses of the 19th century transnational nation-state, while also forging the symbolic legitimacy of liberal order of the nation-state through representing a potent mythopoetic narrative of state origins in sacrificial institutions.

Albrecht Ritschl (1822–1889), a German Protestant theologian whose views spread widely in 19th-century German and Anglophone circles, serves as the intellectual link between the discourses of the transnational nation-state in Germany and William Robertson Smith's theorization of sacrifice in Scotland. Several reasons justify an intertextual reading of both authors' works. Ritschl and Smith were contemporaries who knew each other personally, sharing theological and intellectual networks and affinities. Smith first met Ritschl when he went to

Germany in the 1870s to study Protestant theology under him. Biographers note, citing Smith's own personal letters to his father, that Ritschl's theology that exercised an early intellectual influence upon Smith, and Smith's early theological essays from the period between 1880-81 reveal several striking parallels to Ritschl's theological conceptions. In particular, historians of sociology like Bediako (1997), in line with Barclay (1993) and Nelson (1969), have pointed out that Smith's emphasis on community over individualism in defining religion reflects a lasting debt to Ritschl's theological conceptions, one which historical scholarship has largely ignored. Although the scientific conceptions of other early sociological analysts may seem to have a more relevant connection to Smith's communal theory of sacrifice, there is significant evidence of Smith's intellectual debt to German theology and its embedded religion-politics of transnational nationalism, evidence which has not been explored in the scholarship. Thus, it is worthwhile to pursue an inquiry into how Ritschl's innovative theology served as the intellectual bridge that informed Smith's early understanding of communal sacrifice, linking 19th-century German religio-political thought with emerging sociological theories.

In this chapter, I focus on the first part of the argument: the relationship between Ritschl's conceptions of the Protestant community and the historical context of 19th-century Germany. First, I detail Ritschl's understanding of the religious and ethical communities as presented across his theological and political writings. The religious aspect of community centers on the individual's act of consenting to Protestant doctrine within a community whose members have similarly given their consent, while the ethical aspect is based on the idea that collective bonds are forged through shared praxis. Ritschl understood these two communities as overlapping yet conceptually distinct aspects of collective life.

Although these conceptual relations largely emerged from the political discourse of the transnational nation-state, they were not entirely divorced from Protestant religious ideas and the ecclesiastical politics of mid 19th century Germany. In fact, the Union Church of Prussia, which Ritschl historically viewed as a crucial player in co-opting diverse Protestant groups to its pan-germanic cause through a common commitment to ethical praxis of expansion, further enriched this dual conception of community. Understanding this intricate interplay between religious doctrine and German national ideology is essential to appreciating how early theories of communal sacrifice embedded views of religious communities as united under differing contractual and ethical collective relations in their theorization of religious antiquity. These types of conceptual relations –while not directly having a material impact on the consolidation of the liberal nation-state in Germany or in Great Britain– reproduced discursive tropes of 19th century liberal transnational nation state through sustaining a mythopoetic narrative of the necessity of its emergence and continuance.

Before discussing Smith's theorization of communal sacrifice—which is the subject of the next chapter—it is instructive to understand the historical and intellectual connection between Ritschl's theology and the political events in mid-19th-century Germany prior to its unification under Otto von Bismarck in 1871. I situate Ritschl's theological ideas within the early political context of the Frankfurt Assembly, emphasizing its constitution as a monarchical parliament and the unified field of action for united "Germans" within the discourse of transnational expansion. Analyzing Ritschl in the backdrop of German politics is justified for two reasons. First, historians note that Ritschl's theology resonated with the liberal middle-class expectations of the early 1840s, even as his political undertones shifted toward Bismarckian pan-Germanism typified by the National Liberal Party. Second, Ritschl had participated fully in the

events of the Frankfurt assembly, clearly expressing his political position as a liberal constitutionalist and his desire to see the unification of new Germany under a constitutional monarchy.

Thus, this chapter argues that Ritschl's ideas about community reflected the national ideals of his time—namely, the laying of the foundation for a constitutional government and the unification of a divided Germany through an envisioned program of transnational expansion. The present chapter lays the groundwork for the next, in which I will argue that Robertson Smith, through his unacknowledged theoretical debt to Ritschl's conception of the religious and ethical community, embedded liberal German motifs of the nation-state in his communal theory of sacrifice, thereby unintentionally reproducing the mythic, discursive structure of transnational nationalism that informed German political discourse—not by determining the ascendency of the nation-state causally, but by shaping the symbolic narratives of its mythopoetics origins in sacrificial communities.

By focusing on the broader historical development of the concept of sacrifice within the context of the transnational nation-state in 19th-century Germany, the arguments in the next two chapters contribute a new historical dimension to previous scholarship. Robert Yelle's (2019) article "From Sovereignty to Solidarity" outlines a genealogy in which the concept of sacrifice shifts from a sovereign, divinely commanded act to a form of communal solidarity. According to Yelle (2019), early models of sacrifice—especially in the writings of Julius Wellhausen and Robertson Smith—transformed from expressions of absolute, hierarchical power into practices that emphasized mutual participation and democratic belonging. Yelle's analysis is important because it demonstrates an intellectual shift for sacrifice that is broadly analogous to the political-philosophical transformation from status to contract, as promulgated by Henry Maine

(c. 1822–1888), wherein ritual sacrifice is understood as an act of voluntary, contractual exchange akin to the conceptions underpinning modern democratic communities.

While Yelle's argument offers valuable insights, I suggest his arguments might be even more enriching if they also incorporated the liberal discourse of transnational nationalism in 19th-century Germany. This additional perspective helps illuminate Smith's theory of communal sacrifice as discursively and symbolically embedding two motifs of liberal discourse of the German nation-state: both Ritschl and Smith's conception of the community reproduce a political theology of a nation that has a transnational field of praxis in national expansion and whose constitution guarantees also the specific monarchical parliamentarism. Both of these discursive motifs of German nation-building manifest a historically contingent instance of a liberal "social contract"[7], which I understand as premised on the 19th century idea of natural human equality and the dissolution of innate authority of divine right. Here the organization of a political community, understood historically in the backdrop of authoritarian sovereignty based on divine right rather than individual election, occurs through the establishment of a form of ruling authority by the individual consent of the ruled; the ruling authority thereby "represents" the will of the ruled as a collective body and the collective body decides upon collective normative responsibilities binding through its entrance into contract. Understood in this way, the

[7]I draw the "abstract" definition of the social contract primarily from Rousseau's formulation, as formulated in his *Du contrat social, ou, Principes du droit politique* (1762), since it encapsulates the 19th-century response to French liberal contract ideas emerging during the March revolutions. However, this usage is intended solely as a descriptive characterization—reflecting the historical dynamics of monarchical parliamentarian practices exemplified by the Frankfurt Assembly—, since in the early 19th century several contract theories emerged, and does not imply an endorsement of the full philosophical implications of Rousseau's account

Frankfurt assembly does not match every aspect of Maine's narrative shift from authoritarian to democratic forms of government. Rather it represents a transition that historically occupied an intermediate position between both, as the Frankfurt Assembly had ratified a bicameral parliament with a sovereign monarch. By using the liberal discourse of transnational nationalism in 19th-century Germany as an intertext, my argument allows the critical insight into understanding Smith's theory of communal sacrifice as collective in two dimensions: being united in the form of a voluntary contract and being united by sharing a field of obligatory action. For Smith, as will be discussed in the next chapter, this dual collective dimension underscores how sacrifice served as a stimulative and regulative influence on the formation of early communities.

Building on Yelle's hypothesis, my work introduces new historical evidence that foregrounds the role of 19th-century discourses of nation-state building in implicitly shaping and influencing these evolving sacrificial discourses. By examining debates surrounding national unity in Germany, I demonstrate that Smith's ideas had an emergent debt to discourses of representative constitution and transnational expansion – emergent because Smith unknowingly embedded these motifs as a mythopoetic discourse of national origins in his debt to Ritschl's ideas of religion. Thus, these motifs emerge in the communal theory of sacrifice as both embedded in, and embedding, the symbolic and virtually self-referential narrative of the transnational nation-state. This additional layer reveals that the transition from an authoritarian to a democratic model of sacrifice was influenced not only by internal intellectual histories—such as those in biblical criticism and nascent socio-anthropology—but also by broader historical political forces associated with nation-state formation and transnational expansion in the 19th century.

My main thesis reinterprets Smith's theory of sacrifice by situating it in dialogue with Ritschl's Protestant theology and the historical context of the German nation-state. By aligning Smith's sociological insights with Ritschl's theological innovations, my research significantly intervenes in current scholarship on Smith. It demonstrates that the transformation of sacrificial practice—from a manifestation of divine command to a vehicle for democratic and transnational solidarity—must be understood within the broader historical processes of 19th-century nation-state building. This approach not only deepens our understanding of the genealogy of ritual and sacrifice but also challenges established intellectual narratives by highlighting the pivotal role of historical liberal discourses in shaping modern sociological conceptions of ritual and sacrifice.

In the following two chapters, the greatest novelty of Smith's conception of sacrifice may be seen in the way he wove these two discourses—the historical German social contract and the community united by collective praxis—together through an unexpected interlocutor on sacrifice and ritual: Albrecht Ritschl, the liberal constitutionalist of "new" Germany and the Lutheran theologian of Protestantism.

§1
Chapter Organization

This chapter is organized into three main sections. First, I describe Ritschl's understanding of the Protestant community by examining its two dimensions: the religious community, characterized by individuals' acceptance of Protestant faith, and the ethical community, defined by the shared practices and obligations that bind its members.

Next, I outline the historical context of the Frankfurt Assembly, focusing on its framework of monarchical parliamentarism and the discourse of transnational expansion. This context is crucial for understanding the contemporary political ideas of Ritschl's time and their resonance with broader cultural and political debates in Germany. Then, I examine Ritschl's

particular historical role in the Frankfurt Assembly and his political position as a constitutionalist liberal with ambitions to expand the Union Church of Prussia to include dissenting Protestant and Catholic churches of the German confederacy.

Finally, I explore how these political concepts are reflected in Ritschl's conception of both the religious and ethical communities. While this chapter is devoted solely to the interaction between Ritschl's ideas and the historical milieu of 19th-century Germany, the next chapter will examine how Robertson Smith builds upon Ritschl's framework to conceptualize sacrifice as a stimulative and regulative influence on communities.

§2
Ritschlianism: the Protestant Community as a Religious and Ethical Collective

Scholars of the history of theology, beginning with the historian and theologian Karl Barth (1886–1968), agree that Ritschl's unique contribution to theology lies in his exposition of the Protestant community as encompassing two distinct dynamics of collective interaction: one religious and the other ethical (1959, pp. 390–391). Ritschl referred to these as the "two foci" on the "ellipse" of Christianity, by which analogy he meant the "double character – perfectly religious and perfectly moral" of the Christian way of life. In his *magnum opus* the *Christian Doctrine of Justification and Reconciliation*[8] Ritschl explains these different ways of conceptualizing collective dynamics under the theological terms of the Protestant Church and the Kingdom of God (Ritschl, 1872, p. 13).

[8] The German title is Die christliche Lehre von der Rechtfertigung und Versöhnung (v.3: 1870-4). In this essay, unless otherwise noted, I cite from the translation of the first two volumes by John S. Black's and which was commissioned by William R. Smith in 1872: A critical history of the Christian doctrine of justification and reconciliation. Edinburgh, Edmonston and Douglas. For the third volume, which was translated much afterwards, I use the english translation of H.R. Mackintosh and A.B. Macaulay (1900) The Christian Doctrine of Justification and Reconciliation. Edinburgh. T&T CLark..

> "Those who believe in Christ, therefore, constitute a Church insofar as they express in prayer their faith in God the Father, or present themselves to God as men who through Christ are well-pleasing to Him. The same believers in Christ constitute the Kingdom of God insofar as, forgetting distinctions of sex, rank, or nationality, they act reciprocally from love, and thus call into existence that fellowship of moral disposition and moral blessings which extends, through all possible gradations, to the limits of the human race" (Ritschl, 1872, pp. 284–285).

In this paragraph, Ritschl presents a synopsis of his dual conception of the Protestant community. In the following paragraphs, I will explain these two conceptions—emphasizing the political overtones of their conceptualization (both democratic-representative and transnational)—in anticipation of our discussion on Ritschl's political involvement in the Frankfurt Assembly.

In the quotation above, Ritschl proposes a limited definition of the Church as one mode of conceptualizing community. He argues that a collectivity that has accepted the doctrine of Protestant faith constitutes a Church[9]. However, as noted earlier, Ritschl viewed the acceptance of faith as an individual act mediated by a pre-existing community. That is, personal religion has a social context. Ritschl understood the social context as a basic presupposition of religion, stating that "the individual can experience the peculiar effect which proceeds from Christ only in connection with the community founded by Him, and on the presupposition of its existence" (Ritschl, 1872, p. 578). This means that Ritschl's Church is best understood as an individual's

[9] The two tenets of Protestant Faith were the doctrine of forgiveness of sins (reconciliation) and the doctrine of the Kingdom of God (reconciliation). These two concepts were the theme of Ritschl's theological work, and he spent considerable time arguing for a particular understanding of these two dimensions of Christianity as belonging properly to Protestant doctrine. To avoid unnecessary theological baggage, since this is not relevant to our discussion, I simplify Ritschl's reference to these doctrinal matters by referring to these tenets simply as 'Protestant doctrine', noting however that I mean in particular Ritschl's conception and not any general doctrine of Protestantism in the 19th century, nor do I understand that this doctrine is the same in contemporary religious affiliations.

choice to acknowledge Protestant faith within a community of individuals who share this pledge. For Ritschl, the Church is a collectivity not merely because individuals gather in a single building or perform sacraments together—a view he attributed to the Roman Catholic conception of the church in his polemics—but because they have similarly elected to believe in Protestant doctrine, with all members (whether early or later) having independently chosen to accept the doctrine of Protestant faith.

But what is Ritschl's doctrine of faith? In other words, faith in what? Answering this question is necessary to properly understand Ritschl's conception of the religious community. In his later work, *Instruction of the Christian Religion*[10] (1901 : [1881]), Ritschl provides a striking answer, demonstrating the convergence of conceptions of (Christian) sacrifice with elements of liberal ideas of democratic constitution. Ritschl notes that Old and New Testament conceptions of sacrifice converge in the sacrifice of Christ, conceived in his vocation as temple priest:

> For the universal meaning of the symbolic actions performed by the ministering priest, for the acceptance of the sacrifice by God, is rightly interpreted by Peter, when he says, in speaking of Christ, that thereby believers are led to God, are brought near to Him in the sacrifice. This bringing near of men is necessary in the case of the community to be founded by Christ, because they are originally separated from God by their sin and feeling of guilt. Therefore, the sacrificial act of Christ's priestly completion of His life-work serves to bestow upon the new community the divine forgiveness of sins, just in so far as He as their *intentional representative* (Ger. *absichtlicher Vertreter*) changes this separation of man from God into community (Ger. *Gemeinshaft*) with Him as their Father (Swing, 1901, p. 220).

[10] German title: *Unterricht in der christlichen Religion.* I quote from the Swing's (1901) english translation.

In this passage, Ritschl's main intention is to illustrate how his readership should conceive the role of the historical Jesus (i.e., "Christ") in his theology. This role is connected to Ritschl's interpretation of the Protestant doctrine of the forgiveness of sins, which he understood as involving separation from God according to Christian scripture. Sacrifice, serving as an act of rapprochement or expiation, reversed both the figurative and actual separation caused by religious guilt. The passage demonstrates that Ritschl understood the individual election of Protestant doctrine as constituting, in precise terms, the acceptance of the historical role of Jesus as the "intentional representative" (Ger. *absichtlicher Vertreter*) of the community in sacrificing himself to God. In accepting the Protestant faith, Ritschl further clarifies that "the character of the community… and of every individual in it who appropriates to himself justification through faith in Christ, corresponds rather to Christ's position as representative of the community (Ger. *als Vertreter der Gemeinde*) in relation to God and the world"(Swing, 1901, p. 220). This clarifies how Ritschl understood the constitution of the religious community in almost democratic political terms. Individuals who accept the Protestant faith thereby acknowledge that Jesus's act of sacrifice represents their own will and consequently acquire the benefit of expiatory sacrifice—that is, they draw near to God. Moreover, they become part of the church community for which Jesus serves as the elected representative.

This addresses Ritschl's Protestant idea of the religious community. But what about his concept of the ethical community? In Ritschl's view, once an individual becomes part of the religious community through the acceptance of Protestant doctrine, the very fact of collective existence "brings into exercise the corresponding moral impulse" (Ritschl, 1872, p. 107). By "corresponding moral impulse," Ritschl refers to the conception of the ethical community that emerges through collective praxis—what he terms "the Kingdom of God." Drawing upon Kant's

Kingdom of Ends, Ritschl explained the general concept of humanity—despite "distinctions of sex, rank, or nationality"—in terms of an ethical community constituted by collective action:

> "As a multitude, the human race is similar to nature and unlike God. In order to prove ourselves as equal against God, it would be necessary to understand the human race, despite its natural diversity, under the attribute of a unity which is different from the natural unity of the species. That thought now becomes in the imagination of the Christian community [i.e. the religious community], who makes the kingdom of God its final aim. This idea of the normative unification of the human race through action from the motive of general love of one's neighbor represents a unity of the many, which belongs to the domain of the thoroughly determined, i.e. the good Will. The multitude of consciousnesses, which, despite their natural belonging to the species, can be as divided as possible in the exercise of their volition, achieve one in the mutual and collective action out of love…a transcendent community without destroying the given diversity"(Ritschl, 1895, p. 266).

The basic gist of Ritschl's passage is to explain that "the normative unification of the human race" is based on the formation of the ethical community through "action from the motive of general love of one's neighbor." The historical Jesus had instituted the Kingdom "as the moral end of the religious community he had founded." The normative community arises "in the imagination of the Christian community, who makes the Kingdom of God its final aim." Here, the religious community—pledged to Jesus' representative act of sacrifice—functions as a teleological stimulus for practical acts of loving one's neighbor. In other words, the common goal of unification into an ethical community motivates the religious community to engage in practical actions aimed at creating this new ethical collectivity. Although the ethical community

originates within the religious community, it remains distinct because its purpose is to promote the spiritual growth of its members, as we will see below, through edification (Ger. *Bildung*), with the organization of its collective action reflecting this common praxis.

But what does Ritschl mean when he states that this unity is achieved despite the diversity of "the multitude of consciousnesses, which… can be as divided as possible in the exercise of their volition"? In *The Christian Doctrine of Justification and Reconciliation*, Ritschl made it clear that, despite its origins in the religious community, the ethical community remains distinct because its purpose is to co-opt other "nations" through spiritual edification (Ger. *Bildung*) into the ever-growing religious community:

> "We must therefore recognize the fact that the individual enters upon the common human task of Christianity, never merely as an individual, but always under the conditions, whether favorable or unfavorable, of his peculiar national education (Ger. *Bildung*). The truth here brought out is completed by the further observation that, in order to fulfil its destined end, Christianity must win over the nations as wholes. That is, it can only really accomplish its universal human purpose when it brings under its influence all the social conditions under which the spiritual life of individuals exists. A Christianity which should remain anti-national in the minority of a people would destroy the necessary foundation on which the spiritual existence of its adherents rests, and thus itself sink into a fruitless particularism.... If the nations [there- fore] fulfil their destined end, namely, their development into one whole supernatural humanity, through their reception into the religious community of Christianity, then this whole is also the object of the decisive operation of God which determines its peculiar origin and existence" (Ritschl, 1872: 137-138; quoted in Wall (1995, p. 88)).

It is here that we begin to grasp the force of Ritschl's civilizing mission through state-sponsored transnational projects of Protestant evangelization. Ritschl recognizes that the relationship between the religious community and the nation is one of dependence and ethical praxis: not only are the individuals of the religious community shaped by the peculiar conditions of their "national education" (Ger. *Bildung*), but the ethical community "must win over the nations as wholes" to accomplish its universal human purpose of transforming the nation's social conditions in accordance with Protestant doctrine. Here, Ritschl clearly expressed that the task of the ethical community was to be carried out by transnational projects that co-opt territories beyond national borders. This expression of evangelization aligns with Ritschl's general acceptance of "the necessity of political forms for the church as a moral requirement and as an unavoidable means for the actual existence of the communion of saints" (Ritschl, 1893, p. 204; quoted in Wall (1995, p.88)). If the religious community were to expand, it would be through the transnational praxis of the ethical community, which makes social conditions conducive to the formation of new religious communities.

Nevertheless, as will be seen below, Ritschl mostly conceived these "national" borders quite narrowly during the period before German unification under Otto Bismarck in the 1880s. He clearly limited his understanding of expansion to "world-historical nations" whose cultures enabled them to receive Christianity[11]; for example, the Eastern European countries bordering Austria along the Rhine. Nevertheless, Ritschl speculated on the potential of the Christian ethical

[11] As we will see, Ritschl's view on transnational Christianity expressed in his oeuvre resembles his statements at the Frankfurt Assembly, where the peoples to be united under the fold of Protestant Christianity were other Christian sects (Protestants and Catholics) on the northeastern and southeastern territories of the German confederation, i.e. those who dissented from confession of the Union Church of Prussia.

community to fulfill its "universal destination" by expanding into "nations which stand outside of the history of Western culture," and thus beyond the nations of Europe.

> No one, of course, is in a position to predict whether the nations which stand outside of the history of Western culture will be led to embrace Christianity, and whether Christianity will fulfil its universal destination in regard also to them. In any case, such a consummation is only possible in the measure in which these nations enter, through their own effort, into the circle of culture of the world-historical nations. For the existence of the Christian religious community is historically bound up with this section of humanity. But even if the possibility of such a consummation be denied, there is still no reason why we should doubt the universalism of the Christian religion. Only, the extent of that section of humanity which is destined to take part in the highest spiritual task is to be conceived as narrower than is often done (A. Ritschl, 1872, pp. 137–138).

This passage is important because it shows that Ritschl's conception of the nation-state as a particular cultural vehicle of the Christian ethical community led him to speculate on the transnational potential of that community. Setting aside his 19th-century Christian triumphalism, the main point is that by limiting the expansion of the ethical community to those nations that "enter, through their own effort, into the circle of world-historical nations," Ritschl speculated that the potential for the Christian ethical community to expand into non-European communities depended on whether those nations autonomously acquired the "culture" of the nation-state. This connection between the ethical community and transnational expansion becomes clear in a comment Ritschl makes a few lines later, when he points out that "Christian humanity" and "the human race in its natural existence" do not coincide, since "certain nature-peoples, through contact with civilized Christian nations, have not advanced along the lines of national

development, but rather have become innervated and died out" (A. Ritschl, 1872, pp. 137–138). Ultimately, like other liberals (e.g., John Stuart Mill) who envisioned that contact with the culture of the nation-state could lead non-historical and particular historical nations toward nationhood, Ritschl did not deny the potential expansion of the Christian community to other non-European nations: "I am far, however, from denying *a priori* the possibility of the extension of the Christian community over other peoples which have not yet reached the stage of the world-historical or particular-historical nations"(A. Ritschl, 1872, pp. 137–138).

In this section, I have attempted to explain Ritschl's conception of the Protestant community as a dynamic interaction between communities formed on the basis of belief in Protestant doctrine and those formed by collective action. On the one hand, the practical ideal (Ger. "*Lebensideale*") of the Christian life is the Kingdom of God as the moral aspect; on the other hand, according to Ritschl's reformationist interpretation, the Protestant believing community—as the "founding and strengthening of this ideal"—represents the paradigmatic Christian community as the religious aspect (Barth, 1959, pp. 390–391). According to Ritschl, both Evangelical and Roman Catholic theological discourse have given unequal treatment to the religious and ethical spheres of Christianity.

> "The history of theology affords only too many examples of the construction of what is either merely a doctrine of redemption or merely a system of morality. But it must also be observed that we are not to base theology proper on the idea of redemption, and ethics upon the idea of the Kingdom of God. On the contrary, so far as theology falls into these two sections, each must be kept under the constitutive influence of both ideas" (Ritschl, 1872, pp. 14–15).

Ritschl censures the previous theological tradition for its overemphasis on the religious interpretation of redemption at the expense of the ethical interpretation of Christianity in the Kingdom of God. He considered it one of the distinctive contributions of his biblical theology that it explained the interaction between the religious and moral spheres—a task that previous theologians of both denominations had failed to accomplish. These two spheres divided the Christian community into distinct types of collectivity: on one side, the community organized by individuals electing to believe the same doctrine (the religious community); on the other, the community organized through the undertaking of common praxis (the ethical community).

§3

Ritschl's Political Context: Nationalism and Transnationalism at the Frankfurt Assembly

In this section, I will show how Ritschl's dual conception of the Protestant community reflected the liberal political ideals of the German *Bürgerturm* in the mid-19th century, especially as represented at the Frankfurt Assembly. This remained true even after the Assembly's dissolution and following Ritschl's turn in support of Bismarckian pan-Germanism in the mid 1860s. It is well known that Ritschl's theology reflected the values of the liberal, educated bourgeoisie (Ger. *Bildungsbürgertum*). Scholars (Barth, 1959; Groh, 1982; Wall, 1995; Niebuhr, 2001; Svenson, 2020) have identified in Ritschl's theological works the values embraced by the intellectual middle class in Germany. His emphasis on independence, human rights, progress, culture, and hard work in his theological conceptions has resulted in Ritschl being labeled (notably by Niebuhr, 2001)—often in a derogatory sense—as the spokesman for a "Culture Christianity." Following the inquiry connecting Ritschl to the class values of German 19th-century *Bildungsbürgertum*, I will argue that German liberal ideals of a representative form of monarchical government and of the unification of Germany across party lines through a common mission of transnationalism are the historical and political counterparts to Ritschl's

conception of the role of the religious and ethical community. It is as if Ritschl attempted to remedy the political failures following the dissolution of the Frankfurt Assembly through a liberally conceived ecclesiastical organization and joint ethical praxis in his theological literature. By situating him in his historical context, we can better appreciate how Ritschl's theological ideas regarding the religious and ethical community reflect the prevailing views of the liberal, educated classes about the parliamentary form of monarchical government in the new united Germany and its emerging role as a modern nation-state—one that sought to expand beyond its borders under the banner of "new" German culture and civilization.

The Frankfurt Assembly (1848–1849) was a concrete result of a sporadic wave of popular liberal democratic movements sweeping through European nations during the mid-19th century, including France (the February Revolution of 1848) and the German Confederation (the March Revolution of 1848). In Heidelberg, a pre-parliamentary group of 51 members of the March ministries—divided even during the *Vormärz*[12] period between constitutionalist liberals and democrats—debated the necessary steps to form a German national assembly, eventually agreeing to institute a "meeting of a national body of representatives elected in all German states in proportion to their population" (Siemann, 1998, p. 74).

True to its origins, the Frankfurt Assembly (also called a "parliament") convened to construct a national constitution that limited absolutist governmental powers and, while establishing the national borders of the new German nation-states, also determined foreign policies intended to extend beyond those borders to enhance transnational prestige in commerce and maritime control. Although the Assembly initially represented a socially and economically diverse population, its ideas eventually came to be predominantly voiced by educated middle-

[12] Term historians use to refer to the period before the March revolutions.

class liberals (Ger. *Bildungsbürgertum*)—a "social embodiment of German unity whereby the educated stratum placed particular emphasis on German national culture (Ger. *Bildung*), which it created, while industrial and commercial entrepreneurs saw political unification as arising mainly from the need for a national market"(Winkler, 1993, p. 182).

Nevertheless, party factionalism divided the parliamentary assembly from the beginning. Among the conservative, Catholic, and socialist factions that envisioned a unified Germany, the majority of "liberals" split into two, almost irreconcilable, camps: the leftist democratic groups and the moderate constitutionalist liberals. Yet despite widespread disagreement, two resolutions regarding the future of the German nation-state united all dissenting parties: the ratification of monarchical parliamentarism as the new form of government and the adoption of transnational imperialism as its national agenda of collective praxis. In outline, these two resolutions corresponded to this dissertation's narrow understanding of the basic liberal model of social contract: premised on the 19th century idea of natural human equality, the formation of a form of ruling authority through the individual consent of the ruled and, as a collective body, the creation of a collective obligation to which all are consensually bound. Since I argue that Ritschl's conception of the Protestant community reflected these two resolutions as proposed by the liberal, educated middle classes, I will explain these resolutions in the context of the Frankfurt Assembly.

From its inception, the agitations of the March Revolution (1848) implied a right for the people to assemble politically against the government. In drafting an imperial constitution as one of its first acts, the National Assembly revealed its support for popular sovereignty. Nevertheless, constitutionalist liberals remained suspicious of popular sovereignty. With basic

voting eligibility conditioned on a status of "independence"[13] as early as the pre-Parliament, German liberals at the Frankfurt Assembly prioritized a bourgeois model of democratic participation in education, the economy, society, and state affairs. Liberal democrats and moderate constitutionalists vied over the precise form the new government should take: democrats favored strong sovereignty for the representative, whereas constitutionalists preferred retaining monarchical sovereignty with certain parliamentary limitations. Initially, both proposals put forth by the democratic left—the resolution granting the elected assembly sovereign rights and the transfer of power to an elected president—were defeated (Siemann, 1998, p. 127). When the Parliament's President, Heinrich von Gagern, proposed that the Provisional Central Power take a stand by appointing Austrian Prince Johann as Reichverweser (Imperial Regent), a broad parliamentary base was formed for the National Assembly (with a vote of 450 to 100). The compromise "incorporated the demands for parliamentary sovereignty in decision-making processes and the recognition of the dynastic principle" (Siemann, 1998, p. 127). A similar compromise regarding the suspensive veto was struck between democrats and constitutionalists, and it was ratified only after the democrats agreed to the moderates' favored proposal of selecting the King of Prussia as the hereditary emperor of the new parliamentary nation-state (Mattheisen, 1979, p. 134).

The significance of the Parliament's proceedings concerned none less than the future form of the nation-state for the Reich. In 1848, a broad segment of German liberals reached a consensus that the future national government would be a monarchy organized on a democratic basis. They aimed to restrict absolutist governmental powers rather than abolish the monarchy altogether, while ensuring a liberal nation in which bourgeois participation in state

[13] In order to vote, one had to demonstrate one was financially "independent" and made a contribution to German society, thus preempting efforts of the radical democrats for popular suffrage.

affairs could secure standards of work, achievement, property, and education. From the perspective of Henry Maine's account[14] of the movement from status to contract, the Frankfurt state constitution (*Frankfurter Reichsverfassung*; 28 March 1849) recognized both the divine status of the Emperor and the intrinsic requirement for modern liberal nation-states to sanction the ruling authority as the result of a voluntary contract among individuals who had achieved their status through education or business. Viewed from Maine's standard of "progress" toward popular sovereignty, it was an intermediate form; however, from the perspective of the distinctive political theology of 19th-century Protestantism, it suggested the political expression corresponding to the relationship between the divine authority of Jesus and the community of those who freely elected his Protestant doctrine[15].

During its session, the German liberals at the Frankfurt Assembly revealed through their voting that they unanimously regarded an active foreign policy as crucial to the creation of the new nation-state[16]. They envisioned that the modern German nation-state would not only be liberal democratic domestically but also exert transnational influence abroad, similar to Great Britain. Although formal imperialism in Germany began only in the Bismarckian era during the Scramble for Africa (1871), several scholars have convincingly argued that the early interest in international trade and national unity at the Frankfurt Assembly "were inextricably

[14] The articulation of his theory can be found in chapter 5 of his book *Ancient Law* (1861).

[15] In this way, we can claim that Yelle's thesis (2019) reads into Smith's theory of sacrifice an evolutionary stage too far in advance. Moreover, in attributing genealogically the social contract to Luther's own statements about Protestant community, he fails to register the reevaluation of Martin Luther in the 19th century, especially by very eager nationalist authors in Germany and elsewhere in Europe.

[16] In making this argument, I rely on Fitzpatrick's (2008) study, which is laudable in its argumentation of transnational discourse in Germany prior to the formal period of colonial expansion in 1871-2 as well as for the subtlety of explaining the mythopoetic nature of the discourse to unite diverse strata of the German confederation into an unitary German identity. One could say he provides a careful analysis of the construction of the idea of "Germanness" prior to Bismarckian pan-Germanism.

linked to their desire for overseas dominions" and that "the dating of the beginnings of a strong interest in colonial imperialism belongs more properly to the 1840s" (Fitzpatrick, 2008, p. 29). Despite the absence of colonies, the liberal imperialists' vision of a transnational nation-state at the Frankfurt Assembly established a long-term expansionist current among liberals in subsequent generations. The transnational liberalism emerging from the *Paulskirche* debates was to be "the champion of the German fleet, of German unity, and of German greatness" (Stresemann "A Fragment of Autobiography" (1935), as cited in Fitzpatrick (2008, p. 29).

In articulating the transnational nation-state as a mechanism to construct and unite the new German liberal nation, the Frankfurt Assembly debated expansionism in terms of building a national navy and addressing the social dislocation of the impoverished classes resulting from Germany's transition from a rural to an urban, industrial economy (Fitzpatrick, 2008, pp. 29, 36). In the model of the German liberal nation-state project, the broad appeal of a transnational navy and emigration as solutions to rural poverty helped unite otherwise politically disparate factions within the Assembly.

Prince Heinrich Adalbert of Prussia's (1811-1873) commissioned treatise on the *Reichsflotte* provided the basis for discussions on the necessity of a national navy in the Frankfurt Assembly. The treatise repeatedly connected national German unity with the symbol of the transnational navy, stating that "the entire nation unanimously desires a German navy, which must be German, entirely German—a true representative of the reborn unity of the Fatherland" (Heinrich Adalbert of Prussia, as cited in Fitzpatrick, 2008, p. 31). Joseph Radowitz, a member of the Naval Committee and the Café Milani faction, also characterized the transnational fleet as a symbol of the nation-state's cultural and economic strength, stating, "there is no sign for this unity that announces this decision inside and outside of Germany to the same degree as the

creation of a German fleet ... The creation of the fleet is not merely a military question, a commercial question but overwhelmingly a national question" (F. Wigard. Sten.Ber. Vol. I. p. 251., as cited in Fitzpatrick, 2008, p. 34). These statements, along with others at the Frankfurt Assembly, confirmed the early expression of German liberalism as "innately expansionist," since it viewed the unity of the German nation as intimately linked to the transnational political agenda of a liberal national government.

Moreover, the importance of the navy extended beyond domestic military concerns, opening up the possibility of profitable trade with new markets established through the settlement of impoverished Germans. Johann Tellkampf (1808-1876), a member of the Center-Left Württemberger Hof faction, summarized the advantages of the navy not only in terms of military strength but also in terms of trade and the creation of colonies:

> "A fleet is also incredibly important in times of peace. I would like to point out that without the protection of a fleet we will find it far more difficult to obtain and maintain trade contracts than if we had one. We have seen it everywhere that other nations obtain far more favorable terms when it comes to trade contracts as soon as their envoys are sent to the harbors of those lands where their flag is already known and respected ... A fleet is also required for the removal of trade tariffs and for the establishment and maintenance of a colony ... if we have a fleet, we will thereby open up for ourselves once more sales to overseas lands" (F. Wigard. Sten.Ber. Vol. I. p. 309, as cited in Fitzpatrick, 2008, p. 33).

Tellkampf's mention of the establishment of colonies raised the issue of the navy in relation to the equally significant *Soziale Frage* of the emigration of the poor. Echoing the navy's advantages for German capital, Friederich Hundeschagen noted that opening transnational territories through a navy would "free the nation from the pressure of a poor tax through the

emigration and settling of excess labor…through the establishment of colonies" (BA, Koblenz. ZSg. 9/1308. p. 62–63., as cited in Fitzpatrick, 2008, p. 37). For German liberals, the emigration of the poor into established colonial settlements was not only a means of eradicating domestic poverty but also a way to support German industry and transnational trade by supplying raw materials and opening new colonial markets.

Moreover, the colonial imagination of liberals was not confined solely to distant territories across the Atlantic; emigration also applied to the "colonial" territories bordering the new Germany in Eastern Europe, such as Moravia and Poland. As one member stated, "there are other settlement lands on our closest border, to the East and South-East of the Fatherland, which in the near future could become of great significance, as the committee report to my joy has recognized ... There on our border is our Texas, our Mexico ... I hope that the Foreign Office, as soon as relations allow, will come to an understanding with the Austrian government about a regulated system of colonization for the Danube regions" (F. Wigard. Sten.Ber. Vol. VIII. pp. 5721–22., as cited in Fitzpatrick, 2008, p. 41). Not confined solely to non-European spaces, the Frankfurt Assembly's discourse on expansionism emphasized the nation in its transnational expressions, focusing on defining the periphery as the object of expansion. Importantly, the debate was not about what lay beyond the borders but about identifying *expansion itself* as the collective task of a new Germany.

As a collective expression of early 19th-century liberal imperial imaginations, the debates of the Frankfurt Assembly have twofold significance for our historical investigation. First, they reveal how the image of transnational expansion—as a rallying point for German national unity—succeeded in uniting a broad base of politically and ideologically diverse constituents. Ultimately, the resolution to fund a navy with six million talers came within one vote of

unanimity, reflecting greater consensus among reform conservatives, constitutionalist liberals, and radical democratic liberals than even the final vote for monarchical parliamentarism as Germany's form of government. Second, they demonstrate how the German-speaking populace of Central Europe persuaded other groups of their collective German identity by constructing "a field of action in which the energies of the German people could be profitably engaged". To be German entailed not only having a democratic form of government but also being "a trading, seafaring, colonizing nation not unlike England" (F. Wigard. Sten.Ber. Vol. VIII. pp. 5721–22., as cited in Fitzpatrick, 2008, p.34). However, expansionism was not solely a matter of power politics. As Tellkampf expressed, a field of action that allowed the energies of the new German nation to flow was a prerequisite for "intellectual progress" and particularly for the exercise of "freedom" in the new German nation-state, since history taught that "it was the trading peoples of the ancient and modern times that developed and ruled themselves politically in the freest manner" (F. Wigard. Sten.Ber. Vol I. p. 309., as cited in Fitzpatrick, 2008, p. 33). Thus, the German nation-state articulated its assurance of "freedom" in terms of collective praxis. This collective practice was envisioned not only as a means of expanding the national sphere of political, commercial, and cultural action toward dominance over the periphery but also as the praxis par excellence that shaped the collective identity of a "free German" in a liberal nation-state. Discursively—even if not in reality—the debates of the Frankfurt Assembly testified to the idea that being a free German meant directing one's activity toward transnational fields of action.

§4
Albrecht Ritschl, the Frankfurt Assembly and the Expansion of the Prussian Unionist Church through the Moral Relationship with the Nation-state

During the unfolding of the March revolutions and the commencement of the first Frankfurt Assembly, Ritschl was not only a keen observer but also an active participant in the

political affairs of his time. He played an active role in the political events of the 1850s. Biographical accounts and his writings from the period provide clear evidence that Ritschl held clear and distinct opinions regarding the state of political affairs in pre-union Germany. These political views align with his opinions on the ecclesiastical form of the Christian church and the reformation of the Protestant Church in Germany. Not only was he openly a liberal constitutionalist in his vision of the future government of the German nation-state, but he also regarded it as an ethical mission of the Union Church of Prussia to co-opt the Protestant confessions of non-Prussian territories through a Christian-inspired program of education (Ger. *Bildung*) as a means of expanding the German unionist vision of the nation-state[17]. In this way, I argue that Ritschl embedded the rhetoric–discursive economy of the transnational nation-state—as expressed by the German *Bildungsbürgertum* at the Frankfurt Assembly—within his universal theological conception of the Protestant religious and ethical community. Ritschl advanced his arguments for the unification of the nation-state through the ethical praxis of the Union Church of Prussia against the backdrop of Protestant confessionalism and the political territorial sectarianism of the German confederation of independent kingdoms. This rhetoric–discursive economy embodied the previously discussed idea of a liberal nation-state at the domestic center, which simultaneously created a field of collective action in which the liberal German citizen could exercise his freedom through a collective praxis of expanding the nation-state at the periphery.

The evidence from biographers and Ritschl's own statements indicates that he took an active interest in advocating a monarchical parliamentary form of government and in demonstrating how the expansion of the nation-state could unify the ecclesiastical politics of the

[17] This statement does not involve a commitment to the view that Ritschl favored a pro-Prussianism hegemony in the formation of a pan-Germanic nation-state post Frankfurt Assembly.

old German confederation into the single confession of the Union Church of Prussia. Otto Ritschl, Ritschl's biographer and son, records that his father was decidedly "liberal" in his politics (O. Ritschl, 1892, p. 140). Svensson (2020) approximates Ritschl's political position more precisely as that of a liberal constitutionalist, stating that at the time he was "probably best described as moderate – he was critical both of the radical liberals and the king of Prussia" (Svensson, 2020, p. 257). His involvement in the political events of the 1850s supports this characterization.

When the February Revolution in Paris and the March revolutions throughout Germany occurred, Otto Ritschl writes that "Ritschl again saw no other salvation and reassurance for Germany than for the King to finally get serious about a constitution and thereby put himself at the service of Germany," indicating that there was no prospect of German unity until "Prussia joins the constitutional state life" (A. Ritschl, as cited in O. Ritschl, 1892, p. 140). In June 1848, Ritschl began regularly attending the Constitutional Citizens Association, which met weekly to discuss issues such as the two-chamber system of parliament and was consciously organized as a countermeasure to "radical" democratic associations. In this association, Ritschl soon became a "main speaker" and acquired a fairly widespread reputation.

Conversely, like other liberal constitutionalists, Ritschl was quick to defend the monarchy against excessive encroachment by the liberal democratic party. Evidence of this is found in his prompt response to the Ministry concerning the "impudent protest against the Prince of Prussia" by Cologne radicals (A. Ritschl, 1892, p. 141). His reputation within this local organization led to his deputation first to the Congress of the Constitutional Clubs of the Rhine and Westphalia in Cologne, and subsequently to the Frankfurt Assembly, where he participated

in discussions that resulted in the monarchical parliamentary constitution of the newly united Germany.

The proceedings at the Frankfurt Assembly provided Ritschl with his first taste of pan-Germanism. In a letter describing his initial days there, he intimated that "the confidence with which the representatives of all persuasions pursue their task defeats all particularistic reservations; people there become completely German" (A. Ritschl, as cited in O. Ritschl, 1892, p. 142). Nevertheless, he noted that the divisive religio-politics of the Ultramontanes—who favored papal rule of the Church—and the Confessionalists ("old liberals"), who supported local confessional rule of the Church, were obstacles to the unification of the German nation-state. In making this statement, Ritschl alluded to what church historian Ward calls the paradox of Second Empire Germany, in which the political constitutional structure followed the fragmentation of the "thirty-nine Protestant *Landeskirchen* of the mid-nineteenth century," thereby pitting local confessional particularism against the encroachment of the Unionist churches of the old Prussian union and its hegemonic political expansion (1996, p. 399).

On the day when the discussion about the church and the German nation-state took place, Ritschl expressed his views in the following note:

> "For various reasons, the Ultramontanes and the Radicals want the church to be completely independent of the state; the Old Liberals want as close a dependence as possible, for police reasons, because the church forces are incomprehensible and incommensurable to them... It will depend on whether a third view will find the right way, according to which the internal autonomy of the Church will establish the moral bond between it and the state and avoid political encroachments by the Catholic Church.

> In this respect, much will depend on the later regulations on associations and schools" (A. Ritschl, cited in O. Ritschl, 1892, p. 144).

Ritschl's comment on the relationship between the church and the new German nation-state is revealing for three reasons. First, it shows that he viewed the religious particularism of the Old Liberals (i.e. confessionalists) and the Catholic-favoring Ultramontanes as excluding the "right way," insofar as they provided a means of political resistance to the union of a pan-Germanic nation-state. Second, given his conceptualization of the ethical community as a relationship between the church and one's vocational obligations within natural communities (including the nation-state), his remark serves as an early allusion to his dual conceptualization of the religious and ethical communities. Wall (1995, p. 86) supports this claim by stating that "for this reason, Ritschl emphasized the importance of the institutional church as a legal-political community for the moral reformation of society". Finally, Ritschl indicated that this moral bond would be tied to the regulation of education (Ger.*Bildung*) in associations and schools.

But what did "the church as a visible, institutional organization" mean in Ritschl's historical context at the Frankfurt Assembly? Given his commitment to the Union Church of Prussia and his remarks favoring a Prussian-led German nation-state, it is arguable that Ritschl identified "the right way" with a program calling for the moral duty to expand the nation-state through the collective praxis of the Prussian Union Church. The institutional church of Prussia—as a religious community—would unite itself morally with the nation-state by co-opting all competing religious communities into the Union Church of Prussia. In this manner, the religio-politics of particular confessions in the old German confederation would no longer obstruct the expansion and unification of the Prussian-led German nation-state. Thus, Ritschl's religio-politics can be understood as an ecclesiastical variation on the liberal discourse of German

transnationalism: in addition to expansion via a maritime navy, the church becomes the vehicle for expansion beyond German borders. In the remainder of this section, I will attempt to demonstrate evidence for this argument.

King Frederick William IV of Prussia's formal rejection of the Imperial constitution and the crown disappointed the efforts of the Frankfurt Assembly, leading to its disbandment in April 1849. However, as Fitzpatrick (2008, p. 43) notes, although the discourses of the *Bildungsbürgerturm* lost a public venue, "the fact that these visions did not come to immediate fruition due to a change in political circumstances is no reason to believe that 'all of this imperialism ... went for nought when the revolution failed in 1849'." On the contrary, the previously expressed liberal ideals of the nation-state and transnationalism continued in literature and, in the case of informal networks of transnational trade, in private sector forms of imperialist ventures. The same historical principle applies to Ritschl's initial political hopes and his later theological work. Ward (1995, p. 96) argued that Ritschl's later theological doctrines reflected a sustained response to the disbandment of the Frankfurt Assembly, stating that "one should probably speak of a line of continuity that extends from Ritschl's earlier political involvement in the Frankfurt Assembly to his later struggle for ecclesiastical reform". Despite his later support for the national liberal policies of Bismarckian Pan-Germanic unification, there is continuity in Ritschl's liberal hopes for monarchical constitutionalism and the expansion of the Prussian Union Church as a means to co-opt the religio-political confessions of particular Protestant sects for the unification of Germany in his theological conceptions of the religious and ethical community of Reformation Protestantism. In his later works, he extended the field of action of the Protestant community to include the entire world in its march of religio-ethical conquest.

In his *Festival Address on the Four-Hundredth Anniversary of the Birth of Martin Luther*[18] (1887), Ritschl delineated a view of the relationship between the Protestant church and the nation-state that preserved the cultural autonomy of the Protestant religious community while making its organization dependent on the legal and civil structures of a democratic nation-state. Scholars of Ritschl's theology (Svensson, 2020; Wall, 1995; Lotz, 1974) have interpreted the historical context of the *Festival Address* in the late 19th century as a political work that defends modernist Reformation Lutheranism as contributing to modern German liberal culture—the nation-state, labor, and natural science—against opponents who blamed it for the degradation of Germany, particularly its failure to achieve national unity[19]. By contrast, Ritschl sought to demonstrate that "Luther's efforts on behalf of the renovation of the Christian religion and Church [was] the key to his indirect influence on the formation of the states" (Wall 1995, p. 85). He based his argument on the assertion that the Reformation's division between church and state allowed the energies of the German territorial states to increase their power[20]. In turn, the legal and civil systems of the developing territorial nation-states provided the conditions necessary for the development of a purely religious culture in the Protestant Church without infringing on its intrinsic religious autonomy:

> "Luther's interpretation of Christianity as the purpose of spiritual domination of the world surpasses the basic view in which escape from the world is the ideal of life…Luther

[18] German title: "*Am vierten Secularlage der Geburt Luthers 10. November 1883*".

[19] Ritschl's speech was largely a response to polemical opponents like the Reformation historian Leopold von Ranke (1795–1886), art historian Jacob Burckhardt (1818–1897), and orientalist Paul de Lagarde (1827–1891), who had criticized Lutheranism for contributing to the lack of national unification in Germany and (according to Lagarde) for being responsible for the Bismarck's exclusion of the Austria from the German nation.

[20] "But in the 16th century the Reformation worked precisely to strengthen state power, it directly supported the transformation of German territorial powers into state powers and abolished the revolutionary situation of society at the end of the Middle Ages" (Ritschl 1887, p. 8).

> certainly recognizes in the legal system, in the community of civil justice, an important prerequisite, a means of education (Ger. *Bildung*) for religious and moral life in the sense of Christianity; this alone does not imply the subordination of the state to a legal church institution. Rather, the legal side of the church's existence is dependent on the supervision of the state" (Ritschl 1887, p. 15).

This passage provides evidence that Ritschl perceived some political dependency of the religious community on the legal structures of the nation-state. On this point, Svensson (2020, p. 257) describes the dependency as indirect: "this indirect connection…is that the state governed by law, through securing freedom and rights for its citizens, provides the setting in which individuals can freely pursue moral ends". We will return to what Ritschl meant by "moral ends" later. However, the historical question now is: to what degree was the religious community dependent on the nation-state for its own legal organization?

In several passages, Ritschl oscillates between stating that the church follows the legal structure of the nation-state and outright denying any essential dependence on it as a religiously constituted community. Given that he equated identifying the church as an outright political institution with the conceptions of Roman Catholicism, his reluctance to treat the Protestant religious community in political terms is understandable. He sought to avoid positioning the religious community as a "state within the state" (*Dei civitas*). His conception of the Protestant religious community was driven by a polemical need to distinguish it from other Christian ecclesiastical doctrines.

However, both his statements regarding the politico-religious institution—the Prussian Union Church[21], which he described as a "constitutional community" based on a constitution and

[21] But in the present day, when the awareness of the defects and the striving to eliminate them is so lively in the Church, separatism cannot be granted even that relative right, but it is a moral duty to hold

a unitary confession of Protestant doctrine—and a close examination of the language in his theological conception of the religious community reveal that Ritschl effectively conceived the Protestant community as a state modeled on the decidedly "new" German nation-state, i.e. a democratic monarchy.

Recall that Ritschl emphasized the choice of the individual to believe Protestant doctrine in the context of a religious community. To reiterate, here is the relevant passage:

> "The individual can experience the peculiar effect which proceeds from Christ only in connection with the community founded by Him, and on the presupposition of its existence… The individual believer, therefore, can rightly understand his position relatively to God only as meaning that he is reconciled by God through Christ in the community founded by Christ" (Ritschl, 1872, p. 578).

This passage emphasizes two points: first, that the *individual* chooses to follow the Protestant doctrine of faith; and second, that the religious community—whose members have each independently elected to follow that doctrine—provides the conditions under which such a choice is possible. In other words, Ritschl modeled the act of individual belief within the community on the basis of a collective that has independently and autonomously chosen to organize itself, much like the Constitutional Citizens Committee from his political days.

Add to the above description the following passage, which describes the doctrine of Protestant faith in the historical Jesus with political innuendos of democratic representation:

> "Therefore, the sacrificial act of Christ's priestly completion of His life-work serves to bestow upon the new community the divine forgiveness of sins, just in so far as He as

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fast to the confession and constitutional community as long as one agrees with the confession, even if the constitution and church life are afflicted with defects

> their *intentional representative* (Ger. *absichtlicher Vertreter*) changes this separation of man from God into community (Ger. *Gemeinschaft*) with Him as their Father".

And add this subsequent passage for good measure:

> "The character of the community… and of every individual in it who appropriates to himself justification through faith in Christ, corresponds rather to Christ's position as representative of the community (Ger. *Vertreter der Gemeinde*) in relation to God and the world".

Together, these passages constitute a statement of the political theology of 19th-century Protestant *Bildungsbürgertum*. On one hand, the religious community is described as an association of individuals who have voluntarily entered into a "contract" by professing belief in the doctrine of Protestant faith. On the other hand, the historical Jesus is portrayed as the representative of the religious community before God. This notion of representation, given the historical resonance of the Frankfurt Assembly, likely evoked the political concept of democratic representation in Ritschl's time. The religious community, therefore, acquires the character of being "in community" with God as the historical Jesus did through his self-sacrificial representative act. In other words, the community enjoys the "fruit" of his political representation—the forgiveness of sins—which enables the assembly to approach the divine monarch. When the religious community is understood in terms of *Bildungsbürgertum*—with the historical Jesus as the "intentional representative" analogous to the democratically elected Frankfurt Assembly and the monarchical God akin to King Frederick William IV, who claimed divine right to the throne—we arrive at precisely the kind of government that liberal constitutionalists like Ritschl ratified in the Frankfurt Constitution. The close alignment between the political ideals of the Frankfurt Assembly and Ritschl's conception of the religious

community leaves little doubt that he projected his hopes for a monarchical political constitution of the German nation-state within his conception of the Protestant religious community. The social contract of liberal constitutionalism thus became, in Ritschl's oeuvre after the dissolution of the Frankfurt Assembly in 1848, nothing short of a political theology.

Complementing his conceptualization of the Protestant church's religious community as a democratic monarchy, Ritschl employed the rhetorical-discursive motif of German national unification—drawing on the transnational discourse of the Frankfurt Assembly—to define the Church as an ethical community constituted by the collective practice of "love of one's neighbor"[22] toward the periphery. As described above, at the Frankfurt Assembly, Ritschl identified the politico-religious particularism of the old German confederation as a stumbling block to Prussian-led German national unification. Three years after the Assembly's dissolution, his article on *The Protestant Doctrine of the Church*[23] (1851) demonstrates that he continued to view this division as a major obstacle to the ecclesiastical unity of the German Protestant church:

> "The fact that two diverse churches were established upon these two theological systems [the Lutheran and the Calvinist] was a mistake; and the fact, moreover, that those two churches were split into a whole series of territorial churches without any common or legal means of recourse was a second mistake. And both mistakes have taken their toll in the decline of Protestant Christianity. Given this situation, therefore, Protestantism cannot remain indifferent toward its legal structure nor toward its lack of structural unity. Rather, what was incapable of proof from a dogmatic standpoint shows itself to be both a

[22] One must not be bogged down by Ritschl's peculiar christian phraseology of love. As I will argue, love of one's neighbor meant for Ritschl nothing less than the territorial expansion of the Church as an educational and legal organization to the "neighboring" periphery, for the purposes of converting non-Unionist Protestant and Catholic denominations of non-Prussian territories in the German confederation.

[23] German title: "*Lehre von Protestantismus Kirche*" (1893: [1851]).

necessity and a duty from an ethical standpoint-namely, that one should strive to make the confessional communions an institutional communion as well" (Ritschl 1893, p. 130). In this passage—written one year after the dissolution of the Frankfurt Assembly—Ritschl attributes the decline of Protestantism to the historical and theological conditions of confessional sectarianism that have persisted since the Reformation. Just as he identified the division between Confessionalist doctrine's as the reason for the lack of German national unity at the Assembly, he viewed the fragmentation of Protestant churches into numerous territorial bodies without common or legal recourse as responsible for the decline of Protestant Christianity. To counter this decline, Ritschl expressed a moral duty to unify these sectarian "confessional communions" across the religio-political territories of Germany into a single "constitutional communion". In the context of the religio-politics of his day, his call to unite the separatist churches under one legal structure and constitution was aimed at promoting the establishment and expansion of the Prussian Union Church—a body that had united Lutheran and Calvinist denominations in various territories since Frederick William III declared his desire for unification in 1817.

In the same essay, Ritschl makes it clear that he regarded the moral duty of legal and constitutional expansion as addressing the "local community" of coreligionists within the Union Church of Prussia. It is important to note that he articulated this duty using the universal language of his theology. This approach complicates the interpretation of Ritschl because he frequently employs Protestant terminology—such as "special" or "personal vocation"[24] when

[24] For Ritschl, one's personal vocation is not separate from the religious obligation of the ethical community but rather a direct means of participating in the general ethic through the exercise of virtue ethics in one's ordinary vocations e.g. patience, humility, etc. A person's work, even when motivated by personal success or material gain, must be ultimately oriented toward the common good. In this respect, Ritschl can be said to follow an idea of ethics related to the political social organism theory of the 19th century, in which each member contributes to the well-being of the whole by following their particular function. This balance between personal function and communal responsibility is how Ritschl could argue that political action of expansion was a means of exercising love of one's neighbor. Fidelity to one's

referring to historical programs of action with concrete addressees and tangible outcomes. For example, in the same essay he rephrases the duty of expansion by calling it "discipline" or the exercise of "the activity of love," which he claims is "an essential attribute of the local community" in its personal vocation. Despite his loaded terminology, seen from the perspective of his historical context, Ritschl's language suggests the moral duty to advance the Union Church of Prussia through church education programs. He states:

> "This [the activity of love] is the core of the Christian life of the educating church, which organizes the infinite series of moral levels on which its members stand. The activity of love in the church is not just a postulate, but in the highest sense it has its personal expression and therefore its effectiveness in the invisible community of saints, which continually maintains itself and expands its circle by means of the love that it lets go out into the church…But what is love in the center of the community of life *must become law and discipline towards the periphery*, and in this sense the Reformed Symbols right to demand discipline as a characteristic of the true church" (Ritschl, 1893, p. 129).

This passage is important because it connects Ritschl's later theological concept of the ethical community—organized around the common practice of love—with his religio-political program for expanding the Union Church of Prussia into non-Unionist territories in Germany. As Wall (1995) argues, understanding the historical reference to the Prussian Union Church is crucial to interpreting Ritschl's theological language, which frequently alludes to ecclesiastical structure. When Ritschl asserts that "the activity of love" is effective within the "invisible community of saints," he implies that the moral duty to expand the church's legal structures arises within the local religious community—composed of those who have already professed their faith in the

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vocation, to Ritschl's understanding, asserts that ethical perfection is achieved through active engagement in worldly callings, integrating religious purpose with social and professional duties.

constitutional communion of Protestant doctrine. This local community of coreligionists in the Prussian Union Church, to which Ritschl was deeply attached, serves as the basis for his call to mobilize Union Church members within Prussian politics as a means of co-opting non-Unionist Christian confessions in his vision of unification.[25].

In calling for the transnational expansion of the Union Church of Prussia beyond its traditional boundaries, Ritschl was concerned not only with the ecclesiastical unification of separatist Protestant institutions in Germany but also with the interests of a unified Germanic nation-state. His political views are particularly clear in his report to the Prussian minister of culture and religion, Heinrich von Mühler (1862–1872), concerning the Hanoverian Provincial Synod of 1869. Following Prussia's annexation of Hanover in 1866, the Lutherans of Hanover had established a state synod—an ecclesiastical representative body—that allowed them to determine the legal and constitutional structure of the Lutheran church independently from the Union Church of Prussia. For Ritschl, the creation of an autonomous synod in Hanover represented political resistance to the pan-Germanic movement of Prussian national expansion that began in 1866. He stated at length:

> "I would declare unto Your Excellency my historical observation that Lutheranism since 1850 in Hanover, Royal Saxony, and Mecklenburg has been used in the middle states as a means of political resistance to Prussia's pan-Germanic policies; that Vilmar's similar inclinations were also determined by an attempt to bring the electorate of Hesse into the anti-Prussianist movement; that the struggle of Harless against the Union [Church of

[25] See Wall (1995, p. 92ff), who suggests this argument, only to withdraw the thesis because of its being too baldly "facile" a reading of the evidence. Yet Wall's argument that Ritschl was only interested in the religious dimension of reforming the Protestant church seems to fall short of the religio-political evidence that Wall brings to the table to build his case. Wall's argument also flatly ignores the historical context of the liberal discourse of transnationalism in the Frankfurt Assembly.

> Prussia] and against the well-known "pan-Germanic" policies of the same movement are certainly not unrelated; and that the Lutheranism of the clergy in Prussia itself has been bound up, both jointly and severally, with the policies of the *Kreuzzeitung* Party, which are directed against Prussia's pan-Germanic cause. These local champions of Lutheranism falsely imagine themselves to be champions of an autonomous and universal church policy, whereas in fact their own Lutheran ecclesiasticism is above all a symptom of political particularism. And their pretended autonomy will result only in harming the Lutheran church itself, that is, as long as this attitude is present within Protestant Christendom" (O. Ritschl, 1892, pp. 73–74).

In this passage, Ritschl explicitly connects the Union Church of Prussia with the pan-Germanic political policies driving Prussia-led German unification. As he observed at the Frankfurt Assembly, Ritschl linked separatist movements within Lutheranism in the middle German states to “political resistance to Prussia’s pan-Germanic policies” of national unification. Ultimately, his assessment of the religio-political situation reveals that his commitment to the Union Church and its expansion beyond Prussian territories was rooted in his dedication to a Prussian-led German nation-state. In advocating for the mobilization of Union Church members into an ethical community to co-opt non-Unionist Christian confessions, Ritschl envisioned collective ethical action as serving both ecclesiastical expansion and the political expansion of the Prussian-led German nation-state into the former territories of the German Confederation.

At the same time that Otto von Bismarck succeeded in consolidating the German Empire (excluding Austria) and gained the territories of Alsace and Lorraine from France after the Franco-Prussian War, Ritschl published his major work on the history of Protestant doctrine, *Christian Doctrine of Justification and Reconciliation* (1872–1874). In this monograph, he

articulated his mature conception of the religious and ethical community of Protestantism. In discussing the formation of the ethical community, Ritschl openly stated that the ethic of love of one's neighbor—central to the Protestant task of universal Christianity—aligned with the nation-state's efforts to expand transnationally. Universal Christianity and pan-German nationalism were two sides of the same coin:

> "We must therefore recognise the fact that the individual enters upon the common human task of Christianity, never merely as an individual, but always under the conditions, whether favourable or unfavourable, of his peculiar national education. The truth here brought out is completed by the further observation that, in order to fulfil its destined end, *Christianity must win over the nations as wholes*. That is, it can only really accomplish its universal human purpose when it brings under its influence all the social conditions under which the spiritual life of individuals exists. A Christianity which should remain anti-national in the minority of a people would destroy the necessary foundation on which the spiritual existence of its adherents rests, and thus itself sink into a fruitless particularism.... If the nations [there- fore] fulfil their destined end, namely, their development into one whole supernatural humanity, through their reception into the religious community of Christianity, then this whole is also the object of the decisive operation of God which determines its peculiar origin and existence" (Ritschl, 1871, p. 137-138); cf. Wall (1995, p. 88).

In this passage, Ritschl presents his final conception of the universal task of the ethical community of Protestantism. The ethical community was to advance Christianity's purposes through the nation-state's channels. However, Ritschl revised the motive of the ethical community: rather than merely expanding the legal structure of sectarian churches by mobilizing

the Union Church's political action within Prussian-led nationalist politics, he broadened the community's purpose to include "all the social conditions under which the spiritual life of individuals exists". Only by doing so, he argued, could Christianity "win over nations as wholes".

The context of Ritschl's discussion leaves no doubt about his engagement in transnational discourse. In a lacuna of the citation above, he maintained "the possibility of the extension of the Christian community over other peoples which have not yet reached the stage of the world-historical or particular-historical nations." Although Ritschl expressed reservations about whether Christianity could expand to nonhistorical nations (e.g., indigenous nations of America) or to particular historical nations (such as those of Islam or Hinduism) representing the non-European periphery of the new Prussian-led German nation-state, he did not limit his moral duty of German Protestant expansion solely to European—or particularly orthodox and Catholic Eastern European—nations such as the Danubian principalities of Wallachia and Moldavia, Congress Poland, or Roman Catholic Austria. For example, Friedrich List expressed a similar motif in economic terms in *The National System of Political Economy*[26] (1841), arguing for the need to civilize Eastern and non-European populations through German immigration before they could be exploited for labor:

> "Here there is an entirely new and rich market for manufactured goods to be conquered; whoever has established secure links here, can remain in possession of them forever. These lands, without their own moral strength to raise themselves to a higher cultural standing point, or to introduce well-ordered governments and confer on them stability will more and more come to the conviction that help must come to them from the

[26] German title: *Das nationale System der politischen Ökonomie* (1841)

> outside—through immigration" (F. List. Das nationale System. pp. 422–25, as cited in Fitzpatrick, 2008, p. 59).

List was speaking of opening territories in Central and South America but noted that "the same policy might be followed in the Orient, European Turkey and the southern Danube region" (F. List. Das nationale System. pp. 422-25, as cited in Fitzpatrick, 2008, p. 59). Ritschl's view can be understood as the Christian liberal counterpart to early transnational political and economic liberal thought—comparable to the ideas of List, John Stuart Mill, or Thomas Munro. Just as early 19th-century liberals saw non-Europeans as capable of self-government only once Enlightenment-based assimilatory policies had rendered them morally competent for liberal democratic and economic institutions, Ritschl believed that Christianity should expand to those nations "which enter, through their own effort, into the circle of culture of the world-historical nations". As noted above, Ritschl repeatedly emphasized that culture required the legal structures of a liberal nation-state. His ethical community was, in essence, a Protestant mission to civilize beyond "new Germany's" borders.

§5
Conclusion

At this juncture, it is instructive to consider how these diverse historical strands converge, as the next chapter applies them to the genealogy of ritual at the turn of the 19th century. This chapter has demonstrated that German liberal ideas of the nation-state—as a voluntarily organized community consenting to invest authority in a representative sovereign and with a collective obligation in a transnational field of shared praxis—provided a vital framework for understanding Ritschl's conception of the religious and ethical community of Protestantism. On one hand, Albrecht Ritschl's vision of the Protestant community—defined by the collective

dynamics of individual consent and belief in Protestant doctrine—resonated with the national ideals of constitutional government and transnational unity in early 19th-century Germany. On the other hand, the broader political duty to expand—embodied in debates over national unity, the need for a national navy, and immigration policies—imbued Ritschl's ethical community with a moral duty of common praxis in transnational fields of action. Thus, the Protestant community emerges as both contractual, by nurturing individual election in Protestant doctrine, and regulative, by embedding its members in mutual moral obligations akin to an ethical duty to expand transnationally.

While Robert Yelle's analysis charts a shift from sovereign, divinely commanded sacrifice to a model of communal solidarity, this chapter argues that such a transformation must also account for the transnational and political dimensions underlying these changes. In sum, the arguments presented here support the thesis of the next chapter: Smith's communal theory of sacrifice reproduces representational motifs of the 19th century transnational nation-state, through his intellectual debt to Ritschl's conception of the Protestant community.

Chapter 2

The Communal Theory of Sacrifice in *Lectures on the Religion of the Semites* (1889): Part II: Sacrifice in Robertson Smith's *Lectures on the Religion of the Semites*

§0

The Emergence of National Discourse in the Communal Theory of Sacrifice

This chapter presents the second half of the argument supporting the thesis that the theoretical representations of sacrifice and ritual were indebted to discourses of the 19th century transnational nation-state, while also forging the symbolic legitimacy of the liberal order through a potent mythopoetic narrative of state origins in sacrificial institutions. Central to this argument is the claim that Albrecht Ritschl's conceptualization of the Protestant religious and ethical community provided an intellectual debt that informs William Robertson Smith's work. I contend that Ritschl's vision not only shaped Smith's early theological writings but also laid the groundwork for his later sociological analyses of sacrifice as both stimulative and regulative in society's formation. In this way, Ritschl's framework establishes a dual heritage—where religious ethos and political ideology overlap inextricably—intersecting in Smith's *Lectures on the Religion of the Semites* (1889) as a combined religious and political legitimacy of sacrificial institutions for the formation of society. Ultimately, this analysis demonstrates that Smith's theory of sacrifice is deeply embedded in the broader discourse of the German transnational nation-state, which both channels distinct religious and political influences and constructs a metapoetic narrative of state formation rooted in sacrificial institutions of antiquity.

The chapter unfolds in two main sections. The first section demonstrates the relationship between Ritschl and Smith by examining Smith's theological writings on the Christian

community prior to the Aberdeen heresy[27]. This section argues that Smith's emphasis on the church as a religious and ethical community reflects Ritschl's influence and establishes a continuity in Smith's intellectual conceptions of Protestant community. The second section provides a close reading of Smith's interpretation of the Ancient Greek camel sacrifice of Nilus' *Narratio* (ca. 5th CE), particularly in connection with his analysis of sacrifice's regulative and stimulative aspects in religion. By describing the stimulative function of sacrifice in terms of collective act of voluntary consent in slaughtering the victim and the regulative function of sacrifice as the collective obligation of blood-revenge, Smith narratively reproduces the liberal motifs of German national social contract united by an obligation of transnational expansion. By tracing the conceptual link between Smith's early Ritschlian theological reflections and his later sociological formulations, this chapter thus establishes that Smith's communal theory of sacrifice embedded the motifs of liberal discourse of the transnational nation state in conceptions of religious antiquity.

German discourse of the transnational nation state thus *emerges* in Smith's theorization as an unacknowledged and unconscious intellectual debt. By "emergent debt," I refer to the fact that Smith unknowingly embedded motifs of a mythopoetic discourse of national origins through his intellectual debt to Ritschl's ideas of Protestant community. Although these motifs are emergent or "transitive" within a dominantly "religious" discourse, they do not render the

[27] Between 1876 and 1881, an episode known as the Aberdeen heresy unfolded when the Aberdeen Free Church of Scotland took action against William Smith. Smith was dismissed from his chair at the Free Church College of Aberdeen for advocating higher criticism and literary methods in his article "The Bible," published in the Encyclopedia Britannica (1875). This controversy not only highlighted the clash between traditional religious interpretation and emerging critical methodologies but, as I will describe below, also revealed an intellectual debt acknowledged by both Smith and Albrecht Ritschl. In a letter during this period, Ritschl suggested that his theological framework might have contributed to Smith's dismissal. For more detailed information on the indictment and analysis of this episode, please refer to Black (1912, pp. 582–605, 241) and Nelson (1969, p. 119ff.).

underlying political conceptions any less potent. Rather, Smith actively accounts for this emergent debt, exploiting these underlying political conceptions to systematically structure the religious conception of sacrifice in antiquity –just as they structured the religious conception of Ritschl's Protestant theology –thus invoking the national and transnational logic of 19th-century German liberal thought. Consequently, even when the nation-state or its expansion is not explicitly mentioned, these embedded conceptions of sacrifice contribute narratively to the myth of the nation-state's inevitable emergence. Informed by early 19th century liberal constitutional movements and ideals of national unity through collective expansion, Smith described sacrificial communities as bound by a social contract and an ethical praxis of blood-vengeance that extended the natural community beyond traditional kinship lines. Moreover, while these conceptual relations did not directly cause the ascendancy of the liberal nation-state in Germany or Great Britain, they reproduced its formative discursive tropes by constructing a mythopoetic narrative for antiquity that underscored the perceived necessity of the nation-state's emergence and continuance, thereby aligning with liberal aspirations for national consolidation through transnational expansion.

This intervention builds upon and extends the arguments of scholars such as Bediako, Wheeler-Barclay and Jung, who have emphasized continuity in Smith's thought. Bediako (1997), in line with Barclay (1993) and Nelson (1969), has pointed out that Smith's emphasis on community over individualism in defining religion parallels his earlier theological writings on the role of the church. Furthermore, both Bediako and Barclay argue that Smith's early focus on the Christian community was instrumental in the shift toward prioritizing ritual over mythology in the study of religion. However, existing scholarship has not explored in detail how Smith characterizes the Christian community in his theological writings, how this characterization

aligns with Ritschl's theology, or how this conceptualization persists in his later sociological work on the community as formed by the regulative and stimulative aspects of religion. By addressing these gaps, this chapter offers a crucial intervention that reinterprets Smith's intellectual development, arguing that his theological and sociological writings should not be seen as distinct phases but rather as continuous engagements with the idea of Ritschl's Protestant religious and ethical community, shaped by the broader transnational political currents of the German nation-state.

§1
Instructor and Pupil: Albrecht Ritschl and the William Robertson Smith in the Pre-Aberdeen period (1876-1881)

Following and expanding upon Bediako (1997), Barclay (1993) and Nelson's (1969) suggestion of the relationship between Smith's theological and sociological writings[28], in this section I propose to trace the specific genealogical influences of Ritschl's conception of the Protestant community upon Smith's early theological writings, the majority of which he composed prior to the Aberdeen Heresy (1870-1881). The point of this section will be to show clear historical evidence of a connection between Smith and Ritschl's conceptions of the Protestant community in both its religious and ethical aspects, in order to support the claim that

[28]Recently, Bediako (1997, pp. 313, 348), following Barclay (1993) and Nelson (1969) has argued that Smith's insistence on the community versus the individual in the definition of religion finds a parallel in his earlier theological writings on the role of the church community. Importantly, both Bediako and Barclay argue that Smith's earlier writings of the Christian community are ultimately responsible for the paradigm shift in the analysis of religions for the primacy of ritual over mythology. None of these scholars, however, elaborate on how Smith characterizes the Christian community in his theological writings and how this matches Ritschl's conception of the Christian community in his theology, nor in what way Ritschl's characterization continues in Smith's theorization of community as totem group in his anthropological writings. It is precisely here where Ritschl's biblical theology explains the missing gap of the genealogy of Smith's ideas on religion.

Smith espoused principles of Ritschlian theology in his own historical program of higher criticism[29] in the Old Testament. The arguments here will further demonstrate that Ritschl's influence did not cease with Smith's early theology but can also be found in Smith's post-Aberdeen sociological writings. In particular, the influence of the Protestant community is evident in Smith's magnum opus, Lectures on the Religion of the Semites (1889), where he argued for a conceptualization of sacrifice as having a collectively stimulative and regulative effect on society. It is by tracing precisely this strand of intellectual influence that I argue that the transnational nationalism of early German liberalism determined the nature and conception of sacrifice.

The Aberdeen Heresy, lasting from 1876 to 1881, provides an important historical point of departure for comprehending William Robertson Smith's oeuvre. In particular, it provides a context in which we can argue for the continuity of Smith's project of Protestant theology in his sociological writings. At the height of the heresy, Albrecht Ritschl wrote a consolatory letter to his former theology pupil in Germany, stating:

> "If you were right last year in calling me the begetter[30] of the Aberdeen heresy, I wonder if it will be any consolation to you to know that a follower of my theology who belongs to the Moravian brotherhood has just been dismissed from his school. Against him also the allegation was made that the Bible cannot be God's word, if it merely contains the early records of Christianity..." (Black, 1912, p. 247) Italics original.

Here, both Ritschl and Smith clearly interpreted the cause of the Aberdeen Heresy—and Smith's subsequent ecclesiastical embroilment—as rooted in Ritschl's theology. The outcome of the

[29] This was the 19th century term for application of literary methods of philological criticism to understanding the Old and New testament.
[30] Ger. *Urvater*

Aberdeen Heresy led to Smith's dismissal from his chair at the Free Church College of Aberdeen because he advocated the historical methods of higher criticism[31] in his recent article "The Bible," published in the Encyclopedia Britannica (1875). In addition to marking the period of Smith's disciplinary shift, the Aberdeen Heresy is significant for what it reveals about Smith's "Ritschlian propensities of thought" (Black, 1912, p. 247).

Beyond explaining the causes of the Aberdeen Heresy, the passage provides a starting point for understanding how Smith reconciled his faith in Protestant doctrine with his critical investigations into the history of religion—evident even in his later sociological turn. The answer is the Protestant community. This reconciliation is important to note at the outset, since my argument depends on seeing Ritschl's early influence continuously from Smith's theological writings up to his sociological turn. In his letter, Ritschl implicitly acknowledged that Smith was his follower of his theology, akin to the "follower of my theology who belongs to the Moravian brotherhood". In his *The Answer to the Form of Libel: Now Before the Free Church Presbytery of Aberdeen (1878)*, Smith argued that there was no conflict between his acceptance of the "supernatural truths for faith on spiritual evidence" of the Protestant church and the use of higher criticism in the literary interpretation of the Bible[32]. Rather Smith contended that as a believer of Protestant doctrine, it was a moral duty for members of the church to employ literary criticism when interpreting the Bible.

[31] That is, he treated the sacred literature of the bible like a literary text, in which human textual error was possible in transmission.

[32] Smith writes on the topic of literary criticism and the belief in Protestant doctrine: "My criticism does not assume as the basis of argument any principle inconsistent with the Protestant doctrine of Scripture…. It will be observed that in these statements I place in the forefront of my article two propositions which no rationalist can possibly admit, namely (1) that the Old Testament History exhibits a personal and supernatural manifestation of the redeeming God to his chosen people; and (2) That the Old Testament prophets were organs of revelation, who spake not by their own wisdom, but by the supernatural teaching of God"

The key point is that in his response, Smith implicitly distinguished between the church's belief in Protestant doctrine and the duty of individual believers (such as himself) to understand scripture using historical methods of criticism. Smith's response implicitly suggests a distinction between believing and ethical church members similar to Ritschl's distinction of Protestantism into a religious and ethical community. Below, we will see more evidence that Smith knew of this distinction and actively employed it in his theological writings prior to the Aberdeen heresy. In this way, Smith could argue and maintain that modern methods of historical literary criticism were consistent with Protestant doctrine regarding scripture within the believing Protestant community. Although this principle is an extension of the basic tenets of Lutherian interpretation of the Bible, it had not actively questioned the authenticity of divine revelation in the manner that higher criticism –especially as used by Ritschl and Smith– had begun to do in the latter half of the 19th century.

Smith's distinction between the believing community and the duty to perform literary criticism on the Bible—as implicitly demonstrated during the Aberdeen Heresy—will serve as a point of departure for interpreting his theological writings from the preceding decade (1870–1877)[33].

In his early theological essays, such as "The Fulfillment of Prophecy" (1871) and "The Place of Theology in the Work and Growth of the Church" (1875), Smith conceives of the

[33] The bulk of Smith's theological essays were written prior to the Aberdeen heresy and his dismissal from his professorship of Free Church of Scotland, so we are talking roughly between 1870 and 1877. We can thus observe that up until the libels of the Free Church, Smith's literary output was preoccupied with defining more clearly what he perceived to be a common set of historical and contemporary theological problems in the face of post-enlightenment modernity: prophecy in the Old Testament, the relation between God, individual and community in the Evangelical church and the possibility of general religious knowledge based on personal faith. Thus, we take his theological essays in this paper to correspond to the selection of writings beginning with "What History Teaches Us to Seek in the Bible" (1870), and ending with "On the Poetry of the Old Testament" (1877) in his published essays (Smith, 1912). After that time, Smith was occupied with writing a response to the Aberdeen heresy in his Answer to the Form of Libel: Now Before the Free Church Presbytery of Aberdeen (1878) and was about to leave for his journey to Egypt and the Hejaz (see §3 below).

organization of the Evangelical church in a twofold ethical or moral sense: both as a religiously ethical community in personal fellowship historical Jesus through acceptance of Protestant doctrine and as a practically ethical community in which individuals are united by their obligation to further the Christian community as a whole. Notably, the majority of these essays were written after Smith had begun his study under Ritschl in 1869 in Göttingen, Germany. This distinction of the religious and ethical community in Smith's theological writings will turn out to be strikingly similar to the definition of Christianity that Ritschl provides in his *The Christian Doctrine of Reconciliation and Justification* (1870-3). Here Ritschl defines the two aspects of the Christian community as "perfectly religious and perfectly ethical" on the basis of his concepts of justification and reconciliation (1872, p. 13). Finally, we will argue that Smith's conception of the Christian community—as an ethical community in both religious and practical aspects—comes to the fore in his interpretation of the stimulative and regulative functions of the camel sacrifice described in Nilus' *Narratio*.

§2
Theology and the Church (1870- 1875): the Religiously Ethical and the Practically Ethical Community

Several documents show that Smith learned of the *communal* aspect of the Christian community from Ritschl's lectures as early as his stay in Göttingen between 1867 and 1870. In a letter from Göttingen in 1869, Smith summarized the lessons from Ritschl's lectures to his father: "that the Church is before the individual, that it is in the Church that God's grace works, and that the development of the individual Christian takes place *in the Church*, and is *conditioned by the Church*" (Black, 1912, p. 112; Wheeler-Barclay, 1993, p. 73) Original italics. In this brief note, Smith touches upon Ritschl's two conceptions of the Protestant community: by mentioning that "it is in the Church that God's grace works", Smith meant (1) the church as the

religious community—the collective of individuals who have similarly elected to embrace the Protestant doctrine—and by mentioning that "the development of the individual Christian takes place in the Church" etc., he meant (2) the church as an ethical community—the collective of individuals united by a moral duty to propagate Christianity through education. In the following section, I demonstrate that Smith employed both formulations of the Protestant community in his early theological writings.

By 1874, in his "The Place of Theology in the Work and Growth of the Church", Smith had suggested the Ritschlian idea of the religious community within his own conceptualization of religious knowledge as a foundation for the growth of the Protestant church:

> "But all Christianity which has any pretense to be catholic, not sectarian, proceeds on very different principles, remembering that, according to the New Testament, it is the Church as an *organic unity* that is the object of God's electing love and of Christ's redeeming work, and that each member of the mystical body of Christ grows up towards Him who is the Head *only in sympathy with the growth of the whole body*" (Smith, 1912, p. 327).

The passage shows that Smith embedded *personal* religious knowledge of the relation of God to the *individual* within the mediate precondition of a community–"the Church as an organic unity". An individual could only attain religious knowledge if that knowledge was communicated within a community. Smith thus stresses the fact that a person *individually* elects belief in Protestant doctrine only "in sympathy" with a community of those who have similarly individually elected Protestant faith. As argued in the previous chapter, this echoes Ritschl's emphatic formulation of the religious community wherein "the individual believer, therefore, can rightly understand his position relatively to God only as meaning that he is reconciled by God through Christ *in the*

community founded by Christ" (Ritschl, 1872, p. 578). Thus, Ritschl's lessons in Gottingen taught Smith that theology concerns "Christianity as a social thing, as organized into a Church".

However, Smith's dependence on Ritschl extends beyond describing the religious relationship of a collective based solely on the individual election in Protestant doctrine. Smith also adopted Ritschl's particular political theology in conceiving the fellowship and the relation to God (mediated through the historical Christ known through scripture) in egalitarian terms. This point is important because, in his sociological works, Smith describes the stimulative aspect of communal sacrifice as a collective relationship with God, employing the egalitarian language of friendship and trust. Following Friedrich Schleiermacher's (1768-1834) formula *deus pro me* ("God is there for me") both Ritschl and Smith interpreted the relationship between members of the religious community and God—as revealed through scripture—in politically egalitarian terms of friendship and trust, in contrast to hierarchical interpretations of the relationship as one between vassal and lord in Catholic political theology. This positions Smith's conception of community in line with social contract theories, where the mutual benefits of communal living among equals outweigh the disadvantages of an authoritarian regime.

Again we find evidence of these correspondences in Smith's early theological writings. In his essay "Christianity and the Supernatural" (1870, p. 112), Smith emphasizes that "my faith in a fellow man is a subject on which I am not only allowed but bound to show warmth of feeling". Smith argued that this was because interpersonal relationships exemplify situations in which a deep personal acquaintance with others guarantees the authority of their statements. Such guarantees were matters of personal faith, as "a truth that I believe in a friend's testimony becomes morally sacred to me" (Smith, 1870, p. 112). Similarly, since Christianity centers on "a belief in a person or persons," every Christian regards divine truth ethically by evaluating the

relative merits of a person's character—in other words, in personal fellowships, "there is a moral element involved" (Smith, 1870, p. 112). Likewise, Ritschl understood the relationship between community members and God "according to the model that exists between persons" (Ritschl, 1972, p. 195). Ritschl explained the ethical element of this relationship, as depicted in scripture, through an analogy: just as one recalls the instructions of a respected educator or friend, so too "Christ consoles me and gives me courage when I sense the worth of his example" (Ritschl, 1972, p. 195). Despite differences in emphasis—Smith stressing epistemic trust in the truthful character of scripture, while Ritschl stressed confidence in its helpful character—both Ritschl and Smith's explanations of the relationship between the religious community and God frame it in egalitarian terms of friendship and trust. This suggests a political theology of democratic institutions, where individuals choose the social contract to ensure mutual support among sovereign equals.

Evidence of Smith's understanding of the Protestant ethical community can be found as early as his 1871 essay "The Fulfillment of Prophecy," published one year after his return from Germany. In this essay, Smith described the ethical community as emerging within the religious community, stating that "the Christian takes his place in a new society where his life is guided by new motives, and supplied with strength arising from his new relation to God" (Smith, 1912, p. 316). In other words, an individual who embraces Protestant faith acquires a new set of ethical obligations, uniquely religious in that they arise from the context of the religious community. In articulating the ethical community as emerging within the religious community, Smith employs language that echoes Ritschl's own theological framework:

> "But my whole life falls under the Law of God's Kingdom, by which I am bound in every action to aim at the advance of Christ's cause. In the discharge of this calling I am not

> answerable to man, but directly to the King who, by His providence, has given me a special calling to a post in His Kingdom and a work to do therein. The organization of God's Kingdom is not then an outward Church organization, but a hidden organization of God's providence by which every man's calling in Christ is so ordered that each, while doing his own work for Christ, is doing a harmonious part of the great work that shall yet fill the whole earth" (Smith, 1912, p. 278).

In this passage, Smith carefully distinguishes three components in explaining the emergence of the ethical community within the religious community: (1) the moral duty to promote Protestant doctrine, (2) the organization of individuals into an ethical (i.e., "invisible") collective by virtue of this moral duty, and (3) the "harmonious" unity of the collective parts, which possesses transnational scope (i.e., it will "fill the whole earth"). With some differences in expression, Ritschl also accentuated these three aspects in describing his own ethical community, as discussed in the previous chapter. Similarly, Smith described the religious community as binding individual Christians to a moral duty. While Ritschl expressed this moral duty as "love of one's neighbor," Smith implicitly echoes Ritschl's idea that the universal law of "love of one's neighbor" is fulfilled in one's particular vocation.

The influence of Ritschl's conception of the ethical community is further evidenced in Smith's later essay "The Place of Theology in the Work and Growth of the Church" (1875). Here, Smith echoed Ritschl's call to duty for the expansion of the Union Church through Protestant education by articulating this moral duty in the context of theological education in the Evangelical Church of Scotland to which Smith belonged. He stated that "the mutual support and assistance which men can thus render one another in thinking out their Christianity into an intelligible form is just one case of the general doctrine of the Church as an organism in which

no part can be developed save in and through the development of the whole" (Smith, 1912, p. 161). Although the earlier quotation from 1871 does not emphasize Christian education and reform as the particular moral duty of the religious community, by 1875 Smith had clearly come to view the ethical praxis of the church in Ritschl's terms—that is, as oriented toward reformative education in Protestant church theology and the achievement of doctrinal unity across divisions within the Protestant church.

The first quotation above also supplies evidence that Smith followed Ritschl's way of distinguishing between the religious and ethical communities. He does so by defining the collective not solely on the basis of religious commitment to Protestant doctrine but rather through ethical obligations. For example, Smith distinguished the "outward Church organization" from the "hidden organization of God's Providence" (Smith, 1912, p. 278). Earlier in the essay, Smith identified the outward organization with the visible church, stating that "the organisation of visible Church government [is] for the performance of purely spiritual actions" (Smith, 1912, p. 278), which he clarifies as referring to the administration of the sacraments and the preaching of the gospel. He specified that this ethical organization existed outside the realm of church administration because it related specifically to the moral duty that fulfilled one's peculiar calling and contributed to the harmonious "great work" of the ethical collective determined by individual obligations. Prior to the quote above, Smith distinguished between these two kinds of organization, explaining further that:

> "My actions as a member of the Church, and under the organisation thereof, are purely spiritual actions — the worship of God and the bearing witness among men to his grace by special acts of *cultus*. But as a member of Christ's Kingdom my

> functions are not purely spiritual. That Kingdom is to subdue all the earth, and so every action has a relation to it…" (Smith, 1912, p. 278).

This peculiar way of expressing the ethical community in contrast to—and as emerging from—the religious community recalls Ritschl's own description of the ethical community as constituted by "the activity of love in the church…[which] has its personal expression and therefore its effectiveness in the invisible community of saints" (Ritschl, 1893, p. 129). Here Ritschl had defined the ethical community not in terms of the visible religious community, but rather the "invisible" collective of individuals determined by the ethical praxis of love of one's neighbor. Generally, the two passages above demonstrate that both Smith and Ritschl understand the distinction between a religious community, which is coterminous with the Church organization in the local community of devotees, and an ethical community, which is identified by a shared call to ethical action—especially in the context of church education.

Finally, Smith reproduced the motif of expansion as the peculiar field of action for the unified Protestant ethical community. This is evident in the two quotations above: Smith not only employs the biological language of a harmonious living organism to illustrate the relation of individual duty to the "great work" of the ethical community—stating that the moral duty of each person "is so ordered that each…is doing a harmonious part of the great work that shall yet fill the whole earth"—but he also explicitly asserts that the ethical community had transnational interests in expansion, since it was "to subdue the whole earth" (Smith, 1912, p. 278). Of course, Smith, like Ritschl in some respects, sought to distinguish the ethical community from the visible institutional expansion of organizations such as the Christian church or the nation-state. In many instances, Smith clearly employed the motif of expansion in biblical terms, drawing on

Protestant scripture and eschatology. For example, he sermonizes the "invisible" kingdom of God as the ethical community that is known only by the eye of faith:

> "So long as Christ Himself is in heaven, the Kingdom that is leavening the earth is essentially invisible save to the eye of faith. True, the outward effects of Christianity are seen, but the system, the harmonious organisation in which some have a higher, some a lower place, is unrevealed till the day when the fire shall try every man's work, and when, all being burnt up that is not of Christ's Kingdom, the city of God shall stand forth in its full proportions" (Smith, 1912, p.278) .

These religious and eschatological sentiments notwithstanding, we must also understand that Smith, like Ritschl, viewed the "invisible" church of the ethical community as having the scope of actual, historical, concrete activity of individuals within the institution of the Protestant church. At this point, it becomes difficult to distinguish—amid Smith's religious sermonizing—his views about the historical and national field of action of the ethical community in everyday vocations (e.g., as citizens or academic professionals). For present purposes, it is sufficient to demonstrate that Smith employed the motif of transnational expansion to describe the field of action of the ethical community united by common praxis, just as Ritschl did in his own conceptualization. Even if this expansion was intended to apply to the invisible realm of "spiritual truth," the fact that Smith continued to imagine religious ethical action as intrinsically expanding its sphere of dominion has conceptual ramifications for his definition of sacrifice as fulfilling a collectively regulative function on society.

Our takeaway in this section is that, in the 1880s, Smith employed a definition of Protestant Christianity that distinguishes between a religious community and an ethical

community. The arguments presented here add supporting evidence that Smith was indebted to Ritschl's conception of the "completely spiritual and ethical religion" of Christianity when formulating his conception of Christian collectivity. As demonstrated in the previous chapter, Ritschl's own conception of the religious and ethical community was influenced by the liberal discourses of the transnational nation-state (e.g., his participation in the political events of the Frankfurt Assembly and thereafter). Thus, these arguments also support the claim that the liberal discourse of the transnational nation-state particularly influenced the conceptualization of the religious community in 19th-century discourse. In the next section, I will specify how this influence not only determined definitions of 19th-century Protestantism in Great Britain and its conceptions of collective belonging but also, through Smith's sociological writings, shaped the conceptualization of sacrifice as having a stimulative and regulative collective function on society.

§3
The Sociological Turn: Sacrifice, the Saracen and the Communal Theory of Sacrifice

After his dismissal from his position as professor at Aberdeen in July 1880, Smith made a definitive turn toward the subjects and methods of sociology with the publication of "Animal Tribes in the Old Testament" (1880) and his more famous *Kinship and Marriage in Early Arabia* (1885). These publications laid the methodological groundwork for the research underlying the *Burnett Lectures* (1888–89), later published as *Lectures on the Religion of the Semites*. In this final work, Smith famously argued for his communal theory of sacrifice—the idea that the act of sacrifice had a collectively stimulative and regulative influence on the formation of early communities. In the previous section, I demonstrated that Smith was indebted to Ritschl's conception of the religious and ethical community of Protestantism in his theological essays. In this section, the argument emphasizes the conceptual continuity between Smith's pre-Aberdeen

expressions of the religious and ethical Protestant community and his post-Aberdeen ideas about the stimulative and regulative social functions of sacrifice in his sociological writings.

The task of this section is to show that Smith adapted Ritschl's ethical and religious conception of the Christian community to the stimulative and regulative social functions of sacrifice in his interpretation of the camel sacrifice in the Nilus' *Narratio*. By the "stimulative" function of sacrifice, I argue that Smith expressed the idea of the collective as being united by a shared feeling of trust or confidence in the personal providence of God—feelings that emerged after individuals were brought into a natural "blood" relationship with the totem God as commensals of the sacrifice. By the "regulative" function of sacrifice, I argue that Smith expressed the collective as united by a shared ethical obligation of blood revenge, an obligation that the act of sacrifice imposed on the natural members of the totem clan. This obligation enabled the natural community of the clan to expand its kinship beyond the limits of the *natural* kinship group into the *national* group. In adapting Ritschl's ethical and religious framework of the Christian community to the regulative and stimulative social functions of sacrifice, Smith not only shifted the discourse of sacrifice from divine command theory to a (pre-)political conception of a social contract but also provided a theory of community that aligned with the vision of the German transnational nation-state characteristic of the 19th-century German *Bürgertum*.

It is at the end of lecture VII where Smith rounds off his discussion on sacrifice by introducing the general idea of the "power of religion" in terms of the two relations required by social communities. In his "general estimate of the ethical value" of sacrifice—here generalized as "religion"—Smith distinguished between its stimulative and regulative aspects over communities:

> "The power of religion over life is twofold, lying partly in its association with particular precepts of conduct, to which it supplies a supernatural sanction, but mainly in its influence on the general tone and temper of men's minds, which it elevates to higher courage and purpose, and raises above a mere brutal servitude to the physical wants of the moment, by teaching men that their lives and happiness are not the mere sport of the blind forces of nature, *but are watched over and cared for by a higher power*. As a *spring of action* this influence is more potent than the fear of supernatural sanctions, for it is stimulative, while the other is only regulative. *But to produce a moral effect on life the two must go together*; a man's actions must be not only supported by the feeling that the divine help is with him, but regulated by the conviction that that help will not accompany him except on the right path" (Smith, 1889, p. 248).

In this passage, Smith introduces the idea that sacrifice operates on the community in two contrasting but complementary ways. By its stimulative aspect, the community is united by a shared sense of trust in divine help and a higher power. By its regulative aspect, the community is bound by the ethical obligation to avoid sanctions and to fulfill prescribed precepts of conduct. Sacrifice unites these two dimensions—not through a tit-for-tat exchange but by making distinct ethical relationships complementary: the collectively shared feeling of confidence in divine providence characterizes the community under the aspect of sympathetic feeling, whereas the collective obligation to avoid sanctions and fulfill precepts characterizes it under the aspect of ethical obligation. Together, these dimensions produce "a moral effect on life" by sustaining the community through feelings of sympathy and obligation.

Smith had provided this general account of religion in summing up the ethical significance of sacrifice in historical communities:

> "The ethical significance which thus appertains to the sacrificial meal, viewed as a social act, received particular emphasis from certain ancient customs and ideas connected with eating and drinking. According to antique ideas, those who eat and drink together are by this very act tied to one another by a bond of friendship and mutual obligation"(Smith, 1889, p. 265).

At this point in *Lectures on the Religion of the Semites*, Smith had proposed this explanation for sacrifice as a hypothesis. His discussion of the stimulative and regulative aspects of sacrifice anticipates his treatment of sacrifice in *Lecture VIII*, "On the Original Significance of Animal Sacrifice." In that section, Smith uses the camel sacrifice of the Saracens from Nilus' *Narratio* as evidence for his hypothesis regarding the dual functions of sacrifice. In the remainder of this section, I examine Smith's treatment of Nilus' *Narratio*, arguing—through a close reading of the passages—that Smith interpreted the camel sacrifice of the Saracens in terms of its stimulative and regulative effects on the community. I suggest that the stimulative function of sacrifice corresponds to the collective expression of confidence in the community's participation in food and drink with the deity—an act of ingesting blood by which each member "renews, by a solemn act of worship, that bond which united him to his god" (Smith, 1889, p. 248). By contrast, the regulative function of sacrifice corresponds to the moral obligation of blood revenge, through which each member "renews the bond of family, social, and national obligation" (Smith, 1889, p. 248) and thereby extends the kinship community nationally by incorporating outsiders.

Smith introduces the citation of the camel sacrifice in Nilus' *Narratio* in his eighth lecture, "On the Original Significance of Animal Sacrifice". For the purposes of this analysis, it is not necessary to be familiar with the *Narratio* to appreciate Smith's use of the text in his

argument[34]. He cites the text as evidence for his historical claim that "every slaughter was a clan sacrifice" and vice versa. He elaborates on his claim with the evidence of the *Narratio*:

> "That is, a domestic animal was not slain except to procure the material for a public meal of kinsmen. This last proposition seems startling, but it is confirmed by the direct evidence of Nilus as to the habits of the Arabs of the Sinaitic desert towards the close of the fourth Christian century. The ordinary sustenance of these Saracens was derived from pillage or from hunting, to which, no doubt, must be added, as a main element, the milk of their herds. *When these supplies failed, they fell back on the flesh of their camels*, one of which was slain for each clan (Gk. *sungeneia*) or for each group which habitually pitched their tents together (Gk. *suskēnia*)-which according to known Arab usage would always be a fraction of a clan and the flesh was hastily devoured by the kinsmen in dog-like fashion, half raw and merely softened over the fire" (Smith, 1889, p. 263).

In the following pages, Smith focuses on this passage to support his interpretation that sacrifice maintained communities through its stimulative and regulative influence on collective life. Importantly, Julius Wellhausen (1844–1918)—a biblical scholar, co-author of the hypothesis that the Old Testament was the labor of several generations of authors, and a close friend of Smith—had also emphasized the Greek terms for clan (Gk. *sungeneia*) and tent-group (Gk. *syskēnia*) to highlight the communal rather than the private nature of the camel slaughter in his description of pre-Islamic religious practices of sacrifice among the Saracens (Wellhausen, 1897, p. 119).

[34] It may be useful to know that by now a pretty large literature exists condemning Smith for his use of the *Narratio* for his theory of communal sacrifice. Censure is indeed warranted not only because the *Narratio*, as one of the last examples of the literary Greek novel, is a highly dubious ethnographic source for the pre-Islamic religious practices, but also because the text of the *Narratio* is itself engaged in a thick discourse of 5th century Orientalism, in which Judeo-Christian ascetics from the Eastern Roman Empire were in the process of reimagining the spatial coordinates of the Sinaian plateau within the textual geography of the Old Testament. For an overview of the history of scholarship on the *Narratio*, see (Mayerson, 1980; Caner, 2009; Ward, 2014; Morgan, 2015)

However, whereas Wellhausen deemphasized blood and slaughter in the sacrifice (Wellhausen, 1897, p. 120) in order to emphasize a Bacchic image of a community rejoicing festively before their god, Smith began with the premise that the act of sacrifice constituted a collectively justified infringement upon the inviolable sanctity of tribal blood.

In his interpretation of the camel sacrifice, Smith began from the premise that "those who eat and drink together are by this very act tied to one another by a bond of friendship." He further clarified in his reading of Nilus' *Narratio* that this bond of friendship was more properly based on kinship—or the common 19th-century idea of totemism—in that the kinsman, the victim, and the totem God "are sprung from the same stock and are cousins to one another" (Smith, 1889, p. 285). Yet, because this kinship depended on the "inviolable sanctity of blood," Smith argued that sacrifice, as a violation of this friendship, was justified only by a collective decision of consent and shared responsibility:

> "In fact, a life which no single tribesman is allowed to invade, and which can be sacrificed only by the consent and common action of the kin, stands on the same footing with the life of the fellow-tribesman. Neither may be taken away by private violence, but only by the consent of the kindred and the kindred god. And the parallelism between the two cases is curiously marked in detail by what I may call a similarity between the ritual of sacrifice and of the execution of a tribesman. In both cases it is required that, as far as possible, every member of the kindred should be not only a consenting party but a partaker in the act, so that whatever responsibility it involves may be equally distributed over the whole clan" (Smith, 1889, p. 285).

This passage provides evidence that Smith viewed the stimulative collective aspect of sacrifice in terms of an early political contract akin to the social contract of 19th-century liberalism. Smith

interpreted the ritual of sacrifice as parallel to the execution of a tribesman. Whereas the execution of a tribesman was "illegal to an individual," early nations recognized execution as an institution of justice in which each individual shared the responsibility of providing consent for an authoritarian order. Similarly, the act of sacrifice required the consent of every member of the kindred community and a shared sense of responsibility, thereby functioning as a political institution based on contractual agreement for the exception of an otherwise binding rule of the collective. The lineaments of a basic social contract, as defined in the previous chapter, here become noticeable: the individual consent of the ruled (e.g. totem members), including the centralized authority (e.g. the totem deity), is required to decide upon a collective decision that is an infringement of an otherwise collectively decided responsibility binding through the initial entrance into the voluntary organized community. Thus, the collective bond of friendship expressed in sacrifice was one that emerged through recognizable contractual acts within political institutions.

If both sacrifice and the execution of a kinsman required this contractual exchange, how did Smith distinguish religious acts of sacrifice from the painful acts of execution? He maintained the distinction by emphasizing the stimulative dimension of collective participation in sacrifice, arguing that this collective act inspired feelings of confidence in the totem God as part of the community. Smith distinguished sacrifice from execution by asserting that the interpersonal relationships inherent in the sacrificial act were a direct expression of trust and mutual confidence among kinsmen. In doing so, he suggested that ritual sacrifice possessed a "stimulative" dimension in the fellowship of the clan, in which the act of partaking in food and drink with the deity expressed trust and mutual confidence[35].

[35] (Smith, 1889, p. 265) original italics– Smith's words seem to point in an added element within the relation of commensality, when he says: "the one thing directly expressed in the sacrificial meal is that the god and his

Elsewhere in the *Lectures on the Religion of the Semites*, Smith's depiction of the festivity and hilarity associated with sacrifice in ancient literature further supports the idea that the act of sacrifice expressed trust and confidence as a result of collective consent and shared responsibility during the sacrificial meal:

> "This view is proper to religions in which the habitual temper of the worshippers *is one of joyous confidence in their god*, untroubled by any habitual sense of human guilt, and *resting on the firm conviction that they and the deity they adore are good friends*, who understand each other perfectly and are united by bonds not easily broken. The basis of this *confidence* lies of course in the view that the gods are part and parcel of the same natural community with their worshippers" (Smith, 1889, p. 237).

In this passage, Smith defended how sacrifice—renewed "by a solemn act of worship that bond which united him to his god"—results in a community "conceived as a circle of brethren, united with one another and with their god by participation in one life or life-blood" (Smith, 1889, p.264). The collective act of sacrifice, which required both individual consent and shared responsibility, produced an expression of "joyous confidence in their god" and a "firm conviction" of the friendship between the community and the deity. This passage reflects the "religious" elements of Protestant doctrine in Smith's conception of sacrifice, one which both he and Ritschl inherit from Schleiermacher's pietist conception of Protestantism. As such, it spiritualizes the political conceptions of the stimulative function of sacrifice, helping to distinguish religious sacrifice from pure political conception of the social contract and the penal law of antiquity. In this way, Smith elaborated on the "spirit of absolute confidence characteristic of ancient religions" in the language of Protestant believing faith, arguing that the community is

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worshippers are commensals, but every other point in their mutual relations is included in what this involves" (Smith,1889, p.266).

"sure of the permanent and unfailing help of its deity" and suggesting that such surety might be understood as the "national providence" of ancient religions (Smith, 1889, p. 256). This language of providence indicates that, in addition to requiring collective consent and shared responsibility, sacrifice also served to confirm the community's belief and confidence in the benevolence of the deity. Eating and drinking at the table of the deity not only organized each individual within collective relations of consent and responsibility but also renewed "by a solemn act of worship that bond which united him to his god".

Moreover, sacrifice did more than merely stimulate the community's confidence in their totem deity; it also had an ethical, or "regulative," effect on the community, binding its members to certain precepts and modes of conduct. In interpreting the camel sacrifice in the *Narratio*, Smith suggested that the Saracens restricted the killing of the camel to times of emergency or special religious rites because it was a "relic" (in the sense of Victorian anthropology as described by Edward Tylor) of an earlier stage in the clan's religious history. The prohibition on killing the camel belonged to a time when the animal was considered a full member of the kinship group and was thus protected by kinship obligations. Smith writes:

> "It is clear that the scruple of Nilus's Saracens about killing the camel was of this restricted kind; for they had no objection to kill and eat game. But the camel they would not kill except under the same circumstances as make it lawful for many savages to kill their totem, i.e. under the pressure of hunger or in connection with exceptional religious rites" (Smith, 1889, p.285).

Smith argued that the prohibition against an individual slaughtering the totem animal implied a complementary prescription—namely, the moral obligation of the entire totem group to protect

each of its members (including the totem animal) according to the law of blood revenge[36]. The only situation that justified a violation of this principle was when "the whole clan shares responsibility for the deed" (Smith, 1889, p. 284). Outside the contexts of sacrifice, emergency, and execution, the community was organized according to a different aspect of collective relationship than that based on contractual collective consent and responsibility. Smith contended that this alternative aspect of collective life lay in the kinship group's obligation to protect one another through the duty of blood revenge.

In his interpretation of the Saracens' camel sacrifice, Smith assumed that the very principle justifying the violation of prohibitions against killing a kinsman—that is, the requirement that the consent of the whole community be given by both God and the worshippers—had its principal counterpart in "blood-fellowship… the one sacred principle of moral obligation" (Smith, 1889, p. 53). Smith writes:

> "The one thing directly expressed in the sacrificial meal is that the god and his worshippers are commensals…Those who sit at meat together are united for all social effects ; those who do not eat together are aliens to one another, without fellowship in religion and without reciprocal social duties. The extent to which this view prevailed…may be brought out most clearly by reference to the law of hospitality. Among the Arabs every stranger whom one meets in the desert is a natural enemy, and has no protection against violence except his own strong hand or the fear that his tribe will avenge him if his blood be spilt. But if I have eaten the smallest morsel of food with a man, I have nothing further to fear from him ; " there is salt between us," and he is

[36] Smith makes the argument from the connection of the emergency situation with the slaughter of a homicide and the later stage of expiation of a clansman by way of a scapegoat victim. For other passages in Smith making the connection between blood revenge, slaughter of a scape-goat victim and punishment for homicide, see (Smith, 1889, pp. 399–401)

bound not only to do me no harm, but to help and defend me as if I were his brother" (Smith, 1889, p.269) .

In this passage, Smith went through particular trouble to spell out what he considered the nature of this duty of perfect obligation belonging to the community of kinsmen in the totem sacrifice (Smith, 1889, pp. 253-4). Rather than focusing solely on the moment of killing, he emphasized the sacrificial meal as the element responsible for creating an ethical obligation among kinship members to protect each other and refrain from causing harm. Eating the sacrificial meal not only defined the extent of the community among kinsmen– since it required a collective act of voluntary consent to enact a sacrifice –thereby differentiating them from "alien" others, but also established reciprocal obligations of conduct within the community. In the moral obligation of blood revenge, Smith here reproduces the ethical dimension of social contract theory – the fact that the collective body, by virtue of voluntary engagement in the contract, has binding collective moral responsibilities to execute. In support of this interpretation, Smith cited the law of hospitality among the Arabs—as documented in contemporary ethnography—where sharing a meal (or "eating each other's salt") obligated the host to protect his guest as if he were his brother.

Although surviving into the modern 19th century, Smith argued that the obligation originated in the sacrificial cult of antiquity. This physical bond of blood-fellowship was "the only social bond which then had absolute and undisputed strength, being enforced by the law of blood revenge" (Smith, 1889, p. 34). Smith further elaborates that the law of hospitality was, in fact, an obligation of blood revenge. A few paragraphs before his citation of the camel sacrifice of the Saracens in Nilus' *Narratio*, Smith discusses the nature of the commensal meal, kinship, and their connection to the obligation of blood revenge:

> "But that circle again corresponds to the circle of kinship, for the practical test of kinship is that the whole kin is answerable for the life of each of its members. By the rules of early society, if I slay my kinsman, whether voluntarily or involuntarily, the act is murder, and is punished by expulsion from the kin; if my kinsman is slain by an outsider I and every other member of my kin are bound to avenge his death by killing the manslayer or some member of his kin. It is obvious that under such a system there can be no inviolable fellowship except between men of the same blood. For the duty of blood revenge is paramount, and every other obligation is dissolved as soon as it comes into conflict with the claims of blood" (Smith, 1889, p. 254).

This passage demonstrates that Smith understood the ethical obligation of kinship within the totem tribe as equivalent to an "eye for an eye" custom of revenge. He extends this point to ancient kinship-based communities:

> "Where the god and his worshippers are of one stock, the principle of sanctity and that of kinship are identical…for ultimately the only thing that is sacred is the common tribal life, or the common blood which is identified with the life" (Smith, 1889, p. 289).

By understanding kinship and the obligations imposed by sanctity as identical, Smith argued that this collective obligation of blood revenge manifested as the "scruple against private slaughter of an animal proper for sacrifice" in the camel sacrifice of the *Narratio*.

Smith interpreted the hesitation to kill the camel as evidence of the regulatory function of early sacrifice, noting that such hesitation could occur only "in a religion based on kinship". He states:

> "The presumption thus created that the regard paid by the Saracens for the life of the camel sprang from the same principle of kinship between men and certain kinds of

> animals which is the prime factor in totemism, would not be worth much if it rested only on an isolated statement about a particular branch of the Arab race. But it is to be observed that the same kind of restriction on the private slaughter of animals must have existed in ancient times among all the Semites. We have found reason to believe that among the early Semites generally no slaughter was legitimate except for sacrifice, and we have also found reason, apart from Nilus's evidence, for believing that all Semitic sacrifice was originally the act of the community. If these two propositions are true, it follows that all the Semites at one time protected the lives of animals proper for sacrifice, and forbade them to be slain except by the act of the clan, that is, except under such circumstances as would justify or excuse the death of a kinsman" (Smith, 1889, p. 286) .

This passage clarifies that both sacrifice and emergencies are exceptional instances in which the killing of a totem member is prescribed. Although not stated explicitly, Smith's statements imply that sacrifice also provided the occasion for forming reciprocal duties that ensured protection. As noted earlier, "those who sit at meat together are united for all social effects; those who do not eat together are aliens to one another, without fellowship in religion and without reciprocal social duties" (Smith, 1889, p. 269). The obligations of blood-fellowship in sacrifice became legitimate claims upon members who participated in the act of ingesting the flesh and blood of the clan victim. Here in Smith's interpretation of the regulative influence of sacrifice as the ethical obligation of blood revenge, the logical structure of a rudimentary social contract becomes visible. In the social contract, the contracting body acquires collective normative responsibilities binding through its entrance into the contract. The occasion of sacrifice – itself representative of an act of voluntary collective consent establishing one's identity as a kinsmen – also produces the ethical fellowship in which the community of commensals must assume mutual obligations

of blood revenge and protection. The kinsmen are thereby *bound* to the normative responsibility of protection, unless a collective act of voluntary consent overrides this collective responsibility. In this regard, the community becomes an ethical community by virtue of a collective duty to protect and avenge its members. As will be emphasized below, Smith viewed his perspective on the practical or regulative dimension of ethical religion as confirmed by the law of conduct that the fellowship required its members to perform.

Moreover, Smith's conception of blood-revenge in the act of sacrifice also embedded Ritschl's idea of co-opting of dissident religious communities through the expansion of the ethical community in the Union Church of Prussia – a religio-political logic of incorporation instancing political motif of transnational expansion of German liberal discourse. In his conceptualization of the regulative influence of sacrifice on the formation of the ethical community, Smith embedded the motif of transnational expansion in the possibility that the act of eating together during a sacrifice could enable the community to expand beyond its own nation, as it "renewed the bond of family, social, and national obligation" (Smith, 1889, p. 264). He asks:

> "What is the ultimate nature of the fellowship which is constituted or declared when men eat and drink together ?Now in the most primitive society there is only one kind of fellowship which is absolute and inviolable. To the primitive man all other men fall under two classes, those to whom his life is sacred and those to whom it is not sacred. The former are his fellows ; the latter are strangers and potential foemen, with whom it is absurd to think of forming any inviolable tie unless they are first brought into the circle within which each man's life is sacred to all his comrades" (Smith, 1889, p. 272).

In this passage, Smith not only defines the boundaries of the ethical community through the act of sharing food but also asserts that one cannot join the ethical community "unless they are first brought into the circle within which each man's life is sacred to all his comrades." Later, Smith suggested that the act of eating the sacrifice could extend kinship to outsiders, noting, "when any member of a clan receives an outsider through the bond of salt, the whole clan is bound by his act and must, while the engagement lasts, receive the stranger as one of themselves"[37].

In this way, Smith argued that the evolutionarily later "covenant" sacrifice originates in the regulative influence of sacrifice on the kin group through incorporating other non-kin members into its natural community. Regarding the rite of adopting a stranger by drinking of the clan blood, as described by Herodotus, Smith further writes:

> "The rite described by Herodotus has for its object the admission of an individual stranger to fellowship with an Arab clansman and his kin; the compact is primarily between two individuals, but the obligation contracted by the single clansman is binding on all his " friends," i.e. on the other members of the kin. The reason why it is so binding is that he who has drunk a clansman's blood is no longer a stranger but a brother, and included in the mystic circle of those who have a share in the life-blood that is common to all the clan" (Smith, 1889, p. 315).

Smith noted that Herodotus' testimony—described at the individual level—reflects the collective purpose of a covenant sacrifice, writing that "the covenants made by sacrifice are generally, if

[37] In his treatise on *Kinship in Early Arabia* (1884), Smith connects the same act of sacrifice as a primitive institution during the times of polyandry, where fathers could "know" their sons by the fact that they have eaten their meals. Cf. (1884, p. 179): "Before it was an understood thing that all sons are of the fathers stock, or rather of the stock of their mother's husbands, there must have been a transition period in which individual fathers or polyandrous groups arranged to have their children to themselves and to make them of their own stock by a definite rite, just as a foreigner could be grafted into the stock by a covenant of blood -brotherhood. From the analogy of other races, and indeed from the nature of the case, we may conclude that a necessary feature of such a rite would be consecration to the stock-god".

not always, compacts between whole kins, so that here sacrifice was appropriate" (Smith, 1889, p. 315). Recalling that the regulative act of sacrifice "renewed the bond of family, social, and national obligation", Smith thus saw sacrifice as a means by which the natural kinship group could expand beyond its *natural* community – defined by the members of the kinship group whose consent can permit a sacrifice – through the *national* incorporation of entire outside communities into the obligations incumbent upon eating the sacrificial meal. Although Smith obviously does not use this term in his description of such communities, such a logic of national incorporation reflects a *transnational* logic: the natural community of a single nation expands *beyond* its natural borders to incorporate other national communities into its kinship network. Moreover, this transnational logic is defined precisely by the obligation of blood-revenge – the norm that constitutes the responsibilities incumbent upon those who have entered the social contract.

Although he does not express the zeal of transnational expansion in his reconstruction, Smith clearly saw the regulative practices of sacrifice in the totem group as the origin of the role of expanding the natural community both individually and nationally through the initiation of alien clans into the contractual dimensions of sacrifice. Smith writes:

> "I apprehend, therefore, that the use of blood drawn from a living man for the initiation of an individual into new *sacra*, and the use of the blood of a victim for the similar initiation of a whole clan, must both rest in the last resort on practices that were originally observed within the bosom of a single kin" (Smith, 1889, p. 318).

In embedding this idea of initiation within the obligation of blood revenge, Smith here reflects the logic of Ritschl's ethical program calling for the moral duty to expand the nation-state through the collective praxis of the Prussian Union Church in co-opting other denominations into

its religio-political confession. Here the initiation of whole communities of clansmen into the national group and its sacrificial rites (*sacra*) parallels the motif of the Union Church of Prussia's co-opting of dissident confessions into its constitutional confessionalism of the Union Church. Both conceptions employed the underlying structures of a basic social contract in articulating the logic of collective obligation and used this obligation as a definition of the expanded ethical community. The obligation of blood revenge consists in an obligation to protect the community which contracting parties are bound by virtue of ingestion of the sacrificial meal. This parallels the obligation of the Protestant ethical community to "love thy neighbor" to which the religious community becomes bound by virtue of their profession of faith. Moreover, just as Smith used this conception as a mechanism by which the natural kinship group incorporated whole other clan communities into "the new sacra", similarly Ritschl's obligation of "love thy neighbor" served to obligate the Protestant ethical community to incorporate dissenting confessions into Union Church of Prussia as a religio-political vehicle for transnational expansion of the Prussian-led German nation-state.

However, Smith's conception of the obligation of blood-revenge clearly does not express the religio-political missionary zeal of Ritschl's triumphalist Protestantism or, in its political guise, the liberal discourse of 19th century German transnationalism. This seems only natural given that Smith, following common Christian tropes also expressed by Ritschl, viewed Christianity as the proper missionary vehicle for a non-ethnic, universal spiritual religion, as opposed to the exclusively ethnic and therefore less universal Semitic religions. Historiographically speaking, Smith was obligated to confine the role of sacrifice as a mechanism of national expansion of the kinship group to fit the historical narrative of the scholarly consensus about the religions of antiquity. The tenor of his general statements on this

topic tend to downsize the role of such expansion, viewing it as a later development of an originary kinship group or "race" without external influence. This view is consistent with general 19th-century ideas about the uniformity of linguistic groups and ethnicity. Unlike Ritschl, who believed in the need for an expanding community through common praxis to unite the Union Church, Smith did not see the zeal of transnational expansion as necessary for ancient Semitic communities: rather he tended to emphasize their ethnic isolationism. He thus deemphasized the expansionist role of the regulative aspect of sacrifice, actively downplaying the motifs of transnationalism which he embedded in his communal theory of sacrifice.

§4
Conclusion

Despite variations in the expression of their intellectual relationship, Smith's view that sacrificial religion influences the moral life of the community only when both the stimulative and regulative impacts of sacrifice are considered together clearly reflects his indebtedness to Ritschl's conception of the religious and ethical community. As Ritschl himself states:

> "But it must also be observed that we are not to base theology proper on the idea of redemption, and ethics upon the idea of the Kingdom of God. On the contrary, so far as theology falls into these two sections, each must be kept under the constitutive influence of both ideas" (Ritschl, 1872, pp. 14–15).

This reconciliation of dogma and ethics in the Protestant conception of the community lies at the heart of Smith's interpretation of communal sacrifice in his writings on Semitic antiquity. Viewed in this light, the distinction between the stimulative and regulative aspects of sacrifice aligns not only with Ritschl's differentiation between "the perfectly religious and ethical aspects of religion" in his conception of Protestant community but also with the idea of the German nation-state as both a monarchical form of democratic social contract and as ethically unified

through a praxis of expansion beyond its borders in promoting its newly acquired national identity. By adapting Ritschl's framework of the Christian community to his theorization of sacrifice, Smith not only shifted the intellectual discourse of sacrifice from divine command theory to a conception of the social contract but also unintentionally reproduced the mythopoetic narrative of transnational German nation-state characteristic of the 19th-century German *Bürgertum* in his vision of sacrificial institutions in antiquity.

Chapter 3

The Structural Theory of Sacrifice in Essay on the Nature and Function of Sacrifice (1899) : A Mechanism of French Transnational Expansion?

Part I: Marcel Mauss, Descriptive Sociology and the Transnational French Republic

§0 The "Effective" and "Ethical" Discourse of French Transnationalism

In the next two chapters, I examine the transnational context and intellectual genealogy of Marcel Mauss (1872–1950) and Henri Hubert's (1872–1927) theory of sacrifice, as articulated in their *Essay on the Nature and Function of Sacrifice* (1899). While the intellectual genealogy of the structural theory of sacrifice is the subject of the subsequent chapter, this chapter focuses on the historical backdrop of Mauss's involvement in French colonial projects in Indochina and Africa, arguing that their theorization of sacrifice overlaps with the 19th-century discourse of assimilation as a civilizing policy. I show that Mauss and Hubert rhetorically embed the idea of sacrifice within this discourse, suggesting that ritual knowledge from colonized societies—when reframed through sociological theory—could serve as an "effective" and "ethical" method for governing colonial subjects. Moreover, I suggest that Mauss and Hubert's deliberate participation in transnational discourses of French expansion justify an intertextual and discursive approach to their work, which I develop further in interpreting the relevance of the intellectual genealogy in the next chapter.

I introduce the arguments of this chapter in the following order. First, by focusing on the historical context of over half a century of French liberal discourse on transnationalism, I pinpoint the policy of assimilation—achieved through the gradual modification of the societal structures of dependent colonies—as the discursive motif of an ethical "third option" of French

liberal transnational expansion, a policy that persisted from mid-century until Jules Ferry's (1832-1893) renowned address on the civilizing mission. Although these policies of assimilation led to material effects for French imperialism throughout the 19th century, the scope of my discussion highlights their *discursive effect* as persisting articulations of the civilizing mission in French transnational discourse. I thus understand these discursive expressions as symbolic mechanisms by which the public discourse represented plans of assimilation for projected efforts at transnational consolidation, rather than asserting their actual and material transformations in the dependent colonies.

The broader historical context is followed by a biographical argument. Drawing attention to certain of Mauss' letters to Hubert mentioning his doings during the years contemporaneous to the composition of the *Essay,* I will argue that during his research stay in Leiden, Marcel Mauss had learned about the mutual advantages of a rapprochement between experts of non-European religions and transnational nation-state from the example of George Alexander Wilken (1847-1891), a civil servant of the Dutch East-Indies for over 17 years. This relationship is supported by Mauss' own written testimony of the impact this former Dutch civil servant and ethnologist had upon him. In his capacity as professor of geography and ethnology, Wilken had not only trained civil servants in the native knowledge of Holland's dependent colonies to better administer them, but he had also spent the remainder of his years compiling an unfinished manual to serve as a standard training resource for civil servants in the ethnology of the West Indies. This previous intellectual encounter provides the intertextual context of Mauss and Hubert's composition of an ethnographical questionnaire (1901-1902) less than two years after the composition of the *Essay*.

Then, I analyze Mauss and Hubert's ethnological questionnaire (1901–1902), composed by Mauss for the *École française d'Extrême-Orient* (EFEO)'s first meeting in Hanoi, French Indochina (modern day Vietnam). The questionnaire was intended as a guide for "all those who are not professional ethnographers" to improve the colonial administration of Indochina (Bert, 2011a, p. 149). I demonstrate that Mauss and Hubert rhetorically argued that the theorization of sacrifice and ritual benefited the French Third Republic, embedding the concept of sacrifice within the French transnational discourse of assimilatory policies. Specifically, Mauss clearly maintained in this questionnaire that sociological knowledge of sacrifice could assist civil servants and colonial administrators in gradually modifying ritual societies of Indochina to achieve a more effective and humane colonial administration.

Finally, I conclude by connecting Mauss and Hubert's assertions about the benefits of sociological knowledge for transnational policies in Indochina to the broader historical context of French transnationalism—a discourse that emerged in the mid-19th century and culminated in Jules Ferry's mandate to civilize non-Europeans in order to exploit their labor and markets. While there is evidence that the questionnaire had a real material impact in leading ethnological investigations in Indochina such as were collected in the publications Commander Lunet de Lajonquière's (1861-1933) *Ethnography of Northern Tonkin* (1906) meant for the public distribution or his much more extensive military report *Ethnography of the Military Territories* (1903)[38], instead of focusing on its material impact in the consolidation of French imperialism, I foreground the questionnaire's discursive, symbolic, and representational capacity to affect

[38] For the details of these reports and the material impact of Mauss' ethnological questionnaire in colonial policy in Indochina, see Michaud's (2013) archival work in the history of French ethnography of Vietnam.

transnational imaginaries of French discourse through transmitting and sustaining Third Republic ideologies in the scientific construction of emic practices of dependent colonies.

These historical arguments provide an intertextual hermeneutic for understanding the intellectual genealogy of Mauss and Hubert's structural theory of sacrifice, which I explore further in the next chapter. There, I argue that Mauss and Hubert's structural theory reinterprets the emic Mīmāṃsā theory of ceremonial action through the sociological categories of the sacred and the profane. This reinterpretation operates on both scientific and discursively representational registers: it contributes to a discourse of sociological truth while simultaneously embedding sacrificial logic in the ideological formation of transnational authority.

Rather than attributing this alignment solely to colonial intent, I interpret their theory as a rhetorically structured discourse –one that engages ambiguously with transnational discourse, in a way that emerges through intertextual evidence rather than deliberate statements of intent– that negotiates both scientific and geopolitical rationales. Sacrifice thus becomes a representational strategy within the rhetoric of French transnationalism, transforming emic ritual knowledge into a strategic mechanism for reconfiguring colonial social structures. Together, these chapters shift the analytical focus from how the nation-state reproduced its mythopoetic narrative within theories of sacrifice to how the idea of sacrifice itself became a rhetorical vehicle for consolidating imperial power in the discourses of the French Third Republic.

§1
Scholarly Review

The specific arguments of this chapter emerge from a dialogue I facilitate between historical studies of French imperialism and the intellectual history of Durkheim and his school of sociology.

Although numerous studies have examined 19th-century French imperialism, my arguments align with the historiographical and methodological approaches of scholars such as Manchuelle (1988), Frith (2014), and Todd (2015), who have traced the continuity of motifs in French imperial discourse from the early 19th century to the period of formal imperialism in "Greater France" following the turn of the century. My historical contribution lies in identifying a strand of liberal discourse—from the mid-19th century to the early 20th century—that advocated transnational expansion through an ethical "third option"[39]. This option involved investigating and assimilating the societal structures of dependent colonies to prepare for labor extraction and market expansion during the Second and Third Republics. Notably, I demonstrate how this liberal transnational discourse gradually bridged the gap between political and academic institutions through the case study of Marcel Mauss and his advocacy for a state-funded department of descriptive sociology, a proposal that ultimately succeeded with the establishment of the Institute of Ethnology in 1930.

In showing how the historical context of French imperialism informed the arguments and practices of Mauss and Hubert's advocacy, I contribute to broader intellectual scholarship on their colonial documents. In this way, I argue that the motifs of French imperialism—which framed the transnational nation-state as a center of commercial, maritime, and cultural power over both European and non-European societies—are the same motifs that Mauss and Hubert employed in their support for state-funded descriptive sociology.

§2
The Ethical "Third Option" of Fusion of Races and the *Mission Civilisatrice* in the French 19th Century

[39] Following the political economist Leroy-Beaulieu's designation of policies of assimilation in his *On the History of Colonization among Modern Nations* (1882).

In asserting that knowledge of sacrifice was essential for administering its colonies, Mauss and Hubert invoked themes from French transnational nationalism—particularly those implicit in Jules Ferry's advocacy for both commercial expansion and a civilizing mission. In this section, I demonstrate that French liberal transnational nationalism historically combined market expansion, ethical assimilation policies, and the critique of indigenous social structures into a unified framework for colonial conquest. By arguing that the Third Republic had a duty to govern its dependents through assimilation policies informed by contemporary theories of social structure (especially the role of sacrifice), Mauss and Hubert embedded the theorization of sacrifice into French transnational discourse. This integration reinforced assimilation policies designed to consolidate transnational labor and trade for the Republic, showing that the theory of sacrifice in the *Essay on the Nature and Function of Sacrifice* (1899) was a product of both contemporary and earlier transnational discourses that preceded Ferry's explicit call for a civilizing mission.

Some of the formative liberal discourses on transnational policy in France date back to the period between the military conquest of Algiers in 1830 and its incorporation as a civil department in 1848 (Aldrich, 1996, pp. 25, 215). Alexis de Tocqueville (1805-59), who observed Algerian events closely and advised the French ministry on key administrative policies, was among the first to articulate a policy of cohabitation between French immigrant colonists and indigenous Algerians through a program of gradual assimilation built upon existing laws and social structures. In his second letter on Algiers (1837), he outlines the only ethical policy[40] France could take towards its new possessions:

[40] Of course, this was not the only historical or even discursive option. There also existed treatises arguing the complete withdrawal from Algiers on grounds of the principles of autonomy in the French Revolution.

> "In Algeria as elsewhere, the great task of a new government is not to create what does not exist at all, but to use what does exist. The Arabs lived in tribes 2,000 years ago in Yemen; they traversed all Africa and invaded Spain in tribes; they still live in the same manner to this day. Tribal organization, the most tenacious of all human institutions, cannot, therefore, be taken from them for a long time hence without overturning all their sentiments and ideas…It is not only useful to draw upon the Arabs' political customs, but necessary to modify the rules of their civil law only gradually" (Tocqueville, 2001, p. 28 [1837]).

In this letter written a decade before a similar policy was implemented by the Second French Republic, Tocqueville outlined three key motifs of what I designate as a liberal strand of "ethical colonialism". First, he argued that peaceful cohabitation between the French and Algerians required the gradual modification—not the destruction—of indigenous political structures. Second, he identified Algerian tribal organization as a major obstacle to cohabitation. Finally, he described a method for gradually assimilating these tribal structures by drawing on Arab political customs to progressively modify their rules. Tocqueville's approach endorsed using knowledge of a society's beliefs, morals, and habits to modify it progressively from "within", thereby rendering it more amenable to French governance.

In his *Description of the Division and Organization of Algeria* (1848), Warnier Auguste echoed Tocqueville's motifs by outlining the ethical means for establishing private property among indigenous Algerians in French colonies:

> To colonize is to found villages, farms, populated by farmers who first feed themselves, then produce the food needed by the inhabitants of the cities, and finally provide trade with means of exchange…In a word, to colonize is on the one hand to conserve, protect,

> respect what exists, and at the same time to create what does not exist…The greatest obstacle that France encountered in Algeria in establishing its domination over the inhabitants and taking possession of the land by colonization (everyone is of this opinion), consists less in the difference of life, language, customs and religion, than in the nomadic state of the greater part of the population. The first effort to be made was therefore to stabilize the nomads; the first thing to avoid was to transform the sedentary into nomads (Warnier, 1846, p. 18).

Auguste's vision of ethical transnational colonization emphasized an assimilation policy that both preserved existing social structures and introduced necessary modifications. He identified the absence of private property—and the prevalence of communal, nomadic systems—as key impediments to effective French administration. According to Auguste, the initial means of control was to "stabilize" the indigenous social structure from within, thereby paving the way for the eventual establishment of property rights that would facilitate French colonial governance.

This policy of gradual assimilation in Algiers laid the groundwork for later French transnational discourse, culminating in the formal imperialism of Jules Ferry's Third Republic. In *On the History of Colonization among Modern Nations* (1882), political economist Paul Leroy-Beaulieu (1843-1916) argued that commercial success in new non-European markets depended on what he termed "the second option: the fusion of the indigenous element with the European element." He described this fusion as the only practical and definitive solution for French transnational administration in Algiers. Like Tocqueville and Auguste, Leroy-Beaulieu identified Algerian tribal organization as the primary obstacle to such a fusion and proposed nurturing existing forms of private appropriation within Algerian society rather than eliminating them entirely:

> "This organization of the tribe, this collective property—which is the source of so many evils and apathy, and an obstacle to bringing the two races closer together and to the progress of colonization—how can we make it disappear? It remains to establish private property, and that is an even more difficult step, one that can only be undertaken with great caution. However, it is not impossible"Among the Arabs," says Mr. Jules Duval, "the character of collective property predominates, along with the capacity and numerous examples of private appropriation. The difference between them and the Europeans lies in the proportion of the two modes of enjoyment; with us, private property is the norm and collective property the exception, while among them it is the reverse. It is simply a matter of introducing [this new mode], which makes the change easier; it is only a question of the gradual development of a mode of culture and enjoyment that is already known, but which does not predominate…It takes only a little method and a sense of continuity to complete the establishment of private property among the indigenous people within a span of twenty years" (Leroy-Beaulieu, 1874, pp. 95–96).

In this passage, Leroy-Beaulieu describes the practical steps necessary to create a fusion of "the two races" in colonial Algiers. Identifying the tribal structure and its system of communal property as the primary obstacle, he proposed not creating private property *ex nihilo* but rather nurturing its gradual emergence "from within" an already existing form of private appropriation in Algerian society. Unlike Tocqueville and Auguste, Leroy-Beaulieu relied on the scientific authority of an eminent Algiers field expert, Jules Duval (1813–1870)—the author of several treatises[41] on transnational expansion and Algerian society—to substantiate his assimilation

[41] These are a few of Jules Duval's known works: *L'Algérie: Tableau historique, descriptif et statistique* (1859), a historical, descriptive, and statistical overview of Algeria; *Histoire de l'émigration européenne, asiatique et africaine au XIXe siècle* (1862), a comprehensive study of European, Asian, and African

policy. Duval's insights into private acquisition in Algerian society informed his proposal to gradually introduce private property so that it would ultimately predominate as a cultural and economic norm comparable to the European model. This example clearly demonstrates that transnational discourse sought to control colonial acquisitions through a policy of assimilation that acted "from within" by modifying indigenous social structures using local knowledge systems adapted to the needs of French transnational administration.

Leroy-Beaulieu argued that the practical outcome of gradual assimilation in dependent societies was the creation of uniform economic, social, and legal conditions essential for civilization to flourish and for labor extraction to thrive:

> "When we speak of the fusion of the indigenous element with the European element, we do not mean a complete absorption of the former into the latter, to the extent that no differences would remain in customs and habits, whether external or intimate. We merely refer to a state of affairs in which the two populations of different origins would be placed under the same economic and social system, subject to the same general laws, and driven by the same productive impetus. Naturally, distinctions in beliefs and customs would remain for a long time, perhaps indefinitely. However, from an economic, political, and social perspective, there would be an identity of interests and conditions. Ultimately, this is the only harmony essential for peace, prosperity, and civilization" (Leroy-Beaulieu, 1874, pp. 95–96).

emigration patterns in the 19th century; and *Les colonies et la politique coloniale de la France* (1864), an analysis of French colonies and colonial policy, reflecting on France's expansionist strategies.

In this passage, Leroy-Beaulieu demonstrates the connection between the transnational motif of colonial cohabitation and early French discourses of the civilizing mission. He clarifies that the objective of cohabitation was not the complete absorption of indigenous customs into European norms but the establishment of uniform economic, social, and legal conditions for both populations. This approach would create new markets for labor and trade—the primary rationale for French transnational expansion. Importantly, the gradual assimilation of dependent populations—by modifying their beliefs, morals, and habits "from within"—served to bridge the gap between the liberal discourse advocating market expansion and the civilizing mission. According to Leroy-Beaulieu, transnational commercial interests and broader civilizational goals depended crucially on the scientific investigation and gradual transformation of indigenous knowledge and social structures.

Scholars generally agree that Leroy-Beaulieu's arguments in *On the History of Colonization among Modern Nations* (1882) decisively influenced Jules Ferry's articulation of transnational nationalism in the Third Republic (Todd, 2015; Frith, 2014; Manchuelle, 1988). In his famous 1884 address to the Chamber of Deputies, Ferry cited both France's need for transnational markets and its duty to civilize non-Europeans as justifications for his policy[42] (Ferry, 1893, pp. 199–201, 210–211, 215–218). When removed from the context of French transnational nationalism, however, Ferry's dual call to open markets and civilize non-European societies may appear arbitrary. Some scholars (Daughton, 2006) plausibly suggest that Ferry's call to civilize was a secular mission continuing the Christian mission of evangelization—a duty

[42] In his 1884 address to the French Chamber of Deputies, Jules Ferry would echo Beaulieu's arguments by his insistence of opening new markets and creation of defensive ports of the French navy in order to defend the image of France as one of the great civilizations of Europe and thereby be truly eligible of a duty to civilize the non-European world.

to bring civilization to non-European dependents—while being partly independent of the liberal secular discourse emphasizing France's need for transnational markets.

Ferry's treatise *Indochina and the Mother-Land: Testimonies and Documents* (1890) provides direct evidence that, like Leroy-Beaulieu, he envisioned a policy of gradual assimilation to facilitate commercial expansion through the civilizing mission. Discussing Paul Bert and Gustave Dumoutier's public education policies in Tonkin, Ferry noted that these administrators operated on two basic principles: education was "one of the strongest instruments of colonization," and "among stationary peoples like those of Asia, our purpose should be to develop existing civilization, not to change its type of social structure" (Ferry, 1890, p. 201). Based on these principles, Bert and Dumoutier's policy of assimilation aimed to modify pre-existing social tendencies among the Tonkinese:

> "The Tonkinese do not differ significantly from the Chinese... At their core, they have nearly the same mindset and the same civilization. Now, the foundation of society in China is education. It is solely through education that honors and public offices are attained; only scholars hold power. Paul Bert's idea was to take advantage of these social practices and, so to speak, channel (Fr. *canaliser*) them to our benefit, like the construction of a canal, while carefully avoiding any attempt to impose our civilization on the Tonkinese, as it is so unlike their own" (Ferry, 1890, p. 202).

In light of Ferry's transnational address to the Chamber of Deputies, this passage demonstrates that Leroy-Beaulieu's policy of gradual assimilation of the beliefs and social structures of dependent colonies bridged the gap between Ferry's call for transnational markets and the duty to civilize. Unlike the nomadic social structure of Algerian populations, the sedentary structure

of the Tonkinese was to be developed rather than transformed. By avoiding direct imposition, Bert and Dumoutier promoted a policy of gradual assimilation that leveraged the existing role of education in Tonkin—a role reminiscent of the "foundation of Chinese civilization"—to support the administrative rule of the French Third Republic. Ferry's use of the term "to create a canal" (French: *canaliser*) vividly illustrates how modifying a society with adapted versions of its own norms parallels the construction of a canal by manipulating preexisting water reservoirs and territorial elevation. This metaphor underscores the intimate connection between commercial expansion and the civilizing mission, particularly as Ferry initiated plans to construct the Panama Canal in the same year, rivaling Great Britain's Suez Canal and its monopoly on transnational trade.

Across the liberal transnational discourse discussed above, the relationship between imperialism and the nation-state is framed not only in economic terms—highlighting the benefits of colonial markets and free trade—but also through assertions of cultural supremacy. This cultural dimension, which emphasizes understanding dependent colonies' social structures to adapt them to French market and labor requirements, provided the framework for developing assimilation policies. These policies eventually evolved into the civilizing mission central to Jules Ferry's expansion strategy, which served to consolidate transnational labor and trade for the Republic. Together, these arguments reinforce the broader framework of French transnational nationalism, in which economic and cultural imperatives jointly legitimize assimilation policies and the civilizing mission.

§3
Tying the "Knot" of Sacrifice amid the Circle of Colonial Agents

It was not until 1900—a full year after the publication of the *Essay on the Nature and Function of Sacrifice*—that Mauss and Hubert began advocating for the advantages of sociology

in the administration of French colonies to organizations such as the EFEO and *Comité France-Afrique*[43]. This section argues that their quest to "tie the knot of sacrifice" by developing a new structural theory of sacrifice was more than just a theoretical exercise of science. It also emerged simultaneously as an intertextually evidenced effort to equip French transnational discourse with a tool for more effective colonial administration. Between 1885 and 1889, Mauss and Hubert were already familiar with the networks of individuals and authors who would later be responsible for administering colonies in French Indochina and Africa. Moreover, during his 1898 stay in Leiden, Mauss became deeply interested in the writings of George Alexander Wilken (1847–1891), a Dutch civil servant in the East Indies and Professor of Ethnology at Leiden. In the 1901-02 questionnaire, as we will see in the next section, Mauss cited Wilken's professorial chair of the Dutch West Indies as an instructive example in his rhetorical argument, noting that "the studies of descriptive sociology, sufficiently in depth, are the best and the only guide for these artisans of new societies who are the colonizers and the administrators of colonies" (Bert, 2011a, p. 149). I argue that Wilken's advocacy for teaching ethnology and comparative jurisprudence to Dutch civil servants for just colonial administration introduced Mauss and Hubert, at the time of writing the *Essay on the Nature and Function of Sacrifice*, to the programmatic idea that the theorization of sacrifice could serve a transnational advisory role for French colonial governance in Indochina and Africa. Although the composition of the *Essay* cannot be attributed solely to colonial intent, their deliberate engagement with contemporary French transnational discourse in the ethnological questionnaire (1901-1902) suggests that the *Essay* counts equally as a discursive expression of 19th century French geopolitics.

[43] The *Comité France-Afrique* was a French organization that promoted political, economic, and cultural ties between France and its African colonies, particularly during the early 20th century and decolonization. In 1905-6, the organization had asked Mauss to prepare an ethnographical questionnaire for the survey of West Africa, to which Mauss had dedicated a seminar in 1906 and 1907 at the EFEO.

Even before the publication of the *Essay on the Nature and Function of Sacrifice*, Mauss and Hubert recognized the ambiguous role of specialists in non-European studies as both scientists and potential advisors in the practical policies of transnational expansion under the Third Republic. In an 1898 letter to Hubert, Mauss commented on an account of the history of oriental studies[44] in France:

> "This story of Liard's [?] orientalism is laudable. Unfortunately I believe that it must be linked to the Colonial Studies that they are going to plant in the universities to accommodate Chailley-Bert and not at all to scientific concerns, and, as for me, they had offered me Cambodia for a long time" (Hubert & Mauss, 2021, p. 49).

By joking that he and Joseph Chailley-Bert—one of the leading voices of French transnationalism in the 1890s and editor of *La Quinzaine Coloniale*[45]—could be colleagues, Mauss highlighted the ambiguous role of experts in non-European area studies, a reality he and Hubert experienced firsthand in academic circles. A year earlier, the Ministry of Public Instruction had commissioned Sylvain Levi (1863-1935), a professor of Sanskrit and instructor to Mauss and Hubert since 1895, to undertake a mission to India and Japan. During this mission, Levi met with Paul Doumer (1857-1932), the Director General of Indochina, and persuaded him of the national utility of establishing a permanent archaeological mission in Indochina, similar to

[44] I have been unable to locate the essay of Mauss' comment. One possibility is Louis Liard (1846–1918), an author known for his works on French higher education and his connection to the Durkheim circle; however, he does not appear to have written an essay on the history of Oriental studies. I do not have access to the manuscripts of the letters. Notably, in the same year, Sylvain Lévi recommended James Darmesteter's *Essais orientaux* (1883) to Paul Doumer during his mission to Indochina—raising the possibility that Darmesteter might be the author Mauss referred to.

[45] Chailley-Bert's bi-monthly articles outlined the following goals: to secure development, prosperity, and the defense of agriculture, commerce, and industry in the colonies; to unite organizations with common interests; and to identify, evaluate, and publicize the economic or legislative measures needed by public authorities. For more on Chailley-Bert's role in colonial lobbying in France, see Persell (1974)

the French institutes in Athens and Rome (Goloubew, 1935, p. 554). By December 1898, Doumer had established what would later become the EFEO and appointed Louis Finot (1864–1934) as its first director (Goloubew, 1935, p. 554). Finot, who had taught Sanskrit to both Mauss and Hubert in 1896, later requested in 1900 that they develop a manual to train administrators of Indochina in field-ethnography (Bert, 2011a, p. 143; Michaud, 2013, pp. 11–12). Mauss and Hubert's humorous remark about "taking" Cambodia reflects the possibility of academic oversight in non-European colonies.[46].

Evidence of a growing academic interest in the oversight of transnational colonies is reflected in Mauss's intensive research during his time in Leiden in 1898. There, he focused on the religious writings and scholarly role of George Alexander Wilken (1847–1891), who had served as a civil servant in the Dutch East Indies for 17 years and was appointed Professor of Geography and Ethnology at Leiden in 1885 (Johannes de Goeje, 1892, p. 186). As a professor, Wilken prioritized training future civil servants to utilize colonial knowledge for effective administration. As several biographers note regarding his appointment:

> "When he took up his position on 16 September, he pointed out to the students who were preparing for the Indian service the imperative necessity for the civil servant to know the concepts, customs and habits of the natives, in order to be able to practice justice and govern with policy" (Johannes de Goeje, 1892, p. 207).

One of Wilken's first actions was to compile a manual containing essential information about the Dutch East Indies for civil servants. In writing this pedagogical manual, he insisted it provide the

[46]In the circle of academics on French colonial missions, one should also mention Isidore Levy, also discussed in Mauss and Hubert's letters (Hubert & Mauss, 2021, Letter 2: 1897–98). That year, Levy was assigned by the Ministry of Education to conduct research at the French School in Cairo—an institution established by Jules Ferry and modeled on the classical language schools of Athens and Rome.

necessary knowledge for future practitioners. The significance of Wilken's *Manual for the Comparative Ethnology of the West Indies*[47]—an unfinished collection of lecture notes published posthumously in 1893—lies in its deliberate attempt to bridge specialists in non-European religions and colonial administrators so that the latter could use the former's findings "in order to practice justice and govern with policy" (Johannes de Goeje, 1892, p. 207). This rapprochement between academia and colonial bureaucracy became formalized in Holland's ethical colonial policy from 1901 onward (Bert, 2011a; Bertrand, 2006).

In his questionnaire of ethnographic methods for Indochina (1901-1902) in Hanoi, Mauss cited Wilken as a figure who was instrumental in persuading the Dutch government of the advantages of sociology for colonial administration. In his opening address as chair of ethnography at Leiden, Wilken provided a concrete example of applying ethnography to jurisprudence by citing how the matriarchal lineages of non-European societies explained the origin of Roman civil-kinship law (Lat. *agnatio*):

> "Everywhere one meets, connected with *agnatio*, ideas and customs which, being completely foreign to the essence and character of that institution, cannot be explained otherwise than by assuming that they have survived from earlier centuries, when the family was still exclusively regulated according to descent in the female line" (Wilken, 1885, p. 95).

By comparing Malaysian kinship customs to Roman law, Wilken demonstrated the mutual relevance of these subjects, and by extension, the importance of ethnography for East Indies jurisprudence. Similarly, in his essay "A New Theory Concerning the Origin of Sacrifices" (1891) —which Mauss and Hubert read[48] before writing the *Essay on the Nature and Function of*

[47] Dutch title: *Handleiding voor de vergelijkende volkenkunde van Nederlandsch-Indië* (1893)
[48] Evidence is mentioned in their Correspondence of 1887

Sacrifice—Wilken argued against William Robertson Smith, contending that sacrifices in Malaysian society functioned as negative legislation that symbolically represented the prohibition of oath-breaking by visualizing the fate of the offender through an animal[49]. In interpreting sacrifice in juridical terms, Wilken suggested that knowledge of sacrifice would be essential for negotiating contracts and oaths—a foundational element of colonial jurisprudence.

It can be argued that Wilken's research comparing Malaysian religion and comparative law provided Mauss with a precise example of how knowledge of the religious customs of dependent colonies could serve colonial administration. Indirect evidence for this claim appears in Mauss's *Religion and the Origin of Penal Law* (1898), published one year before the *Essay on the Nature and Function of Sacrifice*. Arguing that the Malaysian religious taboo was functionally analogous to the Roman legal institution of *sacer*, Mauss linked "this religious legislation" to French public law. He concludes:

> "The evolution of criminal law appears, from the point of view we have just taken, as absolutely continuous. From the legislation of taboo to our codes, the march of progress has been uninterrupted and has consisted in passing from religious and instinctive origins to the rational and social ideal towards which our justice tends" (M. (1872-1950) A. du texte Mauss, 1897, pp. 54–55).

[49] In responding to Smith's theory of sacrifice, Wilken explains: "When in earlier times, thus writes Mr. Van Hasselt of the Malays of Sumatra, two or more *negarien* [village states] concluded a covenant, this was confirmed with an oath, which ceremony was accompanied by the slaughtering of a buffalo, the meat of which would serve for a communal feast. One is actually doing here what one usually does when taking any oath. It is well known that one is accustomed to utter a curse and to represent it symbolically by one or other action. Not infrequently this consists in killing an animal, as a symbolization of the fate that one invokes upon oneself in the event of perjury." Wilken further supports his analysis by a reference to his treatise *On Criminal Law among the Peoples of the Malay Race* (Dutch:*Het Strafrecht bij de Volken van het Maleische Ras,* 1883)

Mauss's argument here echoes Wilken's opening address in several ways. First, Mauss compares non-European knowledge of taboo to a segment of Roman legal institutions (Lat. *sacer*), suggesting that Malaysian taboo functions as a form of customary law. Second, he contends that the religious institutions of non-European peoples are pertinent to French public law and to "the social ideal towards which our justice tends". Importantly, Mauss defended the relevance of non-European religio-legal institutions such as taboo on an evolutionary basis akin to Social Darwinism, as Wilken had argued. Although Hubert and Mauss abandoned historicist evolutionary definitions of sacrifice in their 1899 *Essay on the Nature and Function of Sacrifice* in favor of a structural definition, the concept of legal prohibitions and commands remained a fundamental assumption in their theorization of sacrifice and later studies on ritual prohibitions in Indochina.

Finally, the fact that Mauss composed a sociological questionnaire for French Indochina in 1901-2 suggests that he and Hubert had followed Wilken's example by incorporating a legal interpretation of non-European religious institutions like sacrifice into the broader political program that endorsed social science in colonial administration under the Third Republic. In the 1886 edition of the *Revue Coloniale Internationale*, Gérard von Hamel (1842–1917), former advisor of War and Professor of Law at Leiden, endorsed Wilken's opening address in a French article titled *Ethnology and the Study of Law* (Van Hamel, 1885, pp. 95–96), calling on social scientists to emulate Wilken's model for the colonial state:

> "Let us add that the more the value of ethnology for the study of law is recognized, the more also the scientific men who will want and who will be able to direct these explorations, and the governments who will want [to] contribute to supporting them, will take their measures to instruct the explorers and to indicate to them the essential points

> and the problems on which they will have to enlighten us. Above all the governments of the colonizing states, whose officials often have to reside among peoples of a primitive civilization, will be able to contribute to this goal. Perhaps also the current principal representatives of comparative ethnology would like to cooperate, either in writing or in an ethnological congress, in drawing up what I could call a manual for the explorations that we have in mind. It seems to me that, given the degree of development that comparative ethnology has already reached, and the favorable opportunity offered by the current explorations in Africa and the attempts of several governments to create a colonial domain or to extend it, the time in which we live is a very opportune epoch for the organization of such cooperation" (Tocqueville, 2001, pp. 95–96).

It is unlikely that Mauss, who was engrossed in an essay on Wilken during his 1898 stay in Leiden and taking courses in ethnology, was unaware of Hamel's article. Upon his return to France, when Louis Finot—the newly appointed director of the EFEO—requested that Mauss and Hubert provide a manual for training Indochina administrators in ethnographic methods, Mauss likely saw this request as an opportunity to answer Hamel's call for "scientific men who will want and who will be able to direct these explorations." The 1901-2 manual more effectively captured the description of "measures by which to instruct the explorers and to indicate to them the essential points and the problems on which they will have to enlighten us" than did Wilken's own manual. Mauss returned to France not only with the comparative idea of sacrifice as an early form of jurisprudence but also with a discursive argument on how it could aid colonial administration under the Third Republic.

The takeaway of this section concerns the periodization of Mauss and Hubert's writing of the *Essay* (1889) in the historical context of transnationalism. It is clear that Mauss regarded

Wilken as a scientific exemplar who succeeded in bridging science and colonial administration—a view supported by his explicit statements. In the 1901-02 questionnaire, Mauss cited Wilken's professorial chair of the Dutch West Indies as an instructive example in his rhetorical argument, noting that "the studies of descriptive sociology, sufficiently in depth, are the best and the only guide for these artisans of new societies who are the colonizers and the administrators of colonies" (Bert, 2011a, p. 149). This section demonstrates that Mauss and Hubert were theorizing sacrifice while simultaneously engaging with transnational discourses linking social science to colonial administration. Their statements suggest that their theorization of sacrifice is deeply implicated in the transnational discourses of Europe and the French Third Republic.

§4
Mauss and Hubert's Ethnographical Questionnaire

The historical context of Mauss and Hubert's ethnographical questionnaire coincided with the civil development phase (following the military conquest, i.e. phase one) of French transnational expansion in Indochina. During this period, Governor General Paul Doumer (Governor General from 1897 to 1902) intensified efforts to advance Ferry's civilizing mission by establishing the EFEO in Hanoi. Louis Finot (1864–1934), appointed as the first director by Doumer, asked Mauss to create a survey questionnaire to guide "all those who are not professional ethnographers" in Indochina, providing "a research plan and rules of method for the observation of social phenomena" (Bert, 2011a, p. 149; Michaud, 2013, pp. 12–13). Hubert presented the questionnaire—written between 1901 and 1902—at the first EFEO conference in Hanoi in 1902. Above all, the document clearly articulates Mauss and Hubert's view that sociological knowledge is essential for the ethical administration of colonies.

Mauss begins the questionnaire by noting that the Third French Republic had not yet made sufficient "sacrifices" –a motif of French colonial discourse for the past half century[50]– to consolidate its rule in its transnational territories, as it had failed to administer them based on the expert judgments of specialists who could accurately represent the knowledge of the dependent colonies:

> "From the point of view [erased = (e): of sociology] that is purely colonial, it is a recognized axiom that one can only administer to peoples that one knows. It has fortunately become useless [e: now] to remind [e: the French] of the sacrifices made by the English in India, by the Dutch in Indonesia, [e: by the United States of America], for the history and ethnography of their possessions. It will not be useless, however, to recall that the University of Leiden has a chair specially devoted to the "anthropology" of the Dutch East Indies; formerly occupied by the illustrious and regretted Wilken, it is now entrusted to the excellent sinologist and ethnographer that is Mr. de Groot. It is certain that among the funds best employed by the government of India are those which it devoted to the subsidy of the *Asiatic Society of Bengal*. The studies [b: ethnographic] of descriptive sociology sufficiently in-depth are the best and the only guide for these artisans of new societies who are the colonizers and the administrators of colonies. Colonial policy is perhaps the policy in which the adage "knowledge is power" is best verified" (Bert, 2011a, p. 149).

[50] We find a common French motif of sacrifice as initial investment in the colonies in Leroy-Beaulieu's *On the History of Colonization among Modern Nations* (1882): "We believe that it is indispensable for a colonizing nation to *sacrifice* these preparatory expenditures without expecting to recover them directly. The motherland must bear the initial costs of establishing its colony; in time, it will reap significant benefits—including the development of its industry and commerce, and the opening of new markets—that will compensate for this initial *sacrifice*" (Beaulieu, p. 583).

In this passage, Mauss clearly argued for the usefulness of "descriptive sociology" in administering the colonies. He supported his argument by citing examples of institutional alliances in Great Britain, India, the United States (erased in the draft), and particularly Holland—referring to the chair of geography and ethnology at Leiden. Mauss's citation of the Leiden chair is instructive, as it reflects his firsthand experience with the department and his knowledge that Wilken had advocated for and trained civil servants in knowledge of the West Indies for effective jurisprudence. By citing this model, Mauss implied that the Third Republic should make an additional "sacrifice" by funding and providing institutional support to specialists who could guide civil servants in administering dependent colonies.

In the questionnaire, Mauss elaborated that sociology was the only ethical, direct, and effective means to consolidate the French Republic's transnational expansion in Indochina. He framed sociology's role within the liberal discourse of the French transnational nation-state—particularly echoing Jules Ferry's civilizing mission—by stating:

> "We find ourselves in the presence of extraordinarily resistant systems of economic, religious, and legal institutions…one can only act on them from "within". Every society is a given thing, often closed, which one cannot arbitrarily modify or harm without danger. It is by arousing in it, in certain classes, or certain points, progressive modifications that one acts on it. Just as if we are to believe Spinoza one can only act "on a passion by another passion", so one can only act on a society through its beliefs, its morals, its habits. Action that appears indirect is the only direct one that can be effective" (Bert, 2011, pp. 149–150).

This passage demonstrates that Mauss recognized the utility of sociology for supporting transnational policies of assimilation—the "third option" proposed by Leroy-Beaulieu and Ferry

for Algiers and Indochina. The arbitrary imposition of French civilization was both costly and dangerous, as evidenced by almost a century of military difficulties in Algiers. The only effective and ethical option was to act "from within," gradually transforming a society's morals, habits, and overall structure. Mauss's reference to Spinoza's theory of virtue—studied during his time in Leiden—underscores the effectiveness of sociology as a tool for consolidating transnational power. In one reading of Spinoza's ethics, the sustained exercise of reason —itself a passion– creates power over the other passions and keeps them in "bondage". In this context, Mauss suggests that a sociological explanation of Tonkinese moral knowledge could be gradually introduced to assimilate them into the legal, economic, and political structures of French civilization.

Mauss thus viewed sociology as instrumental to liberal assimilation policies, arguing that "by respecting and using beliefs and customs, by only prudently modifying the economic and technological regime… one can arrive at humane, easy, and productive colonial practice" (Bert, 2011, p. 149) . However, in the same document, he distinguished French sociology from continental ethnography (like that of Wilken's) by noting that "sociology, a French science by origin and still French by success, tends to make the positive, scientific theory of societies and social phenomena" (Bert, 2011, p. 150) . While descriptive ethnology merely recorded economic, legal, and social "facts" without analyzing their interconnections, sociology provided theoretical insights into how these domains interrelate. Mauss argued that sociological theory was more effective than descriptive ethnography for colonial administration because it offered deeper insights into social structure and could better inform assimilation policies to serve the transnational nation-state.

Within the context of the questionnaire, Mauss cited ritual prohibitions—and, by implication, his theory of sacrifice—as a concrete example of how French sociological theory could modify key social practices to support colonial administration. He stated:

> "Perhaps nowhere does the system of ritual prohibitions dominate the life of primitive villages more than in Indochina, the Polynesians have hardly developed the system of their taboos more. All travelers have observed forbidden villages, defended by caltrops, spears in the paths, etc. Detailed and sufficient observations on these facts [e: religious and] would guide not only the explorer, the missionary, but also anyone who wants to study in a sufficiently general way, the system of prohibitions…Nothing justifies itself better than the studies that [e: this] this small practical instrument [i.e. the questionnaire] tends to facilitate" (Bert, 2011, p. 150) .

This passage is significant because it indicates that Mauss (and likely Hubert) regarded the theorization of ritual prohibitions as a tangible means to assist the French Third Republic in its transnational endeavors in Indochina. In the *Essay on the Nature and Function of Sacrifice*, published two or three years earlier, Mauss and Hubert's theory of the mechanism of sacrifice presented a modified version of a South Asian theory of ceremonial action—where prescription (Skt. *vidhi*) and prohibition (Skt. *niṣedha*) serve as the epistemological lens for understanding ceremonial action. Consequently, Mauss's statements here suggest that the theory of the mechanism of sacrifice was intended, at least in part, to aid French transnational expansion through a civilizing mission from its inception in Leiden.

The suggestion that Mauss and Hubert consciously theorized the mechanism of sacrifice in the service of the Third Republic of France becomes more compelling when we consider Mauss's subsequent statements. To build his case, Mauss compares a Polynesian custom of

human sacrifice with the so-called Roman institution of legitimate human sacrifice practiced by the priests of the Nemi.

> "The Yarais [Polynesian tribe] present one of the [e: facts] customs most extraordinarily analogous to that of the priests of Nemi whom the Latins revered and allowed to be killed by his future successor. The Yarais kings of Water and Fire whom Indo-China reveres are the exact equivalents of the Rex Nemorensis of the Albanian mountains" (Bert, 2011, p. 150) .

This passage is instructive not only for its explicit content but for its allusions to earlier comparisons and rhetorical strategies that Mauss employed in his earliest publication, *Religion and the Origin of Penal Law* (1898). As noted above, Mauss argued that the Malanesian religious taboo was functionally analogous to the Roman legal institution of *sacer*, thereby linking "this religious legislation" to French public law. In making this comparison, Mauss imitated the discursive rhetoric of Wilken, who compared Malaysian matriarchal kinship with Roman *agnatio* to demonstrate to future civil servants the relevance of ethnographic facts to West-Indies jurisprudence. Thus, in this passage, Mauss employs the same rhetoric to advocate for the relevance of the theory of sacrifice in guiding assimilation policies in French Indochina.

These allusions are crucial in the questionnaire because they indicate a continuity of thought in Mauss and Hubert—from the inception of their research on sacrifice to the full publication of the *Essay on the Nature and Function of Sacrifice*. In particular, Mauss's imitation of Wilken's rhetorical motif decisively demonstrates that he envisioned the theorization of sacrifice in his *Essay* as a means by which in-depth studies of descriptive sociology would serve as the best and only guide for the colonizers and administrators of new societies.

Three years after the ethnological questionnaire, Mauss continued to integrate his rhetorical arguments into his research paradigm as the instructor on the religions of non-civilized peoples at the *École pratique des Hautes-Études* (EPHE). Here is a course description of a seminar he held in 1906.

> "Monday Lecture. The first semester was devoted to the study of ethnographic texts concerning ritual prohibitions in Polynesia (taboos). The students participated not only in the explanation, critical analysis of the documents, but also in the sociological analysis and classification of the facts. An attempt was made to draw up a catalogue of ritual prohibitions in Samoa and Fiji…The second half of the year, both for this conference and for that of Tuesday, was devoted to the establishment of ethnographic instructions for the direct observation of populations subject to the Republic in West Africa and the Congo. These instructions were written at the request of the Committee of French Africa, which will probably publish them. They will consist of general instructions, directions for the collection of objects, special instructions concerning the main classes of social phenomena" (M. Mauss, 1906, pp. 36–38).

Based on this passage, it is plausible to argue that Mauss consistently regarded the theorization of sacrifice as central to promoting the Third Republic's civilizing mission. In the 1901 questionnaire, questions on sacrifice and ritual were notably more intricate and detailed[51] than those concerning economy and political conventions. Similarly, in his 1906 lecture as professor of Religions of non-civilized peoples at the EPHE, Mauss maintained a research agenda that underscored the sustained importance of ritual and sacrifice to both private and public French imperial ventures in the newly acquired territories of West Africa. Notably, the famous

[51] As Michaud (2013) also notices.

ethnologist Levy Brühl—author of *How Natives Think*[52] (1910) and *Primitive Mentality* (1923)—was present at his lecture.

Mauss's research agenda continued to frame sociology as essential to the transnational expansion of the French Third Republic. The EPHE's 1907 course annuary listed a conference by Mauss that was "entirely devoted to establishing instructions for descriptive sociology," demonstrating his ongoing collaboration with private entities interested in transnational issues. He noted that "these instructions are intended for an investigation in the French colonies in Africa" (M. Mauss, 1907, p. 41). In 1912, Mauss undertook a state-funded mission to study non-French ethnographic institutions in Europe, and in 1913 he submitted a proposal to the Minister of Public Instruction to secure funding for an ethnology office (Sibeud, 2004, pp. 105–106), the outcome of his research. His proposal is said to have contained an argument for "the need for the Republic, having become a colonial power, to properly manage its practical interests by using ethnography to effectively administer the 'primitive peoples' who inhabit part of its 'colonial possessions'" (Sibeud, 2004, p. 106). These were the same arguments he had presented in his questionnaire. Ultimately, such arguments enabled Mauss, together with his student Levy-Brühl, to secure funding for the establishment of the Institute of Ethnology in France in 1930.

§5
Conclusion

From the hindsight of his entire oeuvre, the ethnological questionnaire marks an important beginning of Mauss' future efforts to use sociology, not only for its purely scientific results on the nature of humanity – what Mauss' pupil Claude Levi-Strauss would call the "third humanism", but also in collaborative league within the discourse of the transnational nation-

[52] French title: *Les fonctions mentales dans les sociétés inférieures*

state and practical efforts of transnational expansion in other French colonial possessions. Central to Mauss' vision of sociology's utility to the French transnational nation-state was sacrifice and the theorization of sacrifice as a means for policies of assimilation in the civilizing mission. In the next chapter, the subject will be how Mauss and Hubert's structural mechanism of sacrifice provided precisely the kind of modified account of societal knowledge that could be employed in the service of policies of assimilation of the French Third Republic's civilizing mission.

Chapter 4

The Structural Theory of Sacrifice: A Mechanism of French Transnational Expansion?: Part II: Hubert and Mauss' Theory of Sacrifice: From Deontics of Performance to Exigencies of Rule

§ 0
Working on Society "from within"

In the previous chapter on descriptive sociology and the French liberal discourse of transnationalism, I argued that discourses on French transnational projects–from the conquest of Algiers up to its period of formal imperialism in Indochina and West Africa–informed Mauss and Hubert's insistence that sociologically modified knowledge of sacrifice and ritual could serve as an effective and ethical means to introduce civilizing policies of assimilation for consolidating the French Third Republic's colonial administration. Although these discourses led to material outcomes in the consolidation of French transnational authority, I repeat that the scope of this conclusion highlights their *discursive affect* as persisting articulations of the civilizing mission in French transnational discourse. In this way, the discursive approach invites claims emphasizing intertextuality of discourse and persisting affect of motifs in transnational discourse —especially, in regard to Mauss and Hubert's theorization on sacrifice – rather than claims of intentionality and causal determinism.

In this chapter, I take the next major step in the argument by providing an intellectual genealogy of the turn-of-the-century essay by Henri Hubert (1872–1927) and Marcel Mauss (1872–1950): *Essay on the Nature and Function of Sacrifice* (1964: [1889])[53]. Through an

[53] In the following chapter, every English quotation and page citation from Hubert and Mauss' *Essay on the Nature and Function of Sacrifice* (Fr. *Essai sur la nature et la fonction du sacrifice*) is drawn from W.D. Hall's 1964 translation, *Sacrifice: its Nature and Function*, featuring a foreword by E.E. Evans-

in-depth intellectual genealogy of the *Essay*, I argue that Mīmāṃsā[54] philosophy of ceremonial action[55] provided the primary influence for Hubert and Mauss's theory of sacrifice. The genealogical argument demonstrates not only that South Asian philosophy had a significant impact on the direction of discourses on sacrifice and ritual in the 19th century—shifting the discourse from historicism[56] (William R. Smith) to structuralism[57] (Mauss and Hubert). But, in light of the previous chapter's conclusions, this genealogy also recommends approaching Mauss and Hubert's structural theory of sacrifice as a rhetorically layered intertext that negotiates both scientific and geopolitical rationales of sociology and French transnationalism. Read from this intertextual perspective, I conclude that the structural theorization of sacrifice in the *Essay* discursively exemplifies the representational strategy of the ethnological questionnaire, in being itself an example of an attempt to act upon society "from within". By modifying the categories of

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Pritchard. In addition to preserving a direct translation of the original French title, I have noted any adaptations or modifications made to Hall's version.

[54] Mīmāṃsā philosophy is a South Asian school of philosophy written in Sanskrit language. Its main textual tradition is based on the *Jaimini-Mīmāṃsā-sūtra,* also known as *Pūrva-Mīmāṃsā* or the "Prior Mīmāṃsā", and is associated with the legendary sage Jaimini, the reputed author of the statements (sūtras) of the text. The main commentator of the *Pūrva-Mīmāṃsā* is Śabara Svāmin (c. 6th CE). The subject matter of the *Pūrva-Mīmāṃsā-sūtra* is quite extensive, dealing with overlapping epistemic, metaphysical, as well as linguistic aspects of philosophy in a large part of the first chapter of its text (known as the *tarka-pada* 1.1.). The remainder of the 12 chapters, however, treat the subject matter of "ceremonies" from various angles, i.e. eligibility of performer, relation of primary and subsidiary acts, constitution of an "event" etc, but always from a rational and methodical procedure. The statistical fact that they mostly treat the various relations of ceremonial conduct justifies an understanding of them as philosophers of "ceremonial action".

[55] The reason I translate the object of Mīmāṃsā study – in Sanskrit *yagna, yāga* – as "ceremony" is to contrast it to the discourse of "sacrifice" and "ritual" that the Durkheimian school formulates in connection with their social fact, which uses an interpretation of the term to define religious action. I am not committed to the view that only "ceremony" can translate *yagna, yāga etc.* Provided proper historical elucidation is given, "ritual" still seems to be an adequate translation. But I think ceremony and ritual are both preferable to "sacrifice", which I believe may be misleading for Vedic ceremonies which do not involve animal slaughter.

[56] That is definitional claims based on the historical origin of an institution as its essential function.

[57] This definitional claim asserts that the various arrangements of a limited set of meaningful components within a fixed framework yield different expressions or characteristics of an institution.

Mīmāṃsā philosophy of ceremonial action into concepts of social structure, Mauss and Hubert presented an etic theory of sacrifice *modified* in terms of social structure that – together with serving the aims of science – instantiated the particular discursive motif of the French civilizing policy of assimilation proposed in the ethnological questionnaire.

In arguing that Mīmāṃsā philosophy of ceremonies provided the primary influence for Hubert and Mauss's theory of sacrifice, I join the scholarship (e.g., Hausner, 2017) that explores the dialogue between 19th-century Indology and the Durkheimian school of sociology. Mauss and Hubert had studied Sanskrit philology for several years under the indologists Sylvain Lévi and Louis Finot at the EFEO. In the opening sections of their essay, they stated that they would be "borrowing one of the classifications given in South Asian texts"[58] (Hubert, 1964, p. 14:[1899])—a dependence on South Asian theory that deserves serious consideration. Following this admission of intellectual debt, I investigate Mauss and Hubert's specific sources of ceremonial theory. My intellectual genealogy reveals Mauss and Hubert citing the Śrauta commentaries of Mīmāṃsāka[59] exegetes expostulating the intricacies of Mīmāṃsā under relevant statements (*sūtra*)[60]. For example, the text of the *Kātyāyana śrauta sūtra* forms one of Mauss and Hubert's standard references for their theorization of the mechanism of sacrifice. The Mīmāṃsāka Karka, the commentator of this text whom Mauss and Hubert also cite, expostulates how the same pattern (*prakṛti*) of a ceremony (*yāga*) can be classed under diverse categories of

[58] Hence when I use the term "sacrifice" and "ritual" I am speaking about Hubert and Mauss' interpretation of Mīmāṃsā; when I use "ceremony" I am speaking about either present scholarly interpretations of Mīmāṃsā, or else my interpretation of Mīmāṃsā from my interpretative readings of these sources in Sanskrit.

[59] Quick note on terminology: I use "mīmāṃsāka" in the recognized sense as a personal adjective to refer to the those who study Mīmāṃsā and defend its principles against other schools, whereas I use just "Mīmāṃsā" as a noun to refers to the textual doctrines belonging to these Sanskrit scholars, or as an adjective meaning "belonging to, related to, Mīmāṃsā".

[60] Śrauta literature refers to the practical digests written for the instruction of the "nuts-and-bolts" of the performance of Vedic ceremonies.

obligation (*nitya*, *naimittika*, *kāmya*), depending on its presence within the duplicate (*vikṛti*) ceremony[61]. Hubert and Mauss translated this lesson of Mīmāṃsā deontics[62] in accordance with the Durkheimian "social structure" in the maintenance of social equilibrium, arguing that the same sacrificial procedure can serve a variety of sacrificial purposes in sustaining a society's equilibrium.

In the course of presenting the main genealogical argument, it becomes evident that Mauss and Hubert's introduction of Mīmāṃsā constituted a paradigm shift from historicism to structuralism[63] in late-19th-century discourses on sacrifice. Through careful citation research and textual analysis, this subsidiary argument demonstrates that the unprecedented rupture of Mīmāṃsā philosophy of ceremonies within 19th-century socio-anthropological discourse on sacrifice permanently altered the epistemic landscape of European (and indeed American) discourse about sacrifice.

At the conclusion of this chapter, I evaluate the findings of this genealogy in light of the previous chapters' conclusions regarding the historical context of Mauss and Hubert's

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[61] I will explain below how the terms pattern (*prakṛti*) and duplicate (*vikṛti*) serve to classify various relations between different ceremonies in Vedic texts. For Hubert and Mauss's interpretation of these terms, for now at least, it is not wrong to think of these terms analogous to the process of scanning an "original painting" to form duplicates of that painting, where the duplicates can serve different purposes than the original painting.

[62] For my reading of Mīmāṃsā within a deontological framework, I am indebted to the help of Professor Freschi's research, guided work-shops and reading groups, especially on Maṇḍana Miśra's *Vidhi-viveka* (ca. 8th CE), whose text was predominantly responsible for my understanding of the importance of prescription (*vidhi*) to a philosophical understanding of Vedic ceremonies (cf. Freschi & Pascucci, 2021; Ciabattoni et al., 2015; Freschi, 2012).

[63] By historicism, I mean the method of defining "sacrifice" through tracing its historical origin in a story of origin; by structuralism, I follow Lévi-Strauss's characterization of the first aspect of the "total social fact" in his *Introduction to the Works of Marcel Mauss* (1987:p.25 [1950]) as heralding the paradigmatic shift of structuralism in Mauss' *The Gift.* Strauss writes that *the Gift* introduced and imposed the notion of the "total social fact", defining particularly how " the social is only real when integrated in a *system*, and that is a first aspect of the notion of total fact" (my emphasis). Though Strauss would develop his own reading of the "total social fact", the present chapter will show how Mauss had conceived of the "system" of the total social fact precisely through his theory of the mechanism of sacrifice in the *Essay on the Nature and Function of Sacrifice.*

involvement in advocating French Third Republic transnationalism. Expanding on Mauss and Hubert's questionnaire statement—that "the studies […] of descriptive sociology sufficiently in-depth are the best and the only guide for these artisans of new societies who are the colonizers and the administrators of colonies" (Bert, 2011, p. 150)—my overall argument is that *The Essay on the Nature and Function of Sacrifice* provides important documentary evidence that the intellectual shift from historicism to structuralism depended on translating emic deontics of performance into the shared scientific and political idiom of exigencies of power.

I explain this shift as follows. From the onset of their research on sacrifice, as argued in the previous chapter, Mauss and Hubert insisted on the advantages of introducing sociologically modified ideas of sacrifice and ritual for the efficient administration of the French transnational nation. Moreover, that chapter demonstrated that their arguments embedded motifs of over half a century of liberal discourse on civilizing policies for the dependent colony of Algiers through gradual modifications of its social structure to suit the needs of French transnational rule and economy. Without attributing this alignment solely to colonial intent, the questionnaire foregrounds the theorization of sacrifice as a rhetorical negotiation of scientific and geopolitical rationales, contributing to a discourse of sociological truth while simultaneously embedding sacrificial logic in the ideological formation of transnational authority. Applying these intertextual insights to the present chapter's genealogy, I conclude that Mauss and Hubert's translation of Mīmāṃsā categories of practical action into the sacred and profane representations of Durkheimian social structure corresponds directly to their rhetorical proposal to gradually modify societal structure to meet the needs of French transnational endeavors through sociologically informed theories of society. In this way, the mechanism of sacrifice stands as a

lasting symbol of a discourse of power whose impact was not the material consolidation of the French Third Republic, but the persistence of discursive affect of its transnational *imaginaire*.

But how does this reading relate to shift from *deontics of performance* to *exigencies of power*? This latter shift becomes revealed only when we juxtapose an informed and sympathetic reading of Mīmāṃsā, with their interpretation in Mauss and Hubert's categories of social structure. Whereas the categories of regular (*nitya*) and optional (*kāmya*) ceremonies in Mīmāṃsā originally distinguished ceremonies by degrees of obligation, thereby encouraging theories of ceremony that led readers to perform the ceremony (deontics of performance), Hubert and Mauss translated these categories into "social facts" regarding how a society maintains its equilibrium. My intertextual analysis insists that this historical act of translation – while simultaneously allowing for scientific objectives– embeds these emic categories in French transnational discourse. Sacrifice thus becomes a representational strategy within the rhetoric of French transnationalism, transforming emic ritual knowledge into a strategic mechanism for reconfiguring colonial social structures. Because this representational strategy persists as a discursive affect in a discourse of power for the efficient and ethical administration of the nation-state, this historical act of translation negotiates the "facts" of scientific discourse with exigencies of power. Essentially, their translation demonstrates that the incorporation of Mīmāṃsā into 19th-century sociological discourse on sacrifice depended on shifting epistemic registers from emic "know-how" to etic "know-that," where the latter was symbolically instrumental to the political agenda of the French Third Republic as a modern transnational nation-state[64]. Moreover, the absence of deontics of performance in theory—both historically

[64] In this way, my claim is thus historical and relates to the contingent genealogy of Hubert and Mauss' structural theory of sacrifice. I by no means insist, *a priori* that all reductive factual accounts of sacrifice succumb to the power of transnational discourse.

and contemporaneously—remains an important epistemic legacy of diverse academic disciplines that, by defaulting to these pioneering accounts of sacrifice and ritual, continue to reproduce discourses conforming to exigencies of rule.

§1
Scholarly Review

The arguments in this chapter contribute significantly to the scholarship on the history of religion by detailing the "particular histories" of theorizing sacrifice and ritual within the Durkheimian school of sociology at the turn of the century. In his book-length study of 19th-century French public discourse on religion, Strenski (2002, 2003) argued that Hubert and Mauss's *Essay on the Nature and Function of Sacrifice* was partly "a concerted political and institutional strategy" to replace the Liberal Protestants at the Fifth Section of *L'École pratique des Hautes Études* with the Durkheimian school of sociology in the study of religion (Strenski 2003, p. 153). Strenski contends that part of this strategy was for Hubert and Mauss to demonstrate how the "theory" of sacrifice in Durkheimian sociology served as a public discourse adapted to the religiously plural society of Third Republic France, in contrast to the theologizing "*science religieuse*" of French Liberal Protestants in the Fifth Section. Thus, the theory of sacrifice, advocated as the public discourse of the non-denominational space of Third Republic France, became "one of the weapons of the Durkheimian arsenal for achieving their institutional aims" in securing academic authority in the center of religious studies in France (Strenski 2003, p. 153).

Without discounting Strenski's contributions, my chapter shows that Hubert and Mauss's theory of the mechanism of sacrifice was more than a mere attempt to secure institutional

authority in the EPHE. From the time of their research through post-publication, Mauss and Hubert circulated among influential figures in French transnational expansion policy. Notably, their instructor Sylvain Levi prompted Government General Paul Doumer—a sympathizer of Jules Ferry's policies—to open the EFEO in Indochina, and its first director, Louis Finot (also their instructor), specifically requested that they produce some of the first ethnological manuals for civil servants at this new institution. Thus, the institutional authority of their theory must be considered in light of the new requirements of the second phase of French transnational expansion in Indochina. When Hubert and Mauss translated Mīmāṃsākā categories into Durkheimian representations of the sacred and profane, they adapted the Mīmāṃsā classificatory system to represent "a series of facts" about how societies maintained equilibrium. In so doing, they effectively theorized a form of social modification that liberal discourse on French transnationalism had posited would gradually assimilate dependent colonies to the needs of the French market and state. Although the coincidence of their theory of sacrifice with the establishment of the EFEO at Hanoi might have been incidental, evidence from their correspondence—indicating active interest in reconciling sociology with the nation-state—and their involvement in transnational expansion efforts in West Africa and the Congo (as evidenced in Mauss' course-descriptions of 1906-7 at the EPHE) suggest that Mauss and Hubert leveraged this coincidence to entrench their theory of sacrifice in an advisory role for transitional colonial policy. In adapting Mīmāṃsā to the exigencies of French transnational expansion from their positions at the EFEO, the Durkheimian school effectively theorized sacrifice as a technique of civilizing power—one that abandoned Mīmāṃsā's deontics of performance in favor of achieving academic objectives in the service of the transnational nation-state. From this perspective, sacrifice is a theoretical discourse created for, and adapted to, the exigencies of rule.

§2
Chapter Organization

My arguments are divided into three overall parts, each with its own argument: (1) genealogical argument; (2) the close reading of Hubert and Mauss' *Essay*; and (3) an interpretation of Hubert and Mauss's textual usage of Mīmāṃsā sources for their theory of sacrifice. In the first section, I argue for a reading of what Hubert and Mauss meant by the "South Asian classification" which they stated at the outset of their *Essay* to have borrowed. This discussion will lead me to treat of two important Sanskrit sources for their reading of this classification, the *Kātyāyana śrauta sūtra* together with Karka's commentary and the interpretive rules section (*paribhāṣā*) of the *Āpastamba sūtra* dealing with the extension (*atideśa*) of patterns to their duplicates (*prakṛti*). I will also frame these sources in the wider context of Śabara's *Great Commentary* on the *Pūrva-Mīmāṃsā sūtra* in order to show how they expressed common concerns that Mīmāṃsākas faced in their exposition of ceremonies. In the second section, I will produce a close reading of Hubert and Mauss's theory of the mechanism of sacrifice, to show that what they understood as the basic insight of their theory echoed their own interpretation of the Mīmāṃsā system of classification. The third section is devoted to interpreting the importance of Hubert and Mauss's textual usage of Mīmāṃsā philosophy of ceremonies in the context of the arguments of the previous chapter.

§3
Pinpointing the shift from Historicism to Structuralism

The main outlines of this paradigm shift Hubert and Mauss had themselves expressed as their essay's contribution to 19th century scholarly discourse on sacrifice. In framing their intervention, Robertson Smith's theory of the communal sacrifice played an important role as a

main interlocutor. In their preface, Hubert and Mauss had singled Smith out above James Frazer (1854-1941) and Wilhem Mannhardt (1831- 1880)[65] as "really the first to attempt a reasoned explanation of sacrifice" (Hubert, 1964, p. 2:[1899]), while they viewed the theories of Frazer and other English anthropologist as "in general the theological exaggeration of Smith's doctrine" (Hubert, 1964, p. 5:[1899]). This was because Smith's works were beginning to gain ground as an authoritative "theory" of sacrifice in French intellectual circles during the late 90s, appearing in Durkheim's 1896 course on religion at the EFEO, in which both Hubert and Mauss had been present.

Their criticism of Smith's views show that Hubert and Mauss intended to make primarily a methodological intervention rather than a substantial one: both parties agreed, after all, that sacrifice had a social element. The disagreement lied in explaining how it was social. Ultimately, Hubert and Mauss saw that "Robertson Smith's error was above all one of method". How is sacrifice known and how is it defined? According to their interpretation, Smith had discovered the social element of sacrifice "in the totem cult" whose practice "was the root origin of sacrifice" (Hubert, 1964, p. 2:[1899]).

> "From the communion sacrifice Robertson Smith derives the expiatory or proprietary forms of sacrifice, namely the *piaculum* and the gift-sacrifice or honorary sacrifice. In his opinion expiation is only the reestablishment of the broken covenant; the totemic sacrifice had all the effects of an expiatory rite. Moreover, he discovers his virtue in all

[65] James Frazer, the student of William R. Smith, was known for his monumental work *The Golden Bough* (1890 1st ed.), and continued Smith's methodological program of sacrifice to arrive at slightly different conclusions than Smith about the *origin* of sacrifice. Wilhem Mannhardt was a folklorist of the early school of Indo-European comparative religion, writing his main monograph the "Wood and Field Cults" (1875. 2v) in the mythical literature represented by early Indo-European studies in the early 19th century Germany.

sacrifices even after the complete disappearance of totemism" (Hubert, 1964, p. 2:[1899]).

However, Hubert and Mauss contended that Smith's "proof" of the originary status of the communal sacrifice was "itself subject to criticism". They note that "the crux of the doctrine" was based on "the historical sequence and the logical derivation" between "communion sacrifice and other kinds of sacrifice". "Instead of analyzing in its original complexity the Semitic ritual system", Hubert and Mauss criticized, "he set about classifying the facts genealogically" (Hubert, 1964, pp. 2, 7:[1899]). The point of Hubert and Mauss' criticism here is to point out that Smith's error lied in the combined methods of New Criticism and Edward Burnett Tylor (1832-1917) "survivals" to define the "essence" of sacrifice (Hubert, 1964, p. 7:[1889]). Such a method could only define sacrifice by stories of origin, which "seeks to bring the multiplicity of sacrificial forms within the unity of an arbitrarily chosen principle" i.e. the fact of kinship totemism, and was "inevitably disastrous" (Hubert, 1964, p. 7:[1889]). In contrast to tracing "the history and genesis of sacrifice", Hubert and Mauss proposed rather "to study thoroughly *typical* facts" belonging to the "well-defined and complete rituals" of Sanskrit Vedic texts and the Bible (Hubert, 1964, p. 7:[1889]). They stated as one of their principal aims of the essay to demonstrate how expiatory sacrifice "is a primordial component of sacrifice, as primordial and irreducible as the communal sacrifice", thereby upsetting Smith's basic claim of historical genealogy (Hubert, 1964, pp.6-7:[1889]). By showing that communal and expiatory sacrifice depended on the same elements that varied according to its social purpose, Hubert and Mauss would argue that the definitional unity of sacrifice lied in its consisting of the same structure for social purposes as different as communion and expiation. By this intervention, Hubert and Mauss

had virtually shifted the meaning of essence: it was no longer the "history and genesis of sacrifice" that would justify a definition, but rather the "the generic unity of sacrifices", in which the different arrangement of the same elements of a procedural structure could produce different ways of maintaining social equilibrium for a given society. According to Claude Lévi-Strauss's later 1950[66] reading of the Maussian oeuvre, Mauss had discovered the first aspect of the *total social fact.* At least, this was the scholarly narrative of scientific progress in which Hubert and Mauss, together with their scholarly legacy, contextualized their own contribution.

The following chapter outlines a shift in the meaning of sacrifice—from definitions based on 19th-century philology and higher criticism to those grounded in early sociological structuralism. This methodological transition is rooted in the transnational context of France's Third Republic and the influence of South Asian ideas on socio-anthropological discourses of ritual and sacrifice. Consequently, turn-of-the-century French conceptions of sacrifice marked a paradigm shift from origin stories to analyses based on social structures.

§4
The sources of Mīmāṃsā in the *Essay on the Nature and Function of Sacrifice*

In his stay abroad in Oxford in the year of 1898, Mauss had corresponded with Hubert on the plan of the *Essay on the Nature and Function of Sacrifice*. Bert (2010) provides a selection of three letters that are important, not only because they "allow us, in a more direct way than the published work, to identify the scientific positions supported respectively by the archaeologist [i.e. Hubert]… and by the sociologist [i.e. Mauss]", but also because they reveal that Mauss had turned to Sanskrit documents of ceremony in order to execute the conceptual shift from theories

[66] See the next footnote.

of sacrifice based on stories of origin to a synchronic and definitional essence of sacrifice (Bert, 2010, p. 1) . Mauss had recognized early on the importance of South Asian documents to their collaboration, and wrote to Hubert about the importance of South Asian Sanskrit documents for any attempt at an intervention against theories of sacrifice that Mauss pigeonholed together with Edward B. Tylor's historical method of "survivals":

> "There is more among the Hindus themselves, the food sacrifice, or the contract sacrifice are well known, and there is an amazing text of the […?]. It is therefore nowhere a question of *historical survivals*, historically demonstrable or rather demonstrable by processes of a *hazardous criticism*. *It is everywhere a question of finding the core of the phenomenon of sacrifice, its internal law, its internal cause.* Now this cause, we will be able to establish it, I hope with enough certainty, is definitionally *the same*" (Bert, 2010, p. 45).

In this passage, Mauss was clearly signaling to Hubert that the theory of sacrifice in the proposed essay had to contrast with previous theories concocted by philological historians like E.B. Tylor and William Robertson Smith (whom he would associate with Tylor's school in the introduction of the *Essay*). The South Asian documents of "ritual" and "sacrifice", Mauss here claimed, suggested precisely this contrast in exposing "the core phenomenon of sacrifice". Mauss emphasized that this contrast was primarily methodological: it was no longer "a question of historical survivals" that demonstrated by "hazardous criticism" – one is reminded of the new criticism of Smith and Julius Wellhausen– that "the sacrifice was such at the origin". Rather, it was a question of demonstrating how "the cause of sacrifice… was *definitionally* the same" (Bert, 2010, p. 45).

The previous quote shows that Mauss had clearly turned to Sanskrit documents early on in his formulation of the "system of sacrifice". But what were these sources, and what was the theory of sacrifice found in them? In this section, I will show that the particular Sanskrit sources that Mauss and Hubert used in their construction of the mechanism of sacrifice in the *Essay on the Nature and Function of Sacrifice* belonged to the Mīmāṃsā philosophy of ceremony. In the following section, I will argue that Mauss was particularly impressed by how Mīmāṃsā's concept of "extension" (*atideśa*) between the pattern (*prakṛti*) and the duplicate (*vikṛti*) could explain a diversity of sacrificial purposes in terms of a single sacrificial procedure. I argue that Mauss had seized upon such a conception in order to formulate a *synchronic* definition of sacrifice that could explain how a single sacrificial procedure could define purposes as different as communion and expiation, for which previous scholars of sacrifice had proposed elaborate historical genealogies. Unlike these historical variations of sacrifice and religion, which most 19th century scholars claimed corresponded to the development of civilization, Mauss and Hubert's theory could explain the various categories of sacrifice proposed by 19th century typologies of sacrifice by reference to a single structural procedure, pioneering a synchronous approach to the study of non-European society.

In their introductory chapter, Hubert and Mauss cite several kinds of "classification" of sacrifice already in existence in the 19th century sacrificial typologies of their scholarly interlocutors. Providing an example, they cite one belonging to "German scholarship"[67] that categorizes sacrifices according to whether they are "expiatory", "tributary" or "petitionary", only immediately after to claim that "we shall not adopt any of the classifications usually

[67] Hubert and Mauss do not attribute this classification to anyone in particular, nor do they provide a citation for its usage. Given their extensive criticisms of Smith's theories, it is uncertain why they choose to provide a German example of classification rather than Smith's various classifications of communal, tributary and piacular.

employed; they do not, in our opinion, result from a methodological investigation" (Hubert, 1964, p. 14:[1899]) . Rather in order to explain the "great diversity of sacrifices" attested in comparative antiquities, Mauss and Hubert claim that they will content themselves with "borrowing one of the classifications" given in South Asian Sanskrit documents.

Two different classifications are cited. The first kind is "that which divides sacrifices into regular and occasional" (Hubert, 1964, p. 14:[1899]) :

> "Occasional sacrifices (*naimittika*) are, firstly, sacramental sacrifices (*saṃskāra*), namely those which accompany the solemn moments of life. A certain number of these are part of the domestic ritual (as laid down in the *Domestic sūtras*[68]): those that take place at birth, at the rite of tonsure, on the departure of ward, at marriage etc. Others are part of the solemn ritual: such are the anointing of a king, and the sacrifice conferring religious and civil attributes which are considered superior to all others… As for the regular or, better, periodical sacrifices (*nityāni*), they are linked to certain fixed moments of time, independent of men's will and of chance circumstances. Such are the daily sacrifice, the sacrifice at new and full moon, the sacrifices at seasonal and pastoral festivals, and the first fruits at year's end" (Hubert, 1964, pp. 13-14:[1899]) .

Here Mauss and Hubert's citation of Śrauta literature shows that the above distinctions are based on those which Mīmāṃsāka and Śastric authors commonly make between regular, occasional,

[68] These are a set of ceremonial rules distinct from Vedic ceremonies and to be conducted by householders (*gṛhastha*).

optional and expiatory[69] rituals in ceremonial discourse[70]. Though it becomes apparent only after their explanation of the second classification between pattern and duplicate, Hubert and Mauss introduce this citation in order to show "for how many different occasions the Brahmins made sacrifices to serve" (Hubert & Mauss, 1964, p. 14 [1899]); i.e. to show the great diversity of purposes for which one performed a sacrifice. To explain this first classification, they employ the language suggestive of 19th century anthropological classification, without however clearly naming any category of the taxonomy; they describe occasional sacrifices (*naimittika*) as "sacramental" (i.e. relating to birth, tonsure, marriage) and regular sacrifices (*nitya*) as periodical and linked to events of nature (i.e. the moon phases, seasonal events, first fruit offerings).This taxonomical list of sacrifices would be easily understood by audiences acquainted with the works of sociologists like Willliam Smith and John Frazer. Finally, Mauss and Hubert add that "all [of these sacrifices] are generally found both in the solemn (= *śrauta*) and domestic (=*gṛhya*) ritual"[71].

From the previous discussion alone, Hubert and Mauss have not made a clear case for why the classification was more methodologically rigorous than that belonging to the sacrificial

[69] For a philological oriented introduction on the interpretive problems as well as theoretical significance that these terms pose in early Mīmāṃsā writers, see Yoshimizu's (2004) helpful discussion. For philosophical interpretations of the use of these categories in relation to deontology or theories of practical action, see Freschi and Pascucci (2021) and Ciabottoni and Freschi (2015). – N.B. I follow Hubert and Mauss's translation of the Sanskrit because it historically reflects the initial understanding of the terms in the 19th century. As far as I know, Hubert and Mauss are in fact the first authors to relegate any attention to these categories, until the recent attempts of this generation's scholars, no other theoretician of sacrifice and ritual has brought sustained attention to them.

[70] where occasional is understood as a subset of permanent rituals

[71] The statement seems to mean that Hubert and Mauss saw the classification of regular, occasional and optional sacrifices as applicable to both Śrauta ceremonies in the śrauta sūtras and the domestic ceremonies, i.e. applicable to those in both the śrauta and grhya sūtras. My thanks to Elisa Freschi for pointing out this distinction, which was originally lost to me, in Mauss and Hubert's translation of "solemn" for śrauta rituals and gṛhya for domestic rituals in general.

typologies of 19th century discourse. Rather the unwieldy quantity of sacrifices in Sanskrit documents gives one the impression of just the opposite.

However, Hubert and Mauss get to the point in dealing with the second classification of the Sanskrit sources. This is the classification of the pattern (*prakṛti*) and the duplicate (*vikṛti*) of the pattern[72]. Though they do not mention the Sanskrit terms for these directly, Hubert and Mauss's language of "unity" in diversity and the direct citations to the *Āpastamba* and *Kātyāyana śrauta sūtras* in this passage demonstrate that they had both passages in mind[73]. Hubert and Mauss illustrate the common examples of this classification in their example of the *Agnīṣomīya* cake[74] offered during the Full and New Moon ceremony and its use as a pattern for a great variety of other occasional and regular rituals that serve as the duplicates. In contrast to the great diversity of sacrifices of the first classification, it was ultimately the second classification that exemplified "the unity that they [the Brahmins] made the basis of their theory". Hubert and

[72] It should be noted that the technical terms are not constrained to ceremonial discourse, but also are shared within Sanskrit philosophy as well as in Sanskrit linguistics for denoting various relations between ontological and linguistic entities. Here I follow an interpretation of them in their ceremonial usage.
[73] Hubert and Mauss cite both texts in their footnotes. In the section of the introduction, footnote 9 provides a total bibliography of Indological sources that Hubert and Mauss consulted, including Albrecht Weber's (1852) three volume edition of the White Yajur Veda, the third volume of which presented *Kātyāyana sūtra* with Karka's commentary; as well as Garbe's (1983 [1882-5]) three volume Sanskrit edition of the *Āpastamba śrauta sūtra* and Max Müller's (1855) translation of the "interpretative rules" section (*paribhāṣā*). In chapter 1, footnote 31 refers us directly to the classification of regular, occasional and optional sacrifices in Hubert and Mauss's reading of Müller's (1855) translation of the *Āpastamba sūtra* and to Karka's commentary (1.2.10-12) to the *Kātyāyana sūtra* (see note below for Hubert and Mauss' mis-citation of the commentator "Karka" of the *Kātyāyana sūtra* in volume 3 of Weber's 1852 edition with the commentator Mahīdhara of the Vājasaneyi saṃhitā in volume 1 of Weber's edition.) – One must also not forget that Hubert and Mauss had also mentioned in their footnote that their *Essay* would not have been possible without the collaboration and guidance of Sylvain Lévi (1863-1935), Moriz Winternitz (1863-1937) and Willem Caland (1859-1932), all of whom were imminent indologists in Vedic ceremonies with whom Hubert and Mauss had shared drafts of their *Essay*. This is to say that my argument here is a minimal *textual* argument rather than based on historical evidence of personal instruction which any one of these scholars could have communicated in their collaboration with Hubert and Mauss. More historical investigation, I suspect, will add details to my claims and perhaps show some of my understanding of the details to be wrong, without however altering the broader argument of the chapter.
[74] The rice-patty dedicated to the deity Agni and Soma.

Mauss explain this second classification with direct citations of a variety of Vedic literary sources:

> Almost all the texts of the solemn ritual follow the same plan: the exposition of a basic rite that is gradually diversified to make it correspond to different needs. Thus the *Śrauta sūtras* and the *Brahmanas* which comment upon them start from a general description of the whole of the rites that constitute the sacrifice of cakes at the New and Full moon, and *it is this scheme which is successively adapted, modified according to circumstances, to all the ceremonies in which the cake sacrifice figures*. Thus a cake sacrifice constitutes the essential ceremony both for *seasonal festivals*, whose aspects are already so numerous and varied (sacrifices to nature, sacrifices of purification, of the consumption of the first seeds, etc.), as well as for a whole series of *votive sacrifices*. And this is not a mere device of exposition, but there is in it a real sense of the flexibility of *the sacrificial system*[75](Hubert & Mauss, 1964, p. 15).

The main point that Hubert and Mauss want to emphasize in this and the previous passage is the contrast between, on the one hand, the diversity of sacrifices based on their purposes (i.e. solemn, seasonal, votive) and, on the other hand, the basic unity of the rite "gradually diversified to make it correspond to different needs". Put a little differently, the same sacrificial *procedure* can serve different sacrificial *purposes.* In fact, the passage above is a description of this system using the common Mīmāṃsā example of the *Agnīṣomīya* cake offered on the first day of the Full Moon ceremony[76].

[75] My emphasis in italics

[76] As I argue below, Hubert and Mauss had taken the details of the ceremony from the interpretative rules (*paribhāṣā*) section of the *Āpastamba śrauta sūtra* (Garbe, 1983 v.3: [1885] (24.3.32-36); Müller, 1855, p. 66 (= 113-117) ; (Eng. trans) Thite, 2004 (=24.3.32-36))

Sticking with Hubert and Mauss' language[77] to illustrate their presentation of the Sanskrit sources above, we see that they begin with the example of "solemn rituals" (*iṣṭis*) , which in Hubert and Mauss's exposition described occasional sacrifices and were opposed to regular sacrifices. Hubert and Mauss show how the sacrifice of the *Agnīṣomīya* cake in the New and Full Moon ceremony is the "scheme which is successively adapted…to all the ceremonies in which the rice-cake sacrifice figures". These include not only the *seasonal* sacrifices, to which the New and Full moon belong, but also the *votive* sacrifices, classed under the occasional sacrifices. In other words, the same pattern of the sacrificial cake belonging to solemn rituals is employed for the different purposes found in seasonal rituals (i.e. first-fruits offering at beginning of year) and votive rituals (i.e. the consecration of a king in the *rāja-sūya* ceremony). As I will argue later in section §2 of the chapter, the emphasis of a single procedure that could define ends as different as consecration and expiation will be the key to Hubert and Mauss' own classification of sacrifices in the *Essay on the Nature and Function of Sacrifice.*

To better understand the basis of Hubert and Mauss' argument in the above passage, it is essential to turn to the Sanskrit texts which provided their source of the classifications for their arguments. Though Hubert and Mauss had consulted a wide variety of indological material for the composition of their essay, they specifically cite two texts[78] in connection with their discussion on the Mīmāṃsā classification. Both citations refer to statements out of the "rules of ceremonial interpretation" (*paribhāṣā*) sections of the *Kātyāyana śrauta sūtra* (1.2.1-12) and the *Āpastamba śrauta sūtra*[79] (24.3.32-36). Both of these texts are significant to Hubert and Mauss' textual usage of Mīmāṃsā and Mīmāṃsā-related discourse, but for different reasons. As is

[77] The terms used in Indology studies today are different from the usage of Hubert and Mauss.
[78] See note 41 above for the specific citations.
[79] See note above for Hubert and Mauss' quotation of these sources.

generally known among Sanskrit scholars of Śrauta ceremony[80], large parts of the first two sections of the "rules for ceremonial interpretation" in the *Kātyāyana sūtra* drew from statements of the *Pūrva Mīmāṃsā sūtra*[81], the head-text of Mīmāṃsā philosophy of ceremonies. Karka was also a Mīmāṃsāka commentator of Weber's (1852) edition of the *Kātyāyana sūtra*, quoting extensively from Śabara's *Great commentary* for his own detailed commentary on the structure of the ceremonies. In their citations of Weber's edition, Hubert and Mauss specifically refer to this commentary (specifically 2.10-12) in their discussion of the regular and optional ceremonies[82]. The ceremonial interpretation section of the *Āpastamba sūtra*, by contrast, had no Sanskrit commentary in the 1885 edition (the only print edition in existence then) published by Richard Garbe, but Max Müller (1855, p. 66 (113-7)) had published a German translation with his own commentary of the whole section, which Hubert and Mauss also cite. Though the latter presents less of the "theoretical exegesis" of Mīmāṃsāka commentators, I will argue that the text was an important source for Hubert and Mauss' basic understandings of the classification of Vedic ceremonies into pattern (*prakṛti*) and duplicates (*vikṛti*), in addition to providing valuable information about the basic nuts-and-bolts of Vedic ceremonies. It was also a text for which evidence exists of Mauss' careful and tutored study, since in his correspondence with Hubert (Bert, 2010) in 1888 from Oxford he mentions it as one of the main texts he had been reading in

[80] See especially Chakrabarti's (1980, intro.) work on the relation between the *Kātyāyana sūtra* and the *Pūrva-Mīmāṃsā sūtra*.
[81] In the section that concerns us, statements 2.2.4 = *JM* 4.4.34
[82] Hubert and Mauss, however, misattribute Karka's commentary of the *Kātyāyana sūtra* (volume 3 of Weber's 1852 edition) to Mahīdhara, the commentator of the Vājasaneyi-saṃhitā (volume 1 of Weber's 1852 edition). Because it is clear that Hubert and Mauss's citation refers to the *Kātyāyana sūtra*, since the *sūtras* they cite in fact deal with the various classification of ceremonies into regular and optional ceremonies, and since Mahīdhara clearly did not have a commentary on the Kātyāyana sūtra (or at least Weber's edition clearly distinguishes both commentators), Hubert and Mauss must have made a skip-of-eye in their citation of the commentator of the *Kātyāyana sūtra* (this skip-of-the-eye is also present in the first French edition of 1899). There is therefore no doubt that Karka is the commentator to whom Hubert and Mauss refer in their *Essay*.

consultation with the Vedic Indologist Moriz Winternitz (1863-1937), who had also been engaged in producing an edition of the *Āpastambīya Gṛhya-sūtra* at that time. Though there is no historical testimony for his reception of Mauss, Winternitz must have certainly welcomed the idea of collaborating with Mauss on the *Āpastamba śrauta-sūtra*, since the text certainly figured as a necessary component of his textual criticism of its related *Gṛhya-sūtra*.

In their mention of the categories of regular and occasional sacrifices, Hubert and Mauss provide a citation of section 1.2 of the *Kātyāyana sūtra*, specifically mentioning Karka's commentary thereon. The section is important not only because, as I will argue in §2 below, it is likely it partly inspired Hubert and Mauss's rendering of their own general definition of sacrifice, but also because Karka introduces the section with the statement of 2.1.2 (not cited by Hubert and Mauss) in which he provides the standard Mīmāṃsā definition (*sva-rūpatva*) of Vedic ceremony:

> Every ceremony consists of these parts: the material substance, the deity, the relinquishment. Examples of material substance are rice cakes, rice cakes prepared in boiled milk, offerings drenched in ghee, domestic animals, and soma etc. Examples of a deity are words consisting in the proper names of Agni, Soma, Indra, Vishnu etc. or any words significant of these deities expressed in adjectival forms, the dative case, or in mantric utterances. That is to say, a ceremony is defined as a ceremonial action consisting in the relinquishment (i.e. giving away) of a material substance like a rice cake etc. in reference to a deity like Agni etc. This is the meaning of the statement[83].

[83] *Dravyam devatā trāgaḥ yajñaḥ* | *dravyam purodaśa-caru-sāṃnāyya-paśu- soma-ādikam devatā agni-soma-indra-viṣnu-ādi-śabdamayī taddita-caturthī-mantra-varna-anyatamā bodhyā* | *tatra agni-ādikām devatām uddiśya yo dravyasya puroḍaśa-ādeḥ tyāga utsargaḥ sa yajña sa yāga iti arthaḥ* (1.2.2) My translation.

Here Karka sets the stage for the discussion to follow by stipulating what will be considered the three principal parts of the ceremony: (1) the relinquishment (*tyāga*) of (2) the offering substance (*dravya*) (3) in reference to a deity (*devatāyāḥ uddeśya*). Karka's definition is significant because it provides the reader with the basic presuppositions for the comprehension of later statements in the *Kātyāyana sūtra* about how to structure the Vedic ceremony[84], including those statements that Hubert and Mauss had cited classifying ceremonies according to their varying degrees of obligation under 1.2.10-12. In this way, Karka is able to differentiate between primary and secondary acts in the ceremony in the next two statements (1.3-4), stipulating how the tripartite definition constitutes the primary (*pradhāna*) acts of the ceremony since they are directly the efficacious of the ceremony's result, whereas the rest of the ceremonial acts are secondary (*aṇga*) on account of their supporting (*upakāraka*) in various ways the primary acts[85]. The distinction of the primary and secondary act will be important, not only for Karka's discussion on the categories of regular and optional ceremonies in 1.2.10-12, where only the primary acts are prescribed as obligatory for the agent, but also because, as Karka describes, it is only *primary* acts of the pattern that transfer through the process of extension to connect to the *secondary* acts of the duplicate ceremony[86] and the new result.

Karka's statements about the transference of ceremonies will become clearer as I progress throughout the argument of this section. Important for now is how the definition of the

[84] The exegetic technique of defining a section of statements within a certain scope – technically called *anuvritti* – is a standard feature of Sanskrit sūtra composition.
[85] 42–43 in the edition by Weber, which Mauss cited.
A way to think about this is the difference between the cake offered and the procedure of making the cake. The barley cake is the item directly offered to the deity, so that it is classified as a primary act. On the other hand, the husking of the chaff from the barley is also part of the ceremony, inasmuch as it is a step in the preparation of a barley cake. However, it is only indirectly related to the ceremonial result, since there are no scriptural statements authorizing the connection between husking barley and acquiring the result of a given ceremony.
[86] (Commentary ad 1.2.3; see note 91 below for translation)

three parts of a Vedic ceremony thus sets the stage for the theoretical expostulation of the Mīmāṃsā systems of classification.

The *locus classicus* of the methodological processes to which Karka here alludes and which Hubert and Mauss describe above in their example of the *Agnīṣomīya* cake are stated in the Śabara's *Commentary* on Jaimini's *Pūrva-Mīmāṃsā sūtras*, the standard reference on Mīmāṃsā philosophy of ceremonies. The process responsible for the transfer of the ceremonial pattern (*prakṛti*) to the duplicate (*vikṛti*), Śabara explains in 7.1.12 with the common śastric technical term called extension (*atideśa*):

> "Extension (*atideśa*)' is that process by which the details laid down in connection with one sacrifice are extended beyond that sacrifice and transferred to (i.e. connected with) another sacrifice".

Śabara further illustrates the process of extension with an example drawn from the everyday experience of directing someone's diet on the basis of a previously known dietary regimen.

> "For example, after having directed the feeding of Devadatta in the following terms:- Devadatta should be fed on rice, pulse, meat and sweet cakes, one 'transfers or extends the same process to the case of Yajñadatta in the words Yajñadatta should be fed like Devadatta"[87].

Substituting the common noun of the person "Devadatta" with the common noun of a Vedic deity (*devatā*) and the dietary regimen of "rice etc." with the offering material (*dravya*) of a Vedic ritual, Mīmāṃsākas held that the same principle of extension could be applied from one sacrifice to another. The process of extension operates to transfer prescriptions belonging to one sacrificial pattern to the prescriptions belonging to the duplicate of another sacrifice. In this way,

[87] in Śabara's commentary on *JM* (7.1.12.) (ed. Nyayaratna, 1873) = (trans. Jha, 1933, p. 1239)

they could explain how the relinquishment (*tyāga*) should be performed on a case by case basis in accordance to their tripartite definition of ritual as a relinquishment (*tyāga*) of an offering substance (*dravya*) in reference to a deity (*devatā*) .

Hubert and Mauss' explanation of the *Agnīṣomīya* cake in the Full and New Moon ritual illustrates the very process described above by Śabara's commentary. In fact, their example of the "scheme which is successively adapted" from the Full and New Moon ritual to the "solemn animal sacrifice", to the "periodical festivals", to the "occasional rites", and finally to the "periodical festival" of the "soma sacrifice" follows fairly closely the enumeration of the pattern and duplicates given in their citation of *Āpastamba śrauta sūtra* for the extension of New and Full Moon rituals. It is instructive to illustrate this:

> The New and Full Moon sacrifices are the basic pattern (*prakṛti*) for the solemn rituals (*iṣṭis*). These sacrifices also supply the pattern for the *Agnīṣomīya* animal sacrifice. The *Agnīṣomīya* animal sacrifice in turn supplies the pattern for the animal sacrifice in the Soma sacrifice. The animal sacrifice in the Soma sacrifice in turn supplies the pattern for the group of eleven animal sacrifices[88] in the Twelve Day Soma Session, which itself supplies the pattern for the Sacrificial Sessions (*sāttra*) lasting a year[89].

This enumeration of "sacrifices"[90] contains some of the more frequently encountered types of ceremonies in the Vedic and Mīmāṃsā literature. The basic principle at work here in this process

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[88] Cf. Āpastamba śrauta 21.14.6-9.

[89] *darśapūrṇamāsau iṣṭīnāṃ prakṛtiḥ* ।32। *Agnīṣomīyasya ca paśoḥ* ।33। *sa savanīyasya* ।34। *savanīya aikādaśinānāṃ* । 35। *aikādaśināḥ paśu-gaṇānāṃ* ।36।
– (Garbe, 1983 v.3: [1885] (24.3.32-36); Müller, 1855, p. 66 (= 113-117) ; (Eng. trans) Thite, 2004 (=24.3.32-36)) Translation of Thite 2004 with some modifications.

[90] That the enumeration is categorical, rather than temporal, can be justly appreciated by the fact that the New and Full Moon ritual supplies the pattern for the ceremony of Laying Down the Fires (*agny-ādhāna*), one of the regular rituals, which initiates the career of the *Ahitagni* (i.e. the person who has laid down the ceremonial fires and who is thereby qualified to commence the performance of rituals) and

of extension is the transfer of the relinquishment-cum-material-cum-deity triad prescribed to the pattern, to its various duplicate ceremonies, that have distinct results. Hence, the primary act of the New and Full Moon ceremony in question is described elsewhere in the *Āpastamba sūtra* as the offering (*nivapati*) of the rice-cake (*purodaśa*) to the dual deity of Agni and Soma on eleven potsherds (Garbe, 1983, p. 1419 [1885]: 24.2.30-32) on the first day of the full moon. According to the prescriptive statements in the *Āpastamba sūtra*, the same offering of the rice-cake to Agni and Soma will be extended to the *Agnīṣomīya* animal offering in the *Agniṣṭoma* ritual as well as to the independent animal sacrifice, for which the *Agnīṣomīya* is prescribed as the pattern. Moreover, the rice-cake offered to Agni and Soma will also be extended to the Soma sacrifice, which in turn is prescribed for the pattern of the group of eleven animal sacrifices featured in the Twelve Day Soma Session (*dvādaśāha*). Even when the sacrifice becomes as complex as the year long sacrificial session (*sāttra*), which demands the performance of several animal sacrifices every day, nevertheless the principal offering instrumentally linked to the fulfillment of the ceremonial result is still the basic pattern of the rice-cake offering prescribed in the Full and New Moon ceremony. Thus, Hubert and Mauss had, in a very significant sense, correctly assessed that the pattern and duplicate system of classification was "not a mere device of exposition, but there is in it a real sense of the flexibility of the sacrificial system" (Hubert & Mauss, 1964, p. 15) .

But Śabara, Mīmāṃsākas and Mīmāṃsāka commentators on the Śrauta sūtras also recognized an overlapping classification of ceremonies in the distinction of modalities of regular, occasional and optional ceremonies[91]. In his commentary on 1.2.10-12 (quoted in the *Essay*),

chronologically must precede the performance of the New and Full Moon ritual. Hubert and Mauss point this out in their *Essay*.

[91] The classification of ceremonies into these categories shifted historically. For an interpretation of the classification in the early period of Mīmāṃsā philosophical literature, see Yoshimizu's (2004)

Karka further defines this classification using Prābhākara Mīmāṃsā terminology. He notes that optional rituals are those which an agent motivated by his desire is prescribed to undertake for the purpose of obtaining the result of the ritual[92], citing the example of the Ćitra sacrifice and Twelve Day Soma sacrifice in which the sacrificial agents are motivated by the desire for cattle and prosperity respectively. Implicit in the argument is the idea that without a desire there is no obligation to undertake the ritual for an agent, hence its optionality. By contrast, Karka notes that regular and occasional rituals are obligatory, since their performance must be done (*kartavya*), not out of desire (*na icchayā*), but out of an enjoinment (*niyogataḥ*), which he later specifies as the prevention of a disaster that the agent would incur by the sanction of non-performance[93] (*akaraṇe doṣa-prasaktiḥ*).

In their presentation of the classification, Hubert and Mauss had emphasized the diversity of the ends or results for which "Brahmins made sacrifices to serve", not the different degrees of obligation which these categories can also communicate to the agent. But it is likely that their

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informative article. For deontic modal interpretation of these categories, see the articles by Freschi and Pascucci (2021) and Ciabattoni and Freschi (2015).

[92] *phala-yuktānāṃ ārambhe yāthā-kāmī phala-arthitvāt* ||*Katy. Su.* 10|| *phala-yuktānāṃ phala-sambandhānām kāmyānāṃ karmaṇāṃ dvādaśa-aha-ādīnāṃ ārambhe karmaṇāṃ kartur yāthā-kāmī syāt kartur yāthā-kāmyaṃ bhavet icchayā pravṛttiḥ syād iti arthaḥ* |– Karka Commentary

[93] *Na niyama-nimitta-agnihotra-darśapūrṇamāsa-dākṣāyaṇa-agrayaṇa-paśuṣu pravṛtteḥ*|| *Katy. Su.* 11|| *eśu niyama-ādiṣu paśu-anteṣu sūtra-ukteṣu kartur na yāthā-kāmī na yāthā-kāmyām* | *kutaḥ* | *pravṛtteḥ śāstraṃ hi eteṣu* ***niyamena puruṣaṃ pravartayati*** | ***ata eteṣāṃ niyogataḥ anuṣṭhānaṃ kartavyaṃ na icchayā*** | – Karka Commentary.

–yadi punar jīvanam nimittatvena uddiśya karma vidhīyate tataḥ yāvat kartṛ-bhāvini niyate nimitte vinā kāma-sambandhena codyamānam ***akaraṇe doṣa-prasakter*** *avaśyaṃ puruṣeṇa jīvatā sva-artha-siddhi-artham* ***anartha-parihārāya*** *ca* ***kartavyam*** *iti kartṛ-dharmaḥ niyamaḥ anena vacanena coditaḥ bhaviti tadā…* (see next page for last quotation in fn.)

– tasmāt kṛtsne jīvane prāṇa-dhāraṇa-kriyā-rūpe nimitte puruṣasya ***pratyavāya-parihāra-agnihotra-prayogaḥ vidhīyate*** | ibid. in Karka's Commentary in the context of discussing the question whether the "occasion" (*nimitta*) of "as long as one lives" (*yāvat-jīvam*) and other such qualifications in prescriptions are a property of the agent (*kartṛ-dharma*) or that of the ceremony (*kratu-dharma*).

emphasis on how the pattern of a rite could explain diversity of sacrificial purposes arose from a nascent realization that statements out of *Kātyāyana sūtra* and Karka's commentary thereon reclassify the same enumeration of sacrifices of the *Āpastamba sūtra* above into the classification of regular, occasional and optional rituals. Hubert and Mauss directly cite the following selection of statements out of the *Kātyāyana sūtra* (1.2.10-12) together with Karka's commentary (not directly translated in the quotation below, but consulted to make sense of the elliptic statement in *Kātyāyana*) in Hubert and Mauss's discussion of the regular and occasional rituals. The quotation of the citation is revealing.

> If the optional rituals that are connected to the result are found commencing [the prescriptive statement], the agent performs them in accordance to his desire for the result [in that prescriptive statement], since the agent has that result as his purpose [for doing the sacrifice]. But the agent does not perform them in this manner in regard to permanent and occasional rituals like the *Agnihotra*, the Full and New Moon ritual, the *Daskhṣāyana*, the *Āgrayaṇa* or the Independent Animal sacrifices, since [in these rituals] he undertakes an action [sanctioned by a restriction]. The agent of the *Agnīṣomīya* animal sacrifice belonging to the Soma rituals also does not perform in accordance to the desire for the result[94] [but on the basis of a sanction of a restriction].

The *Kātyāyana sūtra* repeats the same section of rituals consisting of The Full and New Moon rituals, the Solemn rituals (*iṣṭi*), the Independent animal sacrifice (*niruḍha-paśu*), the *Agnīṣomīya* animal sacrifice and the Soma ritual, which formed the basis of Hubert and Mauss's illustration

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[94] *phala-yuktānāṃ ārambhe yāthā-kāmī phala-arthitvāt* ||
na niyama-nimitta-agnihotra-darśapūrṇamāsa-dākṣāyaṇa-agrayaṇa-paśuṣu pravṛtteḥ||
some ca eke || *Katy*. *Su.* 10-12||

out of the enumeration of *Āpastamba sūtra*. Karka adds the Twelve Day Soma sacrifice (*dvādaśāha*), so that only the yearlong Sacrificial sessions are omitted from the prescriptive statements for the extension of the pattern and duplicates. In his commentary on these statements, as I noted above, Karka stresses how the distinction of the optional, regular and occasional rituals distinguishes the *purposes* for which the agent undertakes the ritual. In the case of optional rituals like Twelve Day soma ritual, the person undertakes the ritual because he or she has a desire for prosperity; while in the case of regular or occasional rituals like the New and Full Moon ritual, the person undertakes the ritual out of an obligation (*niyogataḥ*), since non-performance would lead to a disaster (*pratyavāya*).

But it is in the lesson of sacrificial unity traversing manifold sacrificial purposes that we glean from the interaction of these two classifications that becomes instructive of its likely influence on Hubert and Mauss's exposition. Taking a look at just the Sanskrit sources quoted above, we see that most of the duplicates like the *Agnīṣomīya* animal ceremony or the Soma ceremony will be classified, like its pattern the Full and New moon ceremony, as cases of regular or occasional "sacrifice". Their purpose of performance is thus obligatory, i.e. arising out of the avoidance of disaster in the case of non-performance. It is not remarkable that duplicate ceremonies having the pattern of a ceremony classified as obligatory will similarly be so. However, things take an instructive turn in the case of the Twelve Day soma ritual (*dvādāśāha*). In his commentary, Karka classifies it as an optional ritual, entailing that the agent performs the sacrifice if he has desire for prosperity (*ṛddheḥ kāmaḥ*) as his purpose of sacrificial conduct. In contrast to the obligatory nature of its pattern, therefore, the primary act of the Twelve Day Soma ceremony is optional (*yāthā-kāmya*). In other words, the pattern of the *obligatory* act of the New and Full Moon ceremony, whose purpose is the avoidance of disaster, becomes extended to the

duplicate of an *optional* ritual, whose purpose is the acquisition of prosperity. The same principle also extends to the one day Soma rituals and the ceremony for royal consecration, which are also *optional* ceremonies, thus exemplifying the very take-away that Hubert and Mauss had emphasized in their assessment of the Sanskrit sources: *a sacrificial system in which a single rite could be adapted to a diversity of ritual purposes*[95].

But there may be a lingering doubt. In their presentation of the classification of regular and occasional sacrifices, Hubert and Mauss had frequently resorted to the classificatory jargon of 19th century anthropology and comparative religion to exemplify the diversity of sacrifices grouped within the Sanskrit classification. In so doing they provided generic translations for what Mīmāṃsākas consider to be a distinct system of proper nouns (*nāmadheya*) describing the relation of individual ceremonies in the larger background of their classification. To take one example, Karka classifies the *Āgrayaṇa* ritual as a regular ceremony and the duplicate of the pattern of the New and Full Moon ceremony. To 19th century European readers, the "philological" context of the ceremony is the sacrificial offering of the "first fruits" in autumn. For the Mīmāṃsāka Karka, this "fact" is irrelevant to the classification of the ceremony, though the involvement of rice husks might involve some discussion about how the secondary act of threshing supports the primary act productive of the result. But it is easy to see how the philologists Hubert and Mauss saw in it the equivalence to the classical harvest festival of comparative religion in which the first fruits are consummated by a sacrifice at harvest time.

Hubert and Mauss' presentation of the classification clearly differed from what the Sanskrit sources contain. But I attribute this to the fact that Hubert and Mauss had from the outset started from very different motivations for theorizing sacrifice as well as the fact that they

[95] This is the main thesis of this section.

were speaking to a completely different historical audience than Mīmāṃsākas. Indeed, rather than detracting from their argument, they interpreted the Mīmāṃsā classifications according to their advantage. The stock taxonomy of sacrifices belonging to their biblical and philological interlocutors allowed Hubert and Mauss to exaggerate this unity amid diversity all the more. Thus when they said that the same pattern of the rite lied behind the "sterile cow sacrificed by the Brahmins to Rudra" and the *Agnīṣomīya* goat that is "sacrificed in the same manner" to the "heavenly gods Agni and Soma" (Hubert & Mauss, 1964, p. 16 [1899]), they were exaggerating the unity between communal and expiatory sacrifices which scholars since Smith had carefully separated into altogether different evolutionary periods, as if it were a "taboo" to combine them at the same moment of performance.

§5
Hubert and Mauss: A reading of Mīmāṃsā in the Mechanism of Sacrifice

In the previous section, I showed that Hubert and Mauss had recognized a framework for describing the definitional unity of a ritual pattern for a diversity of ritual purposes within the Sanskrit sources of Mīmāṃsā philosophy of ceremony. Though I would not insist that my reconstruction of Hubert and Mauss's reading of the Sanskrit sources is the only one possible, since historically it is clear that they had consulted not only a variety of Sanskrit materials on Vedic ceremony, but had also personally collaborated with several prominent Sanskritists of Vedic ceremony, like Willem Caland, Sylvain Lévi and Moriz Winternitz, I do however *strongly insist* that some such juxtaposition of the Mīmāṃsā classification of pattern and duplicate and the deontic categories of regular and optional ceremonies had historically contributed to the "unity in diversity" understanding of "sacrifice" in the *Essay on the Nature and Function of Sacrifice,* even if the precise details of this intellectual influence are not historically available to us. This

was so whatever the exact nature of their Sanskrit sources. After all, it is no small confession to have openly stated that they had "borrowed" the Sanskrit insights for their own exposition of sacrifice, and the citations they provide in the *Essay* lead precisely to the texts which I presented above.

A question remains however: how did Hubert and Mauss implement this framework in their own theoretical formulation of the mechanism of sacrifice that is their central takeaway? Perhaps the influence of the Mīmāṃsā framework can be nowhere better attested than in Hubert and Mauss' own assessment of the essential unity between communal and expiatory sacrifices, categories that 19th century scholars had kept carefully separate in their evolutionary histories. In this section, my aim is to show how Hubert and Mauss' exposition of a single definition of sacrifice that remains the same within purposes as different as communal and expiatory sacrifice recalls the lesson of the same ritual pattern amid the diversity of purposes which I have shown they identified in the Mīmāṃsā sources above. But this is not all. I will also argue in this section that Hubert and Mauss's insistence that the destruction of a victim is central to the definition of sacrifice echoes the common Mīmāṃsā tripartite definition of sacrifice that Karka cited in the *Kātyāyana sūtra* above. Even when they resort to the 19th century categories of sacred and profane in place of the permanent and elective for defining the way that the purposes of sacrifice vary the same procedure, Hubert and Mauss show themselves indebted to Mīmāṃsāka interpretations of the Vedic ceremony for their grand intervention.

Already in the first chapter, Hubert and Mauss stipulate a working definition of sacrifice with which they will present their study of the comparative material belonging to the sacrificial religions of antiquity. Initially, Hubert and Mauss lay down the following definition:

> "Sacrifice is a religious act which, through the consecration of a victim, modifies the condition of the moral person who accomplishes it or that of certain objects with which he is concerned" (Hubert & Mauss, 1964, p. 13 [1899]).

In the passages leading up to it, Hubert and Mauss had provided some commentary on the basic "elements" of the definition. Sacrifice was a kind of "consecration" that required the "destruction of a victim" and the presence of a "sacrificer", in order to effect transitions of the moral person or things related to the person (i.e. houses, fields, possessions) between the "religious" categories of the sacred and profane. But though this definition seems to follow standard 19th century practices of definition based on essentialist stories of origin, in the course of their exposition Hubert and Mauss noticeably qualify their claim, saying that they mean by "the continuity between the forms of sacrifice" implied in their definition, not the sharing of a common historical origin, but rather the sharing of the elements in the procedure of "one single mechanism" (Hubert & Mauss, 1964, p. 18 [1899]). Later in the *Essay*, Hubert and Mauss' emphasis on the sameness of the elements of the procedure becomes prominent in describing how the "mechanism of sacrifice", as if it were a tool in a workshop, varies its definition depending on its aim or result:

> "In reality, it [the scheme of communal sacrifice] constitutes the common content (*matière*) from which the more particular forms of sacrifice are taken. According to the end sought, according to the function it is to fulfill, the parts of which it is composed can be arranged in different structures and in a different order. Some [parts] can assume more prominence to the detriment of others, some may even be completely lacking. Hence arises the multiplicity of sacrifices, but without there being specific differences between

the various combinations. It is always the same elements that are differently grouped or developed with more or less prominence" (Hubert & Mauss, 1964, p. 50 [1899]).

The above quotation shows that Hubert and Mauss had a more comprehensive understanding of how the definition of sacrifice "presupposes a generic unity" than a first reading of their definition suggests. Juxtaposed with the first quotation, it becomes clear that the consecration of a person or thing by means of a victim does not simply define the essence of sacrifice by its original purpose for the utilitarian growth of civilization, as for example in the essentialist claim that sacrifice is for the sake of fellowship. But the stark emphasis on "parts," "combinations," "prominence" (= *pradhāna*?), "absences" and in brief derivable "content" (Fr. *matière*) suggests that these elements of consecration, victim, moral character of a person, and the contraries of sacred and profane constitute the unity of the sacrificial mechanism i*n virtue of being the principal building blocks* of its procedural structure. The difference, though subtle, is one where essence is defined by a totality of diverse elements in a permanent structure (i.e. a procedure) rather than by an historically reconstructed genealogy of origin.

At this point, I propose a working hypothesis of Hubert and Mauss's idea of sacrifice based on the quotations I cited above. From these, I claim that they understood sacrifice to be unitary because its procedure consists of a finite totality of elements, even when different purposes place these elements in different combinations within a fixed structure. This unity is of a different kind than the essentialism which Smith had claimed in "reducing the expiatory sacrifice to a communion sacrifice" in his genealogy of origins (Hubert & Mauss, 1964, p. 13 [1899]). In the rest of this section, I will show how Hubert and Mauss had defended precisely this *structural* view of sacrifice.

In the remainder of the *Essay*, Hubert and Mauss elaborate on how the different arrangement of the same elements of their definition constitute different "schemes" of sacrifices such as communal and expiatory sacrifice. Their discussion on how communal and expiatory sacrifices have the same elements but arranged differently for the contrary purposes of "sacralization" and "desacralization" helps clarify what Hubert and Mauss had meant by the function of sacrifice:

> "Since the sacrifice has as its purpose to affect the religious state of the sacrificer or the object of sacrifice, we can foresee *a priori* that the general lines of our plan must vary according to what that state is at the beginning of the ceremony. Let us suppose first that it is neutral. The sacrifier – and what we say about the sacrifier could be repeated for the object of sacrifice in the case of an objective sacrifice – is not invested with any sacred character before the sacrifice. Sacrifice, therefore, has the function of imparting it to him" (Hubert & Mauss, 1964, p. 51 [1899]).

The passage introduces how Hubert and Mauss use their definition above as a reference point throughout their exposition for discussing the particular procedure of the communal sacrifice. They start with a reference to one or two "elements" of their definition, here consecration and the moral condition of the sacrificer. Hubert and Mauss had previously stated how the act of "consecrating" resulted in a religious change in the moral disposition of the person undertaking the sacrifice. Here we see that Hubert and Mauss understood the act of consecration as a part in a fixed procedure, replete with a beginning-to-end structure[96]. These elements are then used to distinguish the procession of the "procedure". In the case of communal sacrifice, the sacrificer

[96] Hubert and Mauss emphasize this point in their discussion of the "scheme" of sacrifice: "we must point out an essential characteristic of the sacrifice: the perfect continuity that is necessary to it. From the moment that it has begun, it must continue to the end without interruption and in the ritual order. All the operations of which it is composed must follow each other in turn without a break" (ibid, p. 28).

will begin the procedure with a "neutral" condition, i.e. the not-sacred or the neither sacred nor profane, while the purpose of the sacrificial procedure aims at "imparting" the sacred character to the sacrificer. Thus not only do we see here that Hubert and Mauss used the elements of the definition as important reference points in their exposition of the scheme of communal sacrifice, but also that when they used the word "function" they meant something like goal-oriented procedure that, by means of a consecration, shifted the moral condition of the sacrificer somewhere on a continuum whose two points began with the neutral or secular space[97] and terminated with the sacred[98].

Though not included in their initial definition, Hubert and Mauss had made the fixed procedure in which elements of the definition are arranged an important distinguisher of schemes of sacrifice. This becomes clear when we consider the role of the victim in Hubert and Mauss' exposition of the communal sacrifice. Commenting on the sacrificer as an element of the definition, Hubert and Mauss had defined him or her as "the subject to whom the benefits of sacrifice thus accrue, or who undergoes its effects"[99], taking the lead from the technical linguistic usage of the *yajamāna* (lit. agent who enjoys[100] the result of the act of sacrificing) in Sanskrit ceremonial texts (Hubert & Mauss, 1964, p. 20 [1899]). But though the purpose of the communal

[97] Though outside the present discussion, it is interesting to note that the concept of the "neuter" space here in Hubert and Mauss' conception seems to coincide to the historical anticlerical political movements in France starting from the 1870s, that sought to create a non-denominational space in the French national government.

[98] On the progression of the sacrifice, Hubert and Mauss emphasize the role of the victim in drawing together the sacred element from its beginning in the secular or neutral space: "Thus this process of drawing together the sacred and the profane, which we have come about sacred progressively through the various elements of the sacrifice, is completed in the victim" (ibid,p. 32) .

[99] A direct textual of the ceremonial agent of Vedic ceremonial literature for their definition of the person who receives the fruit of the ritual, which Hubert and Mauss quote directly.

[100] Here the verb is declined in the middle voice (*ātmanepada*) following Pāniṇi's rule (*kartr-abhiprāye kriyā-phale* 1.3.73) that the middle voice is used to denote that the agent is the recipient of the result of verbal action. Karka also mentions this grammatical explanation in his commentary on the eligible agent of the ceremony.

sacrifice was thus "to increase the religiosity of the sacrificer", the various rites of the consecration were not practiced directly on him or her, but on the victim of the sacrifice which Hubert and Mauss viewed "as an intermediary between the sacrificer… and the divinity to whom the sacrifice is usually addressed" (Hubert & Mauss, 1964, p. 11 [1899]). In particular, the victim served the intermediary role of receiving "the strength that the act of consecration had built up" (Hubert & Mauss, 1964, p. 11 [1899]). In making the victim an instrument by which the sacrificer gained possession of his or her sacred character, Hubert and Mauss could thus emphasize that communal sacrifice was essentially distinguished by a procedural structure in which "the characteristic whose transmission is the very aim of the sacrifice *passes from the victim to the sacrificer*" (Hubert & Mauss, 1964, p. 52 [1899]).

In their summary exposition of the communal sacrifice, Hubert and Mauss brought together the various details of the structural procedure outlined above into a simple "schema". The communal sacrifice was a specific scheme of sacrifice because the particular arrangement of its "elements" structure its procedure in a characteristic way. Summing up the scheme of the communal sacrifice up to the transmission of religiosity to the sacrificer, Hubert and Mauss write:

> Consequently the numerous rites which are practiced on the victim can, in their essentials, be summed up in a simple schema. The victim is first consecrated...The series of states through which it passes might thus be represented by a curve: it rises to a maximum degree of religiosity, where it remains only for a moment, and then progressively descends.We shall see that the sacrificer passes through the corresponding phase (Hubert & Mauss, 1964, p. 45 [1899]).

All of the elements of the initial definition are present here: the victim, the transitions on a continuum of the secular and sacred, the moral condition of the sacrificer. However it is in the context of the schema of communal sacrifice where Hubert and Mauss arrange the elements in a particular structure in the procedure. Importantly, Hubert and Mauss here add a further dimension by representing the progress of the procedure by a geometrical analogy to a curve: somewhat similar to a rollercoaster, the sacrifice sends the victim up and down again through different phases of the moral continuum of the sacred. In their interpretation of the Vedic ceremony according to this abstract schema, Hubert and Mauss explain how the characteristic transmission of the sacred from the victim to the sacrificer happens at the pinnacle of this curb, after which the sacrificer descends back to the secular sphere retaining an altered moral condition of religiosity[101].

Keeping in mind that Hubert and Mauss viewed the composition of a sacrifice as determined by its purpose, it is safe to say that Hubert and Mauss understood more or less the following features as key to the scheme of a communal sacrifice. It is characterized by a purpose of imparting the moral status of the sacred to the sacrificer. It follows a procedure marked by a start, middle and end. The sacrificer starts out in a secular or neutral religious state. The process of consecration imparts the sacred to the victim. At the middle of the consecration, the religious condition of the victim is transmitted to the sacrificer, who thereby acquires the characteristic. The sacrifice ends with the sacrificer leaving the sacrifice possessed of the moral state of the sacred that was the purpose of the communal sacrifice.

In their exposition of the communal sacrifice, Hubert and Mauss had sought to illustrate how their definition of sacrifice took on a concrete shape in the very sacrifice which William

[101] For the role of the victim in Hubert and Mauss's mechanism of sacrifice, cf. note 76 above

Robertson Smith had argued was the original type of sacrifice. But their exposition of its essential features differed widely from Robertson Smith's account. Whereas Smith had emphasized its regulative and stimulative aspects of the communal totem ritual, a "primitively" retrojected narrative of the Ristchilian doctrine of faith and good works, Hubert and Mauss had emphasized the fixed *structure* of sacrifice in the grouping of elements in the procedure, especially emphasizing the way that the destruction of a victim imparts *religiosity* on a continuum of the sacred and profane rather than establish the moral obligation of a community. But Hubert and Mauss also wanted to show how their definition of sacrifice proved 19th century historicism of sacrifice wrong. To do this, they needed to show how expiatory sacrifice consisted of the same structure of elements as communal sacrifice, not only disproving thereby Smith's historical story of *origins*, but also demonstrating how sacrifice could be understood as synchronic system of social representations for the maintenance of social equilibrium that could function for social ends as diverse as communion and expiation.

Hubert and Mauss's exposition of the expiatory sacrifice begins with an altogether opposite situation than that described in the communal sacrifice. In this scheme, "the man who is about to sacrifice already has a sacred character" (Hubert & Mauss, 1964, p. 53 [1899]). Hubert and Mauss explain how a person can have a sacred character prior to any kind of ritual action in a discussion which requires them to elaborate on the *ambiguous* nature of the sacred as *profane*. In a short discussion with examples, they suggest that the profane is a kind of alter-ego of the sacred which persons acquire "by not observing religious laws or by contact with impure things" (Hubert & Mauss, 1964, p. 53 [1899]). Contact with the profane is thus "a kind of consecration", so that "the sinner, just like the criminal, is a sacred being" (Hubert & Mauss, 1964, p. 53 [1899]). From these considerations, Hubert and Mauss deduced that "the sacrifice has as its aim,

or at least one of its aims, to rid him of his impurity," making it clear that they defined expiation primarily by its elementary purpose to eliminate the sacred character of the profane from the sacrificer (Hubert & Mauss, 1964, p. 51 [1899]).

Hubert and Mauss illustrate the scheme of an expiatory sacrifice using an example out of a domestic ritual of the *Domestic sūtras,* a practical liturgy for householders (*gṛhastha*) in Sanskrit ceremonial literature. As the background of the ritual, Hubert and Mauss basically understand that a spit-ox is used as an expiatory victim to drive away a plague that the god Rudra, lord of the animals, sent upon the householder's cattle (Hubert & Mauss, 1964, p. 51 [1899]). Hubert and Mauss describe the domestic expiatory sacrifice thus:

> "Rudra is lord of the animals, who can destroy them, and men, by plague and fever. Thus he is the dangerous god. Now as the god of cattle he exists within the herd at the same time as he prowls round it and threatens it. To drive him from the cattle he is concentrated in the finest bull of the herd. This bull becomes Rudra himself; it is raised up, consecrated as such, and homage is paid to it. Then at least according to certain schools of opinion—it is sacrificed outside the village, at midnight, in the woods. In this way Rudra is eliminated. The Rudra of the animals had departed to join the Rudra of the woods, the fields, and the crossroads. Thus the purpose of the sacrifice has indeed been the expulsion of a divine element" (Hubert & Mauss, 1964, p. 55 [1899]).

It is interesting to see why Hubert and Mauss had selected this ritual as their example. It not only shows the main point of the expiatory procedure, in that a spit-ox with a sacred character of the plague is destroyed by a sacrifice, so that the sacred character of the profane is thereby expelled from the rest of the cattle. But the passage also illustrates how the "religious character" of the spit-ox is produced by a prior communal sacrifice, in which the bull "is raised up" and

"consecrated" as Rudra. It thereby acquires the sacred character of the profane that will subsequently be eliminated by the expiatory slaughter of the victim. By contrast, in the biblical example of a sacrifice for the purification of a leper, which Hubert and Mauss also cite as an expiatory sacrifice, the leper already contains the sacred character of the leprosy prior to the sacrifice of the turtle dove which is prescribed as the remedy, demonstrating Hubert and Mauss' observation that "the rites of entry" of the initial consecration "are limited or even missing" in most cases of expiatory sacrifice. With the caveat that the state of the sacrificer had already received the sacred character of the profane from a prior "chance" consecration, the passage thus illustrates that the expiatory sacrifice was essentially meant "to communicate to the victim, by the sacrificial continuity, the sacrificer's religious impurity and with that victim to eliminate it" (Hubert & Mauss, 1964, p. 53 [1899]).

In their summary of the scheme of expiatory sacrifice, Hubert and Mauss emphasize the key features of its procedure in contrast to the communal sacrifice. Noteworthy is the fact that the *purpose* of sacrifice here too structures not only where the elements of their definition occur but also which elements occur. Hubert and Mauss start with the most striking character difference: the reversal of the transmission of religiosity from sacrificer to victim:

> "In all these cases [of expiatory sacrifice] the sacred character which is passed on by sacrifice proceeds not from victim to sacrifier [as in the communal sacrifice], but on the contrary from sacrificer to victim. It is got rid of by being passed on to the victim…On the other hand, the rites of entry are limited or even missing. The sacrifier, being already invested with a religious character, has no need to acquire one. The religiosity that marks him diminishes progressively from the inception of the ceremony. The movement upwards, that we found in the complete sacrifice is rudimentary or even entirely lacking.

> We are thus confronted with another type, into which enter the same elements as in the communal sacrifice. But these elements are orientated in an opposite direction and their respective prominence is reversed" (Hubert & Mauss, 1964, p. 55 [1899]).

Above, Hubert and Mauss walk us step by step through the main differences of the expiatory procedure, contrasting the reversals at every point of its beginning-to-end structure. Starting from the premise that the purpose of the expiatory sacrifice is elimination, Hubert and Mauss claim as an essential feature that the consecration transmits the sacred character from the sacrificer to the victim, a movement that is the reverse of the transmission in communal sacrifice. A series of other reversals of the sacrificial procedure follow close suit: the sacrificer's prior possession of a sacred character, the consequent absence of rites to "impart" the sacrificer with the sacred, the destruction of the victim as progressively diminishing the sacred state of the sacrificer, as if he or she were on a rollercoaster departing from a steep platform, from the sacred to the secular or neutral space. Finally the absence of any "upward" movement that characterized a progression of the sacrificer to the state of the sacred definitely differentiates the procedure of the expiatory sacrifice from the procedure of the communal sacrifice.

But though the "orientation" of the procedure is the reverse of the communal sacrifice or omits its "upward" trajectory altogether, Hubert and Mauss emphasize the presence of the *same* elements of the initial definition in both the expiatory and communal sacrifice: the sacrificer as the beneficiary of the result, the medium of the destruction of a victim, the transmission of moral state of the sacrificer on the continuum of neutral and sacred space through the medium of the destroyed victim. In this way, Hubert and Mauss could assert that the presence of the same elements of the sacrificial definition in sacrifices as contrary as communal and expiatory were grounds for claiming the *general unity of the sacrificial mechanism*:

> "It is already a remarkable fact that, in a general way, sacrifice could serve two such contradictory aims as that of inducing a state of sanctity and that of dispelling a state of sin. Since it is composed of the same elements in both cases, there cannot exist between these two states the clear-cut opposition that is generally seen" (Hubert & Mauss, 1964, p. 58 [1899]).

In effect, Hubert and Mauss conclude that "the sacrifice of expiation is itself only a special variety of a more general type, which is independent of the religious state created by the sacrifice" (Hubert & Mauss, 1964, p. 57 [1899]). The communal sacrifice was also just a special variety of this general type, as are the two additional schemes of the objective communal sacrifice for the inauguration of a building and the objective expiatory sacrifice for the agrarian purification of the harvests, which Hubert and Mauss had proceeded to treat as two other "special varieties" in the rest of their exposition[102]. In this way, Hubert and Mauss had demonstrated a total of four abstract types of sacrifices united by the procedural structure of the "mechanism of sacrifice".

In the concluding section of the *Essay on the Nature and Function of Sacrifice*, Hubert and Mauss emphasize the "unity of the sacrificial system" in the communal and expiatory sacrifice as their major intervention in 19th century scholarship on sacrifice. In light of the preceding examination of communal and expiatory sacrifice, Hubert and Mauss can now declare the final verdict on their mutual interdependence, proving their *synchronous* development.

[102] In the rest of their book, Hubert and Mauss had added the exposition of these "objective sacrifices" as "special varieties" of the general type on the grounds that in them personal objects related to the sacrificer, rather than the sacrificer themselves, received the transmission of the sacred character of the consecration. In other words, Hubert and Mauss claimed that their purposes structured their procedure differently so as to make them distinct from the communal and expiatory varieties of sacrifice, but that the presence of the same elements nevertheless were grounds for including them under the same general type.

> "It can now be seen more clearly of what in our opinion the unity of the sacrificial system consists. It does not come, as Smith believed, from the fact that all the possible kinds of sacrifices have emerged from one primitive, simple form. Such a sacrifice does not exist. Of all the procedures of sacrifice, the most general, the least rich in particular elements, that we have been able to distinguish, are those of communal sacrifice and expiatory sacrifice. Now actually in any sacrifice of expiation, however pure it may be, we always find a communal sacrifice of the victim. Conversely, in any sacrifice of communal nature, even the most clearly marked, an expiation is necessarily implied, for otherwise the remains of the victim could not be used" (Hubert & Mauss, 1964, p. 95 [1899]).

Explicitly rejecting Smith's essentialist claim that "all possible kinds of sacrifice have emerged from one primitive, simple form", they instead claim to have shown that the elements of the procedure of communal and expiatory sacrifice occur in each other, proving against stories of origin that these two schemes of sacrifice are "so closely interdependent that the one cannot exist without the other" (Hubert & Mauss, 1964, p. 95 [1899]).

Tellingly, in articulating the major insight of the unity of the sacrificial mechanism, Hubert and Mauss echo their earlier take-away of the two systems of classification in Mīmāṃsā philosophy of ceremonies.

> "But if sacrifice is so complex, whence comes its unity? It is because, fundamentally, beneath the diverse forms it takes, *it always consists in one same procedure, which may be used for the most widely differing purposes"* (Hubert & Mauss, 1964, p. 97 [1899]).

The quote above is in many ways a simple periphrasis of Hubert and Mauss' definition of sacrifice. There is, however, one important difference in emphasis: the preceding discussion of the schemes of sacrifice have now led Hubert and Mauss to foreground the unitary role of "*the*

same procedure" in structuring "the most widely differing purposes". In their assessment of the classification of pattern-duplicates in Mīmāṃsā philosophy of ceremonies, Hubert and Mauss had used similar language to describe the extension of the pattern of the *Agnīṣomīya* cake offering to the duplicate rituals, whose purposes Mīmāṃsāka authors had diversified by the overlapping classification of regular, occasional and optional rituals. According to their assessment, which our separate analysis of the sources confirmed, the interaction of the two classifications of sacrifices demonstrated "the exposition of a basic rite that is gradually diversified to make it correspond to different needs" (Hubert & Mauss, 1964, p. 15 [1899]). Put a little differently, the same sacrificial *pattern* can serve different sacrificial *purposes,* precisely the formulation that Hubert and Mauss claim in their quote above to be the contribution of their theory to 19th century scholarly discourse.

But this greater emphasis on the singularity of the procedure here reveals one more telling fact of Hubert and Mauss's use of their Mīmāṃsā sources. Picking up from the last quote, Hubert and Mauss clarify that:

> "This procedure consists in establishing *a means of communication* between the sacred and the profane worlds through the *mediation of a victim*, that is, of a thing that in the course of the ceremony is *destroyed*" (Hubert & Mauss, 1964, p. 97 [1899]).

It is striking how Hubert and Mauss here emphasize the *medium* of the destroyed victim as constitutive of the singularity of the procedure, which they understand as a *means of communication*. In so doing, Hubert and Mauss have virtually repeated Karka's definition of the primary elements of the Vedic ritual as "the relinquishment of a material substance in reference to a deity" Katy. Śs (1.1.2). That sacrifice involves an act of relinquishing to a deity might almost seem commonsensical; at least, in early 19th century discourse, the notion of "giving up"

is certainly included in the reference to the Greco-Roman classical idea of *do ut des* first described by Edward B. Tylor in his rationale of sacrifice[103]. Even more telling is the fact that Durkheim had suggested a definition of sacrifice to Hubert and Mauss that, from a casual reading, seems nearly identical to the formulation settled upon in the *Essay:*

> "An operation, or set of operations, that is part of a system of religious rites and whose result is to destroy (through manducation, punishment, sacrifice by fire, etc.) or to put out of common use (offering) one or several animate or inanimate objects"[104]

What clenches the argument for the Mīmāṃsā influence, however, is not only the fact that Hubert and Mauss had stressed sacrifice as *a means of communication* of the sacred and profane that affects the religious status of the sacrificer, rather than merely the result of *destruction,* as Durkheim's definition formulates it, but in particular how the very *medium* of destruction constitutes the *same procedure* of diverse classes of sacrificial result. This is precisely the lesson of Karka's commentary on the application of the Mīmāṃsā definition in the extension of the ceremonial pattern to its duplicates.

It is instructive to compare Karka's similar illustration of the same principle in regard to the extension of the primary rite to other kinds of ceremony. For example, we can see this at *Kātyāyana* 1.2.3., where Karka explains, in a somewhat technical discussion on the use of interpretative context (*prakaraṇa*) as a way to know the applicatory prescription (*viniyoga-vidhi*) – the prescription that subordinates rites to other hierarchical rites– how only the *primary acts* of the definition transfer by extension to the duplicate ceremony:

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[103] One should remember though, that Tylor who brought this principle out, interpreted it in terms of the theory of political contract in the tradition of political theology. The Mīmāṃsā definition has no such presuppositions, especially considering their point of view that divinity is a mere functional entity, not a substantive one.

[104] Letter from Émile Durkheim to Marcel Mauss, Bordeaux, June 15, 1898 (quoted in Fournier (2006, p. 75))

> "Direct prescriptions transmitted in the context of a particular act also prescribe the application of the ceremony. In reply to the question whether I should perform those secondary acts too which are newly added to the list of prescriptions in the duplicate rite, the response is that in this way they are also required. That is to say one might think that, since the primary rite does not require the original secondary rites of the pattern [*prākṛtair aṇgair*], the primary rite has no connection with the secondary rites of the duplicate [*tad apekṣā*], but [tu]one first rejects the notion that the primary rite is irrelevant to the newly added rites, then one conjectures by a generous reading that the primary rite connects to them. So that nevertheless the primary rite would establish a connection [with the secondary rites of the duplicate]"[105] like in the case of the supplementary oblations to the eight deities.

Though the main gist of his comment is to explain how the the secondary rites transmitted in the context of the duplicate ceremony acquire the special relation of "support" (*upakāraka*) to the primary rite of the pattern, here Karka also expresses the idea that only the primary rite of the pattern transfers to the duplicate, not the secondary rites transmitted in the context of the pattern. Considering this in light of the statement at *Kātyāyana* 1.2.4., where the primary rites are further defined as directly leading to the result[106] of the specified ritual, the import of Karka's commentary reveals a basic idea of how the definition of Vedic ceremony works to *structure* the classification of pattern and duplicate: the pattern consists in the efficacious act of relinquishing

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[105] *saṃnidhau āṃnānena api viniyogaḥ bhavati / vikṛtau yad apūrvam aṇgaṃ paṭhyate tad api mayā kiṃ kartavyam iti evaṃ sākāṇkṣaṃ bhavati / pradhānasya tu prākṛtair aṇgair nirākāṇkṣasya tad apekṣā yadyapi na asti tathāpi tasya apūrva-aṇgasya anarthakyaṃ parihāya tat prati pradhānasya apeḳsāṃ parikalpya tasya sambandhaḥ kriyeta yathā devasū-havir-ādīnām upahomādīnāṃ ca* । Karka's commentary at *Katy. Śs.* (1.2.3).

[106] Whereas the secondary rites (like the fore-offerings of clarified butter) are restricted to supporting the primary rites.

a material substance in reference to a deity, whose execution leads directly[107] to the result of the pattern ceremony. The process of extension (*atideśa*) is just the way that the primary rite of the pattern not only becomes the primary rite of the duplicate ceremony, but also assumes the primary role of the executive act that leads directly to the result of the duplicate ceremony.

Hubert and Mauss' discussion of the mechanism of sacrifice certainly avoids any attempt "to translate" the Mīmāṃsāka technicalities of Karka's commentary. This much is to be expected. The *Essay on the Nature and Function of Sacrifice* was, after all, not an indological, but sociological enterprise by outlook, as Durkheim had advised his two young apprentices all along in his hawk-like supervision of the project. However, the singularity of procedure in Hubert and Mauss' definition of sacrifice evinces an uncanny congruence with the Mīmāṃsā definition and the method of its application which Karka had described in his commentary. When Hubert and Mauss emphasize that the unity of the system of sacrifice lies in a single procedure that establishes "a *means* of communication…through the mediation of a victim", they are recalling Karka's basic definition that the result of the ceremony occurs through the *instrumental relinquishment* of the material substance in reference to the deity belonging to the primary act. Similarly, when Hubert and Mauss emphasize that the *same* procedure of consecration can serve the *different* purposes of communal and expiatory sacrifice respectively, they are recalling Karka's discussion on the process of extension (*atideśa*) that the primary ceremony of the same pattern assumes in the duplicate ceremony the role of the *primary instrument* leading directly to, not the "original" *pattern's*, but now the *duplicate's* result. That is to say, just as the *act of consecration* in the scheme of communal sacrifice served as a *means* to communicate the sacred to the sacrificer, so also in the scheme of expiatory sacrifice, the *same*

[107] In Mīmāṃsā terms, the idea is understood in the sense of direct instrument.

act of consecration served as a *means* to expel the sacred-profane from the sacrificer, paralleling the role of the primary act in the Mīmāṃsā classification. Add to this theoretical parallel, the linguistic parallel that Hubert and Mauss' idea of sacrifice as "a means of communication" using the "mediation of the victim" to execute "the result" of the sacred and profane linguistically translates Mīmāṃsā's technical Sanskrit vocabulary of the Vedic ceremony (*yāga*) as an instrument (*sādhanā*) leading to its specified result (*sādhya*), there is but little room for doubt that, in this case at least, it was the Mīmāṃsāka pundit that guided Monsieur Babuji in his first lesson in structuralism, through the sophistication displayed in his structuring a diversity of ceremonies by a single pattern.

§6
Conclusion:
Social Equilibrium of Sacrificial Societies as Discursive Motifs of French Civilizing Mission

The main argument of this chapter was to show how Hubert and Mauss's paradigm shift was indebted to the classification of ceremonies in Mīmāṃsā philosophy. Notwithstanding this influence, Hubert and Mauss wrote *The Essay on the Nature and Function of Sacrifice* in dialogue with the liberal discourse of the transnational nation-state of the French Third Republic. This historical fact is crucial for understanding the context of their textual usage of Mīmāṃsā. Whereas Mīmāṃsā contributed to a better comprehension of the unity in the definition of sacrifice, Hubert and Mauss translated the sacrificial mechanism using the "social facts" of the sacred and the profane in establishing social equilibrium. My concluding remarks will expound on the significance of their translation of Mīmāṃsā in connection with Mauss's statements in the ethnographical questionnaire (discussed in the previous chapter), stressing how the translation of

Mīmāṃsā into the overlapping scientific and political idiom of social structure reflects French 19th-century civilizing discourses on policies of assimilation through gradual modification of a society "from within" in the service of the transnational nation-state.

In the conclusion to the *Essay*, Hubert and Mauss return to the central point of their research agenda: to demonstrate that the function of sacrifice in producing the sacred and the profane is, in fact, a matter of "social forces." The sacred and the profane (along with the "neutral" or secular space) connect the materials of sacrifice to "the world of ideas," where "it is mental and moral energies that are in question" (Hubert & Mauss, 1964, p. 102 [1899]). Hubert and Mauss explain how sacrifice sustains social forces in terms that echo Durkheim's early sociology:

> "But the act of abnegation implicit in every sacrifice, *by recalling frequently to the consciousness of the individual the presence of collective forces, in fact sustains their ideal existence*. These expiations and general purifications, communions and sacralization of groups, these creations of the spirits of the cities give-or renew periodically for the community, represented by its gods-that character, good, strong or grave, and terrible, which is one of the essential traits of any social entity" (Hubert & Mauss, 1964, p. 102 [1899]).

Their insistence that "the act of abnegation implicit in every sacrifice… sustains their [the collective's] existence" shows that they understood the terms "sacred "and"profane" in basic Durkheimian terms as "social facts" that remind the individual of collective forces. Although the precise meaning of "social fact" in the passage is not elaborated, by insisting on a social interpretation, Hubert and Mauss endorsed Durkheim's sociological method of interpreting society in terms of its social equilibrium and its maintenance. Sacrifice, then, was a mechanism

for producing the "social facts" of the sacred and the profane because it provided "the means of redressing equilibriums that have been upset." In this way, they showed how sacrifice reflects society's tendency to produce its own equilibrium through contrasting combinations of the same elements in the definition of sacrifice. Expiation served the community by redeeming it "from social obloquy, the consequence of error" and allowing individuals to "re-enter the community"; similarly, communal sacrifices bestowed the "right to enjoy" those things "society has reserved for itself," thereby fulfilling the social function of sacrifice for both individuals and the community (Hubert & Mauss, 1964, pp. 102-3 [1899]).

By emphasizing the "world of ideas" conjured by sacrifice, Hubert and Mauss set the stage for their revolutionary claim that different kinds of sacrifice could serve the same purpose of maintaining social equilibrium. Whereas Smith's claim confined the social element of sacrifice to the originary communal sacrifice, deriving the social element in later historical sacrifices from this original form, Hubert and Mauss argued that the social element was the underlying function of all types of sacrifice, regardless of their locale or history. One might say that their greatest contribution was their general hypothesis that the regulation of social equilibrium in societies practicing any form of ritual sacrifice occurred precisely through their theory of the mechanism of sacrifice[108].

The translation of the mechanism of sacrifice into the shared idiom of social equilibrium provides an important link to the liberal discourse on policies of assimilation in Third Republic

[108] In his *Elementary forms of Religious Life* (1912), it would be precisely this insight of Hubert and Mauss' social theory of sacrifice that would create the conceptual possibility for Durkheim to make the paradigm shift from "sacrifice" to "ritual" in 19th century sociological discourse, the details of which I elaborate in the next chapter. In his discussion of the diversity of purposes for which the same rite belonging to the Initichiuma tribe of Australian Aboriginals could serve, Durkheim notes the basic takeaway, saying that diversity of sacrifices "were only simple variants of one and the same mechanism"(Durkheim, 1995, p. 267 [1912]). Durkheim thus importantly understands the central insight of Hubert and Mauss' mechanism of sacrifice as a fact about the general nature of ritual in all societies.

France. In particular, Mauss's statements in his ethnographical questionnaire are instructive intertexts for evaluating Mauss and Hubert's textual use of Mīmāṃsā sources as a contribution to the discursive motifs of the civilizing mission in 19th century French efforts in Indochina. To understand this point, we must return to the arguments made in the previous chapter.

In our analysis of the ethnographical questionnaire in the last chapter, Mauss argued that the counsels of descriptive sociology were the only efficient and humane means for the French Third Republic to administer their colonies in Indochina. "By respecting and using beliefs and customs, by only prudently modifying the economic and technological regime," Mauss argued, "one can arrive at humane, easy and productive colonial practice" (Bert, 2011, p. 151). As I argued there, Mauss emphasized the use of sociological theory to understand the beliefs and customs of Polynesian society so that these might gradually be modified in the service of the transnational nation-state:

> "We find ourselves in the presence of extraordinarily resistant systems of economic, religious, and legal institutions…one can only act on them from "within". Every society is a given thing, often closed, which one cannot arbitrarily modify or harm without danger. It is by arousing in it, in certain classes, or certain points, progressive modifications that one acts on it. Just as if we are to believe Spinoza one can only act "on a passion by another passion", so one can only act on a society through its beliefs, its morals, its habits" (Bert, 2011, p. 152).

In discursively setting out this practical course of action, Mauss articulated a policy of assimilation that was part of the legacy of civilizing discourses of expansion in Algeria and Indochina. Leroy-Beulieu expressed a similar view by calling for the gradual modification of Algerian tribal structures through the introduction of the concept of private property. Jules Ferry

observed that similar measures were being taken in Hanoi, where the system of indigenous education was being modified to preserve the existing type of sedentary society while serving the needs of French civilization. We also saw that the idea of civilizing dependent colonies through gradual modification of social structures was presented as an ethical alternative to other measures of transnationalism early in French discourse on Algeria.

However, the ethnological questionnaire was unique in emphasizing religious prohibitions as an example of a custom whose modification could aid assimilation programs. Unlike the broader historical and political discourse of French transnationalism, Mauss' contribution lies in emphasizing ritual prohibitions in Indochina as an area where modifications could be made "from within":

> "Perhaps nowhere does the system of ritual prohibitions dominate the life of primitive villages more than in Indochina, the Polynesians have hardly developed the system of their taboos more. All travelers have observed forbidden villages, defended by caltrops, spears in the paths, etc. Detailed and sufficient observations on these facts [b: religious and] would guide not only the explorer, the missionary, but also anyone who wants to study in a sufficiently general way, the system of prohibitions…Nothing justifies itself better than the studies that [b: this] this small practical instrument [i.e. the questionnaire] tends to facilitate" (Bert, 2011, p. 152).

By emphasizing how "ritual prohibitions dominate the life of primitive villages in Indochina," Mauss demonstrated that one of the principal merits of sociological analysis was its ability to render "these facts" about ritual into an intelligible idiom for civilizing policies of assimilation. It was, in particular, a matter of translating activities like sacrifice and ritual taboo into the shared scientific and political idiom of social equilibrium—a language in which social knowledge of

dependent colonies, once scientifically understood according to a workable theory, provided the means for a more effective exercise of state power and for the gradual modification of economic and labor conditions to justify the pecuniary "sacrifices" of the transnational nation-state. Thus, in discussing the advantages of descriptive sociology to French transnationalism, Mauss contributed to the broader historical and political discourse of French transnationalism by emphasizing ritual prohibitions as crucial to French colonial administration in Indochina.

In light of their decision to "borrow one of the classifications" of Mīmāṃsā, the consequences of Mauss and Hubert's choice to translate their South Asian sources into the shared scientific and political idiom of social equilibrium warrant critical examination. As noted above, they presented the Mīmāṃsā classification of regular, occasional, and optional rituals in terms of 19th-century scholarship in comparative religion: the regular sacrifice followed natural rhythms, as in agrarian sacrifice, while the occasional sacrifice occurred on solemn occasions, such as the investiture of a king. In the conclusion of the *Essay*, Hubert and Mauss mention this classification again, now incorporating it into the civilizing ontology of "social facts" and "social equilibrium":

> "At the same time they [the individuals of society] find in sacrifice the means of redressing equilibriums that have been upset [in the lacuna the example of expiation, communal sacrifice etc. follow]… Thus the social function of sacrifice is fulfilled both for individuals and for the community. And as society is made up not only of men, but also of things and events, we perceive how sacrifice can follow and at the same time reproduce the rhythms of human life and of nature; how it has been able to become both *regular* by the use of natural phenomena, and *occasional*, as are the momentary needs of

men, and in short to adapt itself to a thousand purposes" (Hubert & Mauss, 1964, p. 97 [1899]).

The importance of this passage is not, as Hubert and Mauss seem to suggest, to show how the Mīmāṃsā classification arose by incorporating "things and events" into the representations of the sacred and profane of non-European social equilibriums. Rather, by attempting to explain the Mīmāṃsā classification in terms of "redressing social equilibriums," they have emphasized the stakes of their translation of the categories of regular, occasional, and optional ceremonies. It is clear that they translated the Mīmāṃsā categories—with the elements of the sacred and profane—as "social facts" produced by the act of sacrifice. This translation contrasts sharply with Karka's presentation of the categories in his commentary. In line with the general trend in Mīmāṃsā, Karka clearly showed how the categories served to classify rituals into different modalities of practical action: regular and occasional ceremonies (*nityāni karmāni*) were those that the agent had to perform as an obligation to avoid calamity, whereas optional ceremonies (*kāmyāni karmāni*) depended on the agent's desire for their performance. Both classifications were intimately linked to the broader Mīmāṃsā debate on deontic prescriptions in Vedic literature and their role in motivating ritual performance. In Mauss and Hubert's version, however, this classification of various grades of obligatory performance disappears.

In light of the arguments presented in this chapter, I evaluate the significance of Hubert and Mauss's *Essay on the Nature and Function of Sacrifice* for the discourse on sacrifice and ritual in the 19th century. Not only did their textual use of Mīmāṃsā sources introduce a paradigm shift in 19th-century discourse on sacrifice—shifting methods of analysis from historical criticism and E.B.Tylor's "survivals" to the definition of sacrifice as a structure of a society's social representations—but that same paradigm shift depended on another discrete

epistemic shift. In translating the Mīmāṃsā categories of regular and optional rituals into the "social facts" of the sacred and the profane, they shifted from knowledge of "know-how," in which the categories facilitated the performance of ritual by eligible agents, to knowledge of "know-that," where the categories disclosed crucial information about a society's social equilibrium. Without attributing knowledge of "know that" solely to colonial intent, I emphasize that this positivistic approach of social equilibrium and social facts toward the interpretation of pre colonial ceremonial traditions happened in a contingent historical negotiation between early sociology and the transnational discourses of the French Third Republic. The intertextuality of the ethnological questionnaire shows that in this negotiation social analysts rhetorically endorsed sociologically informed theories of sacrifice as being instrumental to French transnational efforts. Thus, this shared idiom of social equilibrium in the theorization of sacrifice reflects a historical negotiation of scientific and geopolitical rationales, contributing to a discourse of sociological truth while simultaneously embedding sacrificial logic in the ideological formation of transnational authority. In this way, the mechanism of sacrifice stands as a lasting symbol of a discourse of power whose impact was not the material consolidation of the French Third Republic, but the persistence of discursive affect of its transnational *imaginaire* in sociological approaches to ceremonial action. Put succinctly, it was a shift from deontics of ritual to the shared scientific and political idiom of exigencies of rule.

Of course, the factual knowledge of a given society's equilibrium carried its own "implicit" imperatives for practical action; yet these imperatives no longer defined the various grades of deontic necessity of a given ceremony but could be directed to various colonial agents for the efficient and ethical administration of the Third Republic. At the heart of this new quest for "facts" by which to administer the nation was the modern invention of "sacrifice." This new

category, which was used to characterize the behavior of dependent peoples in the transnational colonies so that administrators could assimilate them to civil standards of labor production and political rule, would later return – like a conceptual *boomerang* – to the French metropole to influence French society and politics. In the next chapter, we will see that, nearly twelve years later, in Durkheim's *Elementary Forms of Religious Life*, the category of ritual sacrifice was discursively applied for the first time to characterize the "ritual" cohesion of the citizens of the Third French Republic in an attempt to defend the liberal cohesion of the French Third Republic.

Chapter 5

Durkheim's Social Cohesion Theory of Ritual and the Stability of the Third Republic of France:

Part I: "Ritual": the Polemical Product of the Third Republic Political Discourse

§0
Ritual Cohesion and the Stability of the French Third Republic

The next two chapters demonstrate how Émile Durkheim's (1858–1917) social cohesion theory of ritual was partly shaped by the political dynamics of the French Third Republic. Considering Durkheim's engagement with 19th century national politics allows an historicist approach to evaluating the importance of Durkheim's choice to use political frameworks in explaining community cohesion and the role of ritual in instilling normative values. In this chapter, I argue that his "religious turn" – as reflected in the social cohesion theory of ritual in *The Elementary Forms of Religious Life* (1912)– was significantly influenced by his political intervention in the Dreyfus affair, which promoted a ritual vision of French national stability amid competing sacrificial models. In the following chapter, I contend that the unstable political climate of the early Third Republic directed Durkheim's sociological trajectory toward framing the stability of political structures within a normative framework that integrates objective structural authority with individual freedom. In this way, Durkheim negotiated both scientific and political imperatives by reproducing the normative framework of an authoritarian stability to explain rituals in both "non-European" societies with practices of sacrifice and in the French Third Republic with its political rituals of the nation-state.

The central takeaway of this chapter is a lesson in how Third Republican politics shaped Durkheim's theoretical analysis of ritual stability of the French Third Republic, thereby anticipating his social cohesion theory of ritual for non-European societies. I will support this

argument by focusing on Durkheim's epochal essay, "Individualism and Intellectuals" (1973, [1898]), in the context of Third Republic politics. This essay stands as a lasting expression of Durkheim's intellectual –as well as personal[109] – activism during the height of the Dreyfus affair[110]—a defining moment in French politics at the end of the decade and a renowned case study of early popular anti-Semitism. Its significance for Durkheim's social cohesion theory of ritual lies in the fact that competing views of French nationalism became inextricably linked to conflicting interpretations of sacrifice. In refuting Brunetière's arguments, which portrayed Captain Alfred Dreyfus as an expiatory victim sacrificed for the good of the French nation, Durkheim advanced an early version of his social cohesion theory of ritual. He argued that any attack on individual rights constituted an attack on the French nation-state's stability as a legitimate and authoritative enterprise since the 1789 French Revolution. My reading of the essay emphasizes that Durkheim's cohesion of ritual cohesion was intrinsically linked from its

[109]Durkheim was Jewish, as was his convicted brother-in-law Alfred Dreyfus. Although his writings show him as adhering to a French secular rather than a Jewish identity, it is reasonable to think that he felt at least some personal stakes in engaging in the political debate against anti-Semitic discourses, even without historical documentation. My own analysis of the Dreyfus Affair does not do justice to the marginality of Durkheim's Jewish identity in Third Republic France. No doubt this identity partly contributes to Durkheim's insistence on a French nation-state that protects the rights of *all individuals* regardless of religious affiliation. For an insightful discussion of Durkheim's experiences with anti-Semitism and his responses, considered in light of his Jewish heritage, see recently Birnbaum (2024).

[110] "Individualism and Intellectuals" (1898) was largely Durkheim's sociological defense of the sanctity of the abstract "Individual" to the consciousness of the "Nation" in response to the anti-Dreyfusard Ferdidand Brunetière's (1849-1906) article "After the Process" (1898). Brunetière's article had defended the army's verdict to convict Captain Alfred Dreyfus for espionage and condemned individualistic-minded Dreyfusards (like the intellectual martyr and novelist, Emile Zola) for their anti-nationalist audacity in questioning the verdict. More details of the Dreyfus case will be provided in a subsequent section. For more on the significance of the event for Durkheim and his school, see (Strenski 2003, 2002; Watts Miller 1996, p.107; Lukes 1973, p.338). For the impact on French politics and the relation to anti-Semitism, see (Popkin, 2001).

inception in these national discourses to the political program of maintaining the liberal-pluralist status quo of the early 19th-century French Republic[111].

The arguments in this chapter revise conventional interpretations of Durkheim's "religious turn." Scholars (Alexander, 2005; Lacroix, 1981) note that during the 1885 Seminar on Religion at the EPHE—three years before the Dreyfus Affair—Durkheim encountered Robertson Smith's communal theory of sacrifice, which catalyzed a shift in his sociology. Alexander (2005) explains that this exposure enabled Durkheim to transform his earlier ideas about affective and moral interaction into a comprehensive theory linking solidarity with the sacred forces of collective representations. While acknowledging this well-documented intellectual genealogy, I argue that considering the historical context of French national discourses on sacrifice adds an additional and fruitful perspective in our understanding of the development of Durkheim's sociology and his religious turn[112]. He introduced an early version of his social cohesion theory of ritual at a time when sacrificial and ritual discourses actively shaped public perceptions of the French Third Republic. Although his framework may be extended to other forms of collective consciousness, its focus on ritual is especially salient given the historical context of the Dreyfus Affair and ensuing debates (like Brunutière's), which underscored sacrifice of the individual for the national preservation of the Third French Republic. In this way, Durkheim's theory of ritual cohesion responds not only to evolving intellectual currents but also to political radicalism and social disintegration, as exemplified by the spiralling political debates of the Dreyfus affair.

[111] The last is indicated by the fact that at the moment in which Durkheim felt that the stability was threatened, he engages in a polemical debate defending the liberal values of 1789 Rights of Man as the only *essential* cohesion of the nation for modernity.
[112] Strenski (2002) has convincingly described the presence of these sacrificial discourses surrounding the Dreyfus Affair.

The Dreyfus affair originally framed French nation-state identity within national boundaries, yet Durkheim's response also incorporated motifs of a transnational nation. As discussed in chapters 3 and 4, Mauss and Hubert—who wrote *Sacrifice: Its Nature and Function* under Durkheim's direct editorial supervision during the crisis—reconciled scientific and political views on sacrifice, arguing that sociologically informed theories of ritual could support French civilizing missions aimed at gradually reshaping the social structures of dependent colonies. In doing so, they provided an intertextual reference that Durkheim absorbed as an unacknowledged[113] intellectual debt. This "emergent debt" signifies how Durkheim embedded the civilizing motif of sacrifice—capable of maintaining or transforming social structures—into his framework, even though it operates within a predominantly national discourse. Durkheim exploits this intertextual, transnational logic in his essay "Individuals and Intellectuals", using the connection between sacrifice and social structure as a strategic rhetorical tool to challenge competing visions of the nation-state. Thus, even when the transnational dimension is not explicitly invoked, the motif of sacrifice endures as a lasting symbol of a transnational discourse of power—impacting not the material consolidation of the French Third Republic, but its narrative persistence in the French national imagination. This interplay demonstrates how both transnational and national discourses informed Durkheim's social cohesion theory of ritual.

The conclusions of this chapter will set the historical and political background for the intellectual genealogy of the social cohesion thesis of ritual which is the subject of the next chapter.

§1
Chapter Organization

[113] Or rather , one that he acknowledged nearly a decade later in his *Elementary Forms of Religious Life* (1912), as I show below.

The following chapter is divided into two thematic parts. These are interconnected by the common theme of mapping an intellectual history on a central question for Durkheim: how does one maintain the *stability* of the French Third Republic? In the first part, I describe how Durkheim employs this new definition of structure in his social cohesion theory of ritual in the polemics of sacrifice belonging to the public debate of the Dreyfus affair in order to defend *his* theory of ritual as the proper one to ensure the stability of the Third Republic of France. In the second part, I examine the expression of the social cohesion theory of ritual in *The Elementary Forms of Religious Life*, demonstrating that Durkheim's use of contrasting examples—totemic societies versus French revolutionary society—builds on his arguments in the essay "Individualism and Intellectuals" (1973, [1898]) during his political engagement in the Dreyfus affair.

§2
The Dreyfus Case and *The Elementary Forms of Religious Life* (1912)

The trial of Captain Alfred Dreyfus (1859-1935) stands out as a unique moment in Durkheim's biography because it marked one of only two occasions[114] in which the politically reticent sociologist actively engaged in public politics of the French Third Republic. Though he had quietly defended the allegations against his brother-in-law[115] several years before the trial gained widespread publicity, Durkheim entered the polemical arena because he perceived that the public debate had shifted from the question of the right or wrong of a judicial case to a debate over the sacred principles of the Cult of Man[116] promulgated in the 1789 Revolution—a debate

[114] The other occasion was Durkheim's involvement in the writing on behalf of France in the beginning of the World War.
[115] Alfred Dreyfus was the brother of Louise Julie Dreyfus, Durkheim's wife whom he married in 1887.
[116] The "Cult of Man" is Miller's (1993) term for Durkheim's insistence on the social representation of the "human person in general" as the religion of modernity promulgated in the Declaration of the Rights of Man and the Citizen on the conclusion of the revolution in 1789.

whose resolution could threaten the stability of the Third Republic[117]. In this section, I present an analysis of the essay "Individualism and Intellectuals" (Durkheim, 1973, [1898]), emphasizing how Durkheim contrasted his view of sacrifice—framed within his social cohesion theory of ritual—with Ferdinand Brunetière's (1849-1906) nationalist theory of expiatory sacrifice. This polemical debate is significant not only because it represents a juncture where two competing discourses of sacrifice mobilized under the banners of the anti-clerical liberal Dreyfusards and the clerical conservative anti-Dreyfusards, but also because the Dreyfus case provides a unique vantage point to substantiate my historical claim that the primary political agenda of Durkheim's social cohesion theory of ritual was to secure the stability of the Third French Republic under a liberal regime. The inclusion of the social cohesion theory of ritual in *The Elementary Forms of Religious Life* reflects Durkheim's desire for a discourse on ritual capable of defending a secular and liberal vision of the Third Republic against opponents with competing visions of the nation-state[118].

[117] Durkheim held the Dreyfus case to be more important than the transient politics of the age, it was a matter of the representation of the principles of the Republic that was at debate and therefore the very jeopardy of the Third Republic was at stake. He writes alluding to the Dreyfus affair occupying present day political debate: "the controversies of yesterday only gave superficial expression to a more profound disagreement, and that opinion was divided far more over a question of principle than a question of fact" (1973, p.44:[1898]).

– Lukes (1973, p.332) provides an interesting picture of Durkheim's "professorial" politics during the affair, saying "moreover, twice in his life, when issues that seemed to transcend ordinary politics were in question, during the Dreyfus Affair and the First World War, Durkheim became an intensely active partisan. The key to his attitude lies in his (justifiably) low estimation of current politics as a superficial game of parties and personalities. In such circumstances, the academic should without question abstain from taking part in political campaigns and controversies. Only when great moral and social questions were matters of public debate, and above all when the very ideals of the Republic were threatened, should his voice be raised. When this happened he should come into the political arena to 'advise' and 'educate' his contemporaries. In brief, the academic could be an ideologist, but not a mere activist. He should propagate ideas which he held to be true and important, leaving the practice of politics to others".

[118]For example, the Muslim population in Algeria during the 19th century who refused citizenship in France because it went contrary to their own law codes.

Although the Dreyfus affair reached its zenith in 1898 as a spectacle of public discourse in the French Third Republic, the case began relatively quietly in the summer of 1894[119]. The incident started with the discovery of a document containing French military secrets intended for German intelligence, leading to the accusation and subsequent conviction of Captain Alfred Dreyfus on Devil's Island on charges of espionage. Soon after the conviction, a circle of close acquaintances uncovered a series of judicial irregularities in the process, which prompted the Jewish journalist Bernard Lazard (1865–1903) to publish a book-length study of the case, *A Judicial Error: The Truth of the Dreyfus Affair* (1895), and a series of pamphlets accusing the army of anti-Semitism. Lazard's publications brought the case to the forefront of public opinion and politics. It was not long before new inquiries revealed the forgery of documents and identified Colonel Ferdinand Walsin Esterhazy (1847–1923) as a new suspect. When the military court reopened the case and, despite compelling evidence of Esterhazy's guilt, unexpectedly acquitted him of espionage, Émile Zola (1840–1902) spearheaded the challenge against the verdict with the publication of his famous "J'accuse" (1898) in *L'Aurore*, accusing high-ranking army officers and magistrates of knowingly participating in a perversion of justice.

The publication of Zola's "J'accuse" marked a turning point in the Dreyfus affair. One historian notes that "the Dreyfus affair grew from a campaign against an act of injustice to a struggle over the nature of French society" (Popkin, 2001,p.173). Other historians concur. The French public polarized into two powerful movements—those for and those against Dreyfus' conviction. Soon, the matter appeared to transcend the specific issue of Dreyfus' individual guilt or innocence, evolving instead into what Strenski (2002) describes as a "mystique" that polarized public discourse. Although the Dreyfus "case" was originally concerned with justice and truth—

[119] For the sources for the Dreyfus affair used here, see note 3.

a mere failure of judicial process—it soon developed into a battleground for conflicting political forces. As historian Rischard Griffiths observes,

> "Around the simple case of miscarriage of justice there developed a battleground of conflicting political forces. In the process, the actual case became lost to view. Dreyfus himself often became forgotten; or else he became merely a "symbol," to the extent that many of his supporters were less concerned about his individual fate than about the fate of their cause" (1991; quoted in Strenski, 2002,p.96).

The "conflicting political forces" mobilized during the Dreyfus affair reflected the longstanding divisions within the Third French Republic. On the left, the Dreyfusards—comprising socialists, Protestants, and a minority French Jewish community—upheld liberal principles of individualism, rationalism, and anticlericalism as the foundation of the Republic. On the right, the anti-Dreyfusards consisted of a conservative amalgam of nationalists, Catholics, and Bulangièrists, influenced by a decade of popular anti-Semitism and typified by anti-Semitic literature such as Édouard Drumont's (1844–1917) bestseller, *La France juive* (1886). The Dreyfusards, inspired by the idea of the Cult of the Man as the nation's "religion" emerging from the French Revolution, saw Dreyfus as the embodiment of the Revolution's transcendent political ideals of justice and the sanctity of the individual (Strenski, 2002,p.95). In contrast, the anti-Dreyfusards argued that Dreyfus's "treason" confirmed that the liberal and republican principles of liberty and equality were leading the nation to disaster (Popkin, 2001,p.171). Even if Dreyfus was innocent and the army responsible for the judicial error, most anti-Dreyfusards believed that acknowledging such a grave error would undermine the national cause by eroding public confidence in the army. Ultranationalist writers like Paul Déroulède (1846–1914; founder of the nationalist *League of Patriots* in 1882) preferred to uphold the army's conviction rather

than reconsider it, regarding the army as "our last honor, our last recourse, our ultimate safeguard." Maurice Barrès (1862–1923) even insisted that Dreyfus's conviction was a sacrifice made in the name of "French truth, that is, what is most useful for the nation (Popkin, 2001,p. 172) .

For the otherwise politically reticent Durkheim, the anti-Dreyfusards' discourse on the sacrifice of Dreyfus for the Republic revealed an underlying moral malaise[120] that threatened the ideals underpinning the Third Republic's stability. At such times, intellectuals and academics had a duty to "teach" and "advise" the public about this moral decay rather than remain aloof from politics. The Dreyfus affair thus represented "the expression of a more profound disagreement" than the superficial polemics of everyday politics, demonstrating that public opinion was divided more by questions of principle than by questions of fact (Durkheim, 1973,p. 44: [1898]). In a 1904 comparison of the "collective activity" of intellectuals during the Dreyfus affair with the Combist anticlerical crusade, Durkheim recalled that, in contrast to the first twenty years of the Third Republic—when "there was no great impersonal cause to which one could devote oneself"—the Dreyfus affair provided an occasion for the "collective energies" of intellectuals to be released from "our previous state of prolonged moral stagnation" (Durkheim, 1973,p. 60 [1904] quoted in Lukes, 1973, p. 334):

> "But, as soon as a grave question of principle was raised, one saw the scientists leave their laboratories and the scholars their studies, and they drew near to the crowd, took part in its life; and experience has shown that they knew how to make themselves heard" (Durkheim, 1973,p. 60 [1904] quoted in Lukes, 1973, p. 334).

[120] Lukes (1973) records an interesting note that he took by personal communication "Georges Davy and Henri Durkheim agree that Durkheim's attitude to the *Affaire* was "moral" rather than "narrowly political"; nor did he see it explicitly as a Jew". For an analysis Durkheim's response to the Dreyfus affair from the point of view of Anti-Semiticism, see (Birnbaum 2024)

Indeed, among those who "knew how to make themselves heard" was Durkheim himself. As one contemporary witness noted, "Durkheim and the sociologists were everywhere in the mêlée" (Besse, 1913, p.238; quoted in Lukes, 1973, p.330). In addition to partly founding and actively participating in the *League for the Defense of Human Rights*—which, by the end of 1898, had claimed over 4,500 members committed to Dreyfus's cause—Durkheim's essay "Individualism and Intellectuals" (1973, [1898]) stands as one of his chief contributions to the form of political activism in which academics "educate" and "advise" the public for the benefit of the stability of the Third French Republic[121].

In content, the essay is Durkheim's defense of the principles of liberalism in response to attacks on intellectuals and liberal doctrines by the anti-Dreyfusard Ferdinand Brunetière's essay, *After the Trial* (1898). Regarding its method of argumentation, one biographer notes that "it was an attempt to give a sociological account of 'individualism' as a set of operative ideals, moral beliefs, and practices, indeed as a religion in which the human person becomes a sacred object" (Lukes, 1973, p.339). Durkheim employed an early account of his social cohesion theory of ritual to counter the potentially destabilizing discourse of sacrifice for the nation advanced in Brunetière's arguments for Dreyfus's conviction. By framing his response in sociological terms, Durkheim demonstrated his participation in the polemical discourse of sacrifice that Strenski

[121] On the role of academics in high-stakes political matters, Durkheim (1997, p.59:[1904]) writes: "What I mean is that above all our action must be exerted through books, seminars, and popular education. Above all, we must be advisers, educators. It is our function to help our contemporaries know themselves in their ideas and in their feelings, far more than to govern them. And in the state of mental confusion in which we live, what is a more useful role to play?" It is perhaps no coincidence that Durkheim describes the role of the intellectual academic in similar terms to the legislator deprived of final-causal authority in political action in his *Commentary on Montesquieu* (1997, p.51: [1892]): "On the assumption, instead, that laws arise from efficient causes and that people are quite often unaware of these, the role of the legislator becomes less important. All it involves is giving *clearer expression* to what is hidden and more obscure in the minds of the others. He does not think up much if anything new. Even if he did not exist, there is nothing to stop there being laws, if less well defined."

(2002) has shown emerged as a contest between competing polemical forces during the Dreyfus affair[122]. Unlike the six types of sacrifice discussed by Strenski, Durkheim's argument is unique in that it utilizes the social concepts from his own theory of cohesion to dismiss the popular discourses of sacrifice advanced by Brunetière in defense of nationalism. Although acclaimed as an ingenious argument for liberalism and the human rights underpinning the Cult of Man—on which pluralistic democratic principles might be based[123]—the essay "Individualism and Intellectuals" (1973, [1898]) stands as testimony to the historical fact that, by 1889, Durkheim recognized how the capture of the discursive power of sacrifice could translate into the seizure of actual political power in *fin-de-siècle* France.

One of the chief shortcomings of Brunetière's understanding of the modern French state—according to Durkheim—was his belief that preserving the reputation of the French army was more beneficial for the nation's "social equilibrium" than ensuring the proper execution of justice as guaranteed to the abstract individual by the 1789 Revolution. Durkheim accurately assessed Brunetière's position. Brunetière had written, "The army of France, today as of old, is France herself," arguing that, in the long shadow of the Franco-Prussian War, "it is our armies that have made us what we are… it is in their blood… that national unity has been formed, cemented, and consolidated" (Brunutière, 1898, pp. 56-7). By contrast, individualism was equated with anarchy and thus considered fundamentally incompatible with democracy and even socialism, as it sought to ascribe to individual liberty the powers reserved for the modern nation-state as an abstract authoritarian entity. Translated into the sacrificial logic of the Dreyfus case, it was deemed more consistent with democratic principles to sacrifice Dreyfus on a false

[122] See chapter 4: *"The Dreyfus "Mystique" and the Conservation of the Sacred* in Strenski (2002) for his full discussion of the polemics in public discourse.
[123] So Lukes (1973) has assessed (I think correctly) the role of Durkheim's essay.

conviction than to undermine the reputation of the Republican army by acknowledging its error[124].

In "Individualism and Intellectuals" (1973, [1898]), Durkheim responded to Brunetière's nationalistic discourse of sacrifice with his own early formulation of the ritual cohesion of the French Republic as established during the 1789 French Revolution. Durkheim's strategy was not only to offer his theory of social cohesion as a means of reconciling individualism with the nation of the Third Republic, but also to demonstrate that Brunetière's discourse of Dreyfus's sacrifice for the nation would inevitably disrupt the equilibrium of French society. At the core of his argument was a competing vision of the French nation-state, one that required the periodic respect for the abstract individual through the proper execution of justice in order for its cohesion to remain intact and for society to be reaffirmed. Thus, Durkheim's and Brunetière's discourses of ritual were diametrically opposed.

Durkheim wastes no time in rebutting Brunutière's fundamental argument of nationalistic sacrifice. "There is no political reason", he insists, "which can excuse an attack upon the individual when the rights of the individual are above those of the state" (Durkheim, 1973, p.46 [1898]) . The liberalism of the eighteenth century—which insisted on the rights of the abstract Man—was not merely "a drawing room theory, a philosophical construct". Durkheim argued that it had become a social fact underpinning the Third Republic's cohesion, since it "has penetrated our institutions and our mores, it has blended with our whole life" to the extent that the

[124] Strenski (2002, p. 107) analyzes Brunetière's discourse in line with René Girard's "scapegoat" logic. His comments however are revealing: "in this guise, Dreyfus serves the function of unwilling victim, who bears the brunt of sacrificial immolation, which saves the people and the nation. "For the anti-Dreyfusards, the "other" to be saved is the honor of the Army, and whether or not Dreyfus was guilty, he must be sacrificed to ward off even greater dangers to the nation". In the conclusion of this dissertation, I offer a critique of Girard's "scapegoat" theory of sacrifice.

"Universal Man," endowed with the human rights of the 1789 Revolution, could be regarded as the ideal animating the "religion" of the Republic (Durkheim, 1973, p.46 [1898]) :

> "This ideal so far surpasses the level of utilitarian goals that it seems to those minds who aspire to it to be completely stamped with religiosity. This human person, the definition of which is like the touchstone which distinguishes good from evil, is considered sacred in the ritual sense of the word" (Durkheim, 1973, p.46 [1898]).

In this quote, Durkheim suggests that the Dreyfus affair was a matter not of fact but of "principle" that had been "placed outside all temporal interest" (Durkheim, 1973, p.46 [1898]) and thus attained religious sacredness. Although he was practically invested in aiding the historical figure of Dreyfus, Durkheim maintained that utilitarian considerations of national equilibrium could not, in principle, justify constitutional violations aimed at protecting the individual. As Miller (1993) has shown, by "human person" Durkheim did not refer to historical individuals like his brother-in-law Alfred Dreyfus but rather to the "person as abstract representation" that, by "embracing diversity and the generality of the 'person,'" could symbolize the cohesion of the Third Republic. Thus, the abstract person had become "sacred in the ritual sense of the word" and was not, as Brunetière argued, opposed to the Republic's equilibrium but instead was "henceforth the only system of beliefs which can ensure the moral unity of the country" (Durkheim, 1973, p.46 [1898]). The nation was merely "an organ of public life" serving the individual as an "instrument, a means to an end." Entertaining Brunetière's view would, in effect, "*sacrifice* what has been our historical raison d'etre." As Durkheim argued, if such a ritual sacrifice of the human person were contemplated solely for the sake of an "organ of public life," then "what purpose does it serve to maintain the means with such care if the end is dispensed with?" (Durkheim, 1973, p.53 [1898])

Durkheim supported his claims of social cohesion against Brunetière's discourse of sacrifice with analyses already developed in *The Division of Labor in Society* (1893) and especially in his *Commentary on Montesquieu* (1997, [1892])[125]. Durkheim explained the collective origin of the ideal "human person" as a result of the morals emerging from the division of labor:

> "At the same time, as a result of a more developed division of labor, each mind finds itself oriented to a different point on the horizon, reflecting a different aspect of the world, and consequently the contents of consciousness differ from one person to another. Thus, we make our way, little by little, toward a state, nearly achieved as of now, where the members of a single social group will have nothing in common among themselves except their humanity, except the constitutive attributes of the human person in general" (Durkheim, 1973, p.51 [1898]).

According to Durkheim, the advanced division of labor in modernity is the origin of the general concept of the "human person." Specialization has diversified modern individuals so much that their sole common trait, over and above their individual specialization, is being human. Durkheim employs a descriptive figure of speech to explain that the division of labor produces a twofold gaze in individuals' consciousness—one explicit and one implicit. Explicitly, the division of labor individualizes the contents of consciousness by orienting each person toward a different "point on the horizon" (i.e., different specializations in profession or function in the social body). Simultaneously, it abstracts the individual into the general category of the abstract "human person" or "individual." In this way, Durkheim argues that "the individualist who defends the rights of the individual defends at the same time the vital interests of society," since

[125] We will see this in the next chapter.

the society of the Third Republic is constituted by the mechanical cohesion arising from the division of labor, where the abstract "individual human" determines the contents of consciousness.

There is one important difference between the arguments in the essay "Individualism and Intellectuals" (1997, [1898]) and Durkheim's earlier treatment of social cohesion in *The Division of Labor in Society*: the former emphasizes the representation of the individual as endowed with religious sanctity, whereas *The Division of Labor* does not yet express this religious turn. In "Individualism and Intellectuals" (1997, [1898]), Durkheim anticipated the ritual analysis of cohesion that would form the basis of his argumentation in *The Elementary Forms of Religious Life* (1912). This becomes apparent when comparing a fuller version of the citation of "Individualism and Intellectuals" (1997, [1898]) with Durkheim's description of the totem cult in the *Elementary Forms*. Durkheim states further:

> " It [the human person] has something of that transcendental majesty which the churches of all times have given to their Gods. It is conceived as being invested with that mysterious property which creates an empty space around holy objects, which keeps them away from profane contacts and which draws them away from ordinary life. And it is exactly this feature which induces the respect of which it is the object. Whoever makes an attempt on a man's life, on a man's liberty, on a man's honour inspires us with a feeling of horror in every way analogous to that which the believer experiences when he sees his idol profaned. Such a morality is therefore not simply a hygienic discipline or a wise principle of economy. It is a religion of which man is, at the same time, both believer and God" (Durkheim, 1973, p.51 [1898]).

The crucial point is that the modern "individual" becomes sacred when it is objectified as a representation upon which the collective gaze is fixed. In this way, the concept of man becomes religious, inducing societal respect and specific behavioral norms; the general person is both "believer and God."

In *The Elementary Forms of Religious Life*, Durkheim describes the apotheosis of the totem deity for totem members similarly to the creation of the social representation of the abstract human for the Third Republic of France. He states:

> "Like any other society, the clan can only live in and by means of the individual consciousnesses of which it is made. Thus, insofar as religious force is conceived of as embodied in the totemic emblem, it seems to be external to individuals and endowed with a kind of transcendence; and yet, from an- other standpoint, and like the clan it symbolizes, it can be made real only within and by them…. This is how man came to believe that he had within him a principle comparable to the one residing in the totem, and thus how he came to impute sacredness to himself-—albeit a sacredness less pronounced than that of the emblem. This happens because the emblem is the preeminent source of religious life. Man participates in it only indirectly, and he is aware of that; he realizes that the force carrying him into the realm of sacred things is not inherent in himself but comes to him from outside" (Durkheim, 1912, p. 223).

Here, instead of the modern "individual," Durkheim shows how the totem-deity in primitive societies is the objectified emblem upon which individuals fix their collective gaze. In describing the formation of the emblem or representation of social cohesion, Durkheim argues that the sanctity of a social representation is a projection of the external, objective order of the collective subjective sentiments of its members. This description mirrors his attempt to express a societal

structure that serves both as an external source of objective authority and as an internal aspect of individual "free action."

In the next section, the parallels between the social cohesion theory of ritual in *The Elementary Forms of Religious Life* and Durkheim's early employment of the social cohesion thesis in his arguments against Brunetière's nationalist discourse of sacrifice will be analyzed in more detail. It is no coincidence that Durkheim could object to Brunetière's arguments about equilibrium with his own social cohesion theory of ritual. In the analysis of the *Commentary on Montesquieu* (1893) in the next chapter, we will see that Durkheim outlined accounts of consensus in both monarchic and republican political constitutions that anticipated Brunetière's nationalist discourse of sacrifice. Although Durkheim described the idea of a republican constitution differently from Brunetière, it is easy to see how Durkheim likely viewed a republican type of constitution animated by "love of the nation" and one in which "we attach less importance to ourselves and our own concerns than to the state" as approximating Brunetière's argument of social equilibrium achieved through the sacrifice of individual interests for an abstract national good.

It is worth emphasizing that Durkheim's theoretical deployment of his social cohesion theory of ritual is precisely what lends effectiveness to the arguments in "Individualism and Intellectuals" (1997, [1898]) against Brunetière's sacrificial discourse of nationalism. Durkheim enters the polemical debate on sacrificial discourse by subtly shifting the language from political to moral and religious domains. While his immediate concern remains the stability of the Third Republic's nation-state, Durkheim's argument extends beyond viewing the nation as a mere "organ of public life" to treating it as a "system of beliefs which can ensure the moral unity of the country" (Durkheim, 1973, p.49 [1898]). Thus, he asserts that "the individualist who defends

the rights of the individual defends at the same time the vital interests of society"(Durkheim, 1973, p.53 [1898]), because the "individual person" constitutes the collective totem of the Third Republic. Conversely, since the collective feelings of humanity are "the only ones we hold in common" and "cannot be weakened without disturbing the cohesion of society," the nationalist religion of Brunetière's Republic commits an act of sacrilege by sacrificing Dreyfus for national interests, thereby "abdicating all dominion over men's minds" (Durkheim, 1973, p.54 [1898]) .

§3
Social Cohesion Theory of Ritual in the *Elementary Forms of Religious Life* (1912)

This section explains Durkheim's social cohesion theory of ritual as a mechanism for social cohesion by examining his contrasting examples of ritual in non-European and French societies in light of our political and historical analysis of "Individualism and Intellectuals" (1997, [1898]). In particular, I examine the differences between his depiction of the totemic rituals of Australian peoples and the political pageants of the French Republic, especially as manifested during the French Revolution. Through a close reading, I demonstrate that Durkheim deploys the same language and conceptual framework in *The Elementary Forms of Religious Life* for explaining the formation of social representations and religious force as he did in his defense of Dreyfus. Moreover, I note that Durkheim offered a similar explanation of social representations in his distinction between organic and mechanical solidarity in *The Division of Labor in Society* (1893). Finally, I explore how he incorporated insights from Mauss and Hubert's *Essay on the Nature and Function of Sacrifice* (1899) to reconcile the existence of rituals across different societies, even though they function in distinct ways—a possibility he had not mentioned in his political polemics.

Durkheim expressed his theory of social cohesion regarding the "totemic" tribes of the Arunta by arguing that it was through the subordination of individuals to a common totemic animal and the performance of the same ritual acts that group cohesion was reaffirmed. He famously states:

> "Everything brings us back, then, to the same idea. First and foremost, the rites are means by which the social group reaffirms itself periodically. And perhaps, beginning there, we can achieve a hypothetical reconstruction of the manner in which the first totemic cult must have been born. Men who feel united—in part by ties of blood but even more by common interests and traditions—assemble and become conscious of their moral unity…this feeling stems from the same impressions of security and respect that are aroused in individual consciousnesses by the great moral force that dominates them: the collective force" (Durkheim, 1912, p. 553).

Contemporary scholars such as Bell (1997, p. 171) have identified this passage as the core expression of Durkheim's ritual theory of social cohesion. As stated, the purpose of ritual is to "reaffirm" group solidarity periodically. Rituals, especially mimetic gestures related to animals, offer individuals the opportunity to become conscious of their shared moral unity. By performing the same activity collectively, individuals experience impressions of security and respect for the totem emblem, which Durkheim argues is the collective religious force—essentially, the moral feeling of the totemic emblem projected outside individual consciousness and rendered collective.

From the previous paragraph, it is clear that Durkheim viewed the individual's projection of collective feeling onto a common emblem as the basis of his social cohesion theory of ritual.

Later in *The Elementary Forms of Religious Life*, Durkheim explains this projection as an instance of objectification of the collective feeling as the religious force of the symbol:

> "Religious force is none other than the feeling that the collectivity inspires in its members, but projected outside the minds that experience them, and objectified. To become objectified, it fixes on a thing that thereby becomes sacred; any object can play this role. In principle, none is by nature predestined to it, to the exclusion of others, any more than others are necessarily precluded from it. Where religious force becomes objectified depends entirely upon what circumstances cause the feeling that generates religious ideas to settle here or there, in one place rather than another. The sacredness exhibited by the thing is not implicated in the intrinsic properties of the thing: It is added to them. The world of the religious is not a special aspect of empirical nature: It is superimposed upon nature" (Durkheim, 1912, p. 327).

Durkheim emphasizes two points regarding the "religious force" that rituals generate as the cohesive element of society. First, in describing the objectification process of the religious force, Durkheim frames it in terms of collective authority over the individual "free actor." For example, he contends that religious force prompts individuals to act, noting that "social action does not limit itself to demanding sacrifices" from its members. Since society exists in individual consciousnesses, it must penetrate and organize itself within us (Durkheim, 1912, p. 299). Second, he asserts that the process of objectification is independent of the object upon which the religious force becomes attached, stating that "the sacredness exhibited by the thing is not implicated in the intrinsic properties of the thing… It is superimposed upon nature." In this way, Durkheim argues that the purpose of ritual is uniformly to objectify the collective sentiment outside the individual in any society. The emblem itself is irrelevant; what matters is the

religious force of the collectivity, which individuals objectify in that object, whose authority subsequently constrains individual actions to perform *sacrifices* for its sake.

Although Durkheim claimed that the social cohesion generated by ritual operates uniformly in all societies—whether non-European or European—it is instructive to note that he emphasized its operation differently when discussing non-European cultic activity versus European political assemblies, such as those of the French Revolution. By attending to the different articulations in *The Elementary Forms of Religious Life*, I argue that Durkheim's explanation of social cohesion through ritual is the same theory he employed in his polemical discourse on sacrifice during the height of the Dreyfus affair, which rendered the "Cult of Man" the individual representation of the French Third Republic.

We have already seen how Durkheim explained social cohesion using case studies of totemic ritual. It is useful to examine, in greater detail, how he described social cohesion within totemic societies in contrast with his discussion of European societies:

> "The image goes on calling forth and recalling those emotions even after the assembly is over. Engraved on the cult implements, on the sides of rocks, on shields, and so forth, it lives beyond the gathering. By means of it, the emotions felt are kept perpetually alive and fresh. It is as though the image provoked them directly. Imputing the emotions to the image is all the more natural because, being common to the group, they can only be related to a thing that is equally common to all. Only the totemic emblem meets this condition. By definition, it is common to all. During the ceremony, all eyes are upon it. Although the generations change, the image remains the same. It is the abiding element of social life" (Durkheim, 1912, p. 316).

In this passage, Durkheim explains how totemic communities imbue the totem image with the religious force of collectivity. He argues that because the image is common to all, it not only captures the assembly's attention during the ritual but also perpetually rekindles shared emotions afterward, serving as a tangible embodiment of the group's moral unity across generations. Durkheim stresses that the enduring homogeneity of consciousness in totemic societies is responsible for maintaining social cohesion.

In addition to non-European rituals, Durkheim frequently connected his social cohesion theory of ritual with collective activities in 19th-century Europe. His most notable example is the French Revolution:

> "Just as society consecrates men, so it also consecrates things, including ideas. When belief is shared unanimously by a people, to touch it—that is, to deny or question it—is forbidden, for the reasons already stated…Nowhere has society's ability to make itself a god or to create gods been more in evidence than during the first years of the [French] Revolution. In the general enthusiasm of that time, things that were by nature purely secular were transformed by public opinion into sacred things: Fatherland, Liberty, Reason. A religion tended to establish itself spontaneously, with its own dogma, symbols, altars, and feast days. It was to these spontaneous hopes that the Cult of Reason and the Supreme Being tried to give a kind of authoritative fulfillment…In a specific case, we saw society and its fundamental ideas becoming the object of a genuine cult directly—and without transfiguration of any kind" (Durkheim, 1912, p. 306).

Durkheim argues that the French Revolution transformed secular ideas—Nation, Liberty, and Reason—into sacred symbols through the same process of ritual social cohesion that transformed

the objects of totemic cults, though with notable differences. Whereas totemic societies objectified a concrete animal image, French society objectified abstract ideas directly, without any intermediary transfiguration. Durkheim contends that this transformation of ideals into objects of religious force was driven not by collective mimetic actions but by the powerful expression of public opinion. Although the quoted passage does not explicitly mention the Rights of Man, it indirectly alludes to its sanctity and to the liberal ideal of individual freedom—a notion Durkheim directly recalled when he noted that it would be "sacrilege for a man wholly to deny progress or to reject the *human ideal* to which modern societies are attached." This reading highlights that, in contrast to the homogeneous representations found in totemic societies, the cohesion of French society arose from enshrining the general liberal individual as "free" to express individuality through public discourse and the exercise of individual rights. In other words, the representation of French society is that of a heterogeneous collection of individuals united by common rights and liberties.

By asserting that the individualism of the French Revolution had become sanctified through ritual social cohesion, Durkheim recalled arguments he had made in "Individualism and Intellectuals" in defense of the Third Republic's social cohesion. Comparing Durkheim's statements in "Individualism and Intellectuals" with his earlier distinction in *The Division of Labor in Society* between organic and mechanical solidarity reveals a continuity of thought leading up to *The Elementary Forms of Religious Life*:

> "Social life derives from a double source: the similarity of consciences and the division of social labor. In the first case the individual is socialized because, having no individuality of his own, he, like his fellows, merges in the same collective type. In the

> second, he is socialized because, while having a physiognomy and an activity of his own which distinguishes him from other people, he depends on them, and consequently on the society which results from their union, in the same measure that he is distinguished from them" (Durkheim, 1893, p. 203).

In this citation from *The Division of Labor in Society*, Durkheim introduces the distinction between two types of solidarity: mechanical solidarity, which characterizes a collective conscience that imposes homogeneity on individuals[126], and organic solidarity, which characterizes a collective conscience that permits individuality while binding society together through interdependence. In mechanical solidarity, individuals lose their distinctiveness, becoming part of a unified whole, whereas in organic solidarity each member retains a specialized sphere of action that distinguishes them from others, yet their differences are integral to the collective.

The conclusions of *The Division of Labor in Society* reveal a new dimension to Durkheim's contrasting description of ritual social cohesion in totemic societies versus that in the French society during the Revolution. In describing ritual social cohesion among totemic societies, Durkheim stressed the lasting omnipresence of a common totemic image in everyone's consciousness and the execution of identical mimetic actions when gathered together, suggesting that totemic clans were cases of mechanical society based on homogeneous social structures. In such societies, the concept of individuality was absent, while the homogeneity of the clan totem was omnipresent in religious force.

[126] The collective conscience of mechanical solidarity is "a simple dependence on the collective type and follows all its movements, like a possession follows those which its proprietor imposes on it" (Durkheim, 1893, p. 203).

Ritual social cohesion operated similarly in Durkheim's account of French society during the French Revolution. However, a stark contrast emerges when we recall Durkheim's description of revolutionary cohesion in his "Individualism and Intellectuals":

> "As a result of a more developed division of labor, each mind finds itself oriented to a different point on the horizon, reflecting a different aspect of the world, and consequently the contents of consciousness differ from one person to another. Thus, we make our way, little by little, toward a state, nearly achieved as of now, where the members of a single social group will have nothing in common among themselves except their humanity, except the constitutive attributes of the human person in general" (Durkheim, 1973, p. 51) .

Durkheim described the "religious force" of the Third Republic using the same arguments he presented in *The Division of Labor in Society*, asserting that the division of labor made the individual—an inherently heterogeneous entity—possible within society. He reiterates his argument with one important exception: it was the process of ritual social cohesion, rather than population demographics, that shaped the social structure of the Third Republic, rendering the "constitutive attributes of the human person in general" a sacred symbol of its unity. As argued above, Durkheim employed this concept of ritual cohesion to counter views—such as those of Brunetière—that interpreted sacrifice for the nation-state in ways that threatened the stability of the Third Republic. Moreover, he introduced an early version of his social cohesion theory of ritual at a time when he recognized both the power of sacrificial and ritual discourse in shaping perceptions of the nation-state and the potential for such arguments to undermine the liberal and socialist left status quo. This suggests that Durkheim's theory of ritual social cohesion was not

only a scientific framework but also served a political agenda aimed at preserving Republican values in the face of political radicalism and social disintegration.

§4
Conclusion: From "Sacrifice" to "Ritual"

From his arguments in *The Division of Labor in Society* and "Individualism and Intellectuals" to his *Elementary Forms of Religious Life*, Durkheim's understanding of social cohesion had certainly matured. In particular, his emphasis in *The Elementary Forms of Religious Life* stressed less the different types of cohesion and more the fact that the same ritual mechanism functioned to constitute these different forms of social structure. In other words, Durkheim adopted the insights of Hubert and Mauss's theory of sacrifice, thereby enabling him to make the paradigm shift from "sacrifice" to "ritual" in 19th-century sociological discourse. In his discussion of the diverse purposes for which the same Intichiuma rite could serve, Durkheim specifically quotes Hubert and Mauss as follows:

> "MM. Hubert and Mauss have already pointed out a functional ambiguity of the same kind in the case of sacrifice and, more especially, of Hindu sacrifice. They showed how the communal sacrifice, the expiatory sacrifice, the vow sacrifice, the contract sacrifice, were only simple variants of one and the same mechanism. We now see that the fact is much more primitive and is in *no way limited to the sacrificial institution*. There is perhaps no rite that does not present a similar indeterminacy. The mass is used for weddings and funerals; it redeems the faults of the dead, it assures the living the favors of the deity, etc… This ambiguity demonstrates that the real function of a rite consists, not in the particular and defined effects that it seems to aim and by which it is usually characterized, but of a general action which, while by remaining always and everywhere

> similar to itself, is however capable of taking different forms depending on the circumstances (Durkheim, 1912, p. 316).

Durkheim clearly recognized the contribution of Hubert and Mauss's essay to the scholarship on sacrifice and ritual, noting that the diversity of sacrifices "were only simple variants of one and the same mechanism." While Hubert and Mauss's research identified sacrifice as a means of maintaining social equilibrium, Durkheim made a more general claim by subsuming sacrifice under the broader phenomenon of "ritual." In asserting that non-sacrificial practices—such as marriage, birth rites, and burials—were also diverse "rituals" that structured the same social representations of the sacred and the profane for the purpose of maintaining social equilibrium, Durkheim shifted sociological discourse from its focus on "sacrifice" in ancient cultures to its focus on "ritual," a concept that bridged the social-evolutionary divide between organic and mechanical types of social cohesion.

Moreover, Durkheim applied his analyses to the 19th-century nation-state formation of the Revolution as well as to the cohesion of the French Third Republic. On the eve of the 2nd World War and with the dawning clarity of the power of fascism, Marcel Mauss summed up—without denying their hypothesis—the terrible discovery they had made about social representation as a political instrument of power:

> "Durkheim, and after him, the rest of us are, I believe, those who founded the theory of *the authority of the collective representation* [my emphasis]. One thing that, fundamentally, we never foresaw was how many large modern societies, that have more or less emerged from the Middle Ages in other respects, could be hypnotized like Australians are by their dances, and set in motion like a children's roundabout. This return to the primitive had not been the object of our thoughts. We contented ourselves

> with several allusions to crowd situations, while it was a question of something quite different. We also contented ourselves with proving that it was in the collective mind [*dans I'esprit collectif*] that the individual could find the basis and sustenance for his liberty, his independence, his personality and his criticism. Basically, we never allowed for the extraordinary new possi-bilities ... I believe that all this is a real tragedy for us, too powerful a verification of things that we had indicated and the proof that we should have expected this verification through evil rather than a verification through goodness [*le bien*]"[127].

Durkheim had translated nationalist movements of mass political following spurred by propaganda into concepts comparable to the ceremonies of non-European communities. In his letter, Mauss interprets the mass crowd followings of 20th-century fascist nationalism as analogous to this process of power through symbols and propaganda for the manipulation of public opinion. Ritual, therefore, could be applied both to "totem communities" and to the "advanced" 19th-century cohesion of Third French Republic transnational nation-states and beyond, inciting massive collective praxis. Fascism verified the lesson of its power through the malevolence of 20th-century movements rather than through the "good" consolidation of the Third Republic as a representation of the rights of humankind in a transnational nation-state.

After Durkheim's paradigm shift, political displays of nationalism—such as the parading of the bust of Marianne on the anniversary of the Third French Republic—will be classified alongside Vedic acts of offering cakes to *Agni* on eight-pot sherds as typical examples of ritual, albeit ones that solidify the social representations of two different types of society: one based on homogeneity of the nation and the other on the heterogeneity of the individual in the division of

[127]Letter to Sven Ranulf from Marcel Mauss (date: 1939), cited in Lukes (1973, p. 338, fn. 71)

labor. In the next chapter, I contend that the early Third Republic's political instability catalyzed Durkheim's formative theoretical trajectory, enabling us to evaluate his intellectual genealogy of social cohesion theory prior to his "religious turn" as negotiating both scientific and political rationales.

Chapter 6

Durkheim's Social Cohesion Theory of Ritual and the stability of the Third Republic of France:
Part II: Genealogy of the Social Cohesion Theory of Ritual: From the Political to the Social

§0
Omens of Political Instability: From Political Constitution to the Social Type

In contrast to the previous chapter—which showed how Durkheim's social cohesion theory of ritual was largely inspired by his political intervention in the Dreyfus affair—this chapter explores the intellectual genealogy of his theory of religion before his "religious turn" prior to 1896. During this early period, I show that his inquiries were rooted in political philosophy and influenced by the uncertain political context of the early Third French Republic. I argue that this unstable climate led Durkheim to frame questions about societal cohesion in terms of a normative integration of objective authority of social structures and individual freedom.

In this genealogy of his theory of social cohesion, I identify two pivotal shifts in his thought: first, a move from understanding political stability as constitutional consensus of a government type to conceptualizing it as structural cohesion of society; and second, a transition from emphasizing legislator-driven authority to recognizing the "collective" authority inherent in social representations. When sacrifice and ritual became central motifs in national debates that threatened the Third Republic's stability, Durkheim adapted his political-philosophical approach

to understanding religion, defining ritual as a tool to reinforce societal stability. Although his framework can extend to other forms of collective consciousness, he replicated a normative model of authoritarian stability—rooted in political philosophy—to explain rituals in both "non-European" societies with sacrificial practices and in the French Third Republic with political practices. In essence, Durkheim's evolving approach to ritual reflects a shift from the political to the social.

To introduce the chapter's central theme, it is appropriate to repeat Mauss's citation from the previous chapter, which retrospectively evaluates the program of the Durkheimian school:

> "Durkheim, and after him, the rest of us are, I believe, those who founded the theory of the *authority* of the collective representation."[128].

No other statement from the Durkheimian school so clearly expresses the relationship between the political concept of authority and the sociological concept of social representation. Mauss's remark is important because it encapsulates the central analytical genealogy of this chapter's argument: Durkheim's cohesion theory of ritual is a critiqued transformation of the concept of authority as articulated in constitutional political philosophy. In his analysis of Aristotelian constitutions (Gk. *politeia*), the presupposition of a ruler–ruled relationship forms the dynamic nexus of the natural typology of constitutions in Aristotle's theory. While this presupposition appears in Plato's political theory, Aristotle was the first to generalize the basic principle of the ruler–ruled relationship in his *Politics* (1254a28–32): "Whenever a thing is established out of a

[128] Letter to Sven Ranulf from Marcel Mauss (date: 1939), cited in Lukes (1973, p. 338, fn. 71)

number of things and becomes a single common thing, there always appears in it a ruler and ruled … This [relation] is present in living things, but it derives from all of nature."

By engaging classical political philosophy to understand societal structures and – after his "religious turn" – its relevance to ritual, Durkheim incorporated these political notions to explain how ritual maintains social equilibrium. This not only demonstrates that Durkheim subtly infused his classical education—in both literature and political philosophy—as a theoretical tool in the nationalist polemics of Third Republic France, but also suggests that his sociology was, from the outset, directed towards an understanding of the stability of political structures in terms of a broader normative framework because it could be used to respond to threats of the liberal status quo of the 19th-century Third French Republic.

This chapter demonstrates that the early Third Republic's political instability catalyzed Durkheim's formative theoretical trajectory, enabling a historicist evaluation of the intellectual genealogy of his social cohesion theory prior to his "religious turn." I argue that the unstable regime directed Durkheim's early integration of scientific and political rationales, leading him to employ political frameworks[129] to explain the stability of social structures. Although his work draws on a diverse array of contemporary theories, Durkheim heavily relied on classical political philosophy from both premodern and ancient sources. For example, his early Latin monograph

[129] There is a growing consensus, since Lacroix's monograph (1981), on the continuity of Durkheim's political program throughout his oeuvre (Alexander and Smith 2005; Strenski 2002; Watts Miller 1996; Lukes 1973). Alexander's argument (2005) differs from this consensus only to the extent that Durkheim had not found the answer of the *locus* of moral socialization until his turn toward religion, but that he had initially been a Marxist instrumentalist and rationalist in this developmental theory of society. Alexander's argument (2005) confirms Lacroix (1981) research into the complete oeuvre, while importantly bringing it into dialogue with the political economists of German social science. He fails, however, to give a sufficient account of the role of Durkheim's *Commentary on Montesquieu* (1892) in his oeuvre.

on sociological methodology, *The Commentary on Montesquieu* (1997, [1892])[130], and his philologically informed reading of Aristotle's *Politics*, as evidenced in newly discovered Bordeaux[131] library loan records, show that the development of his typology of social consciousness occurred between 1886 and 1892 and was deeply shaped by these political philosophical texts. The central explanatory motif during this period was consensus—viewed as one aspect of an equilibrium of powers—with Durkheim shifting the focus from a balance of political power to that of social power. This concept of social power is key to his early articulation of ritual's role in social cohesion, as outlined in his 1898 essay "Individualism and the Intellectuals" (1973, [1898]), thereby establishing a clear genealogy from political philosophy to a sociology of religion tailored to the national discourses of the Third Republic of France.

To explain the details of this genealogical shift, I argue from a close reading of his *Commentary on Montesquieu* (1997, [1892]) that by substituting the relation of authority between the legislator and citizen in different constitutional forms of government with the authority between the group bond (Lat. *sociale vinculum*) and the community, Durkheim transforms the conception of consensus from an equilibrium of powers based on voluntary and rational deliberative considerations—responsible for the manifestation of political constitutions—to a conception of consensus as an equilibrium of powers based on non-voluntary and normative considerations that underpin the manifestation of social structures. In short, the story is one of a genealogical shift from political constitution to social cohesion, where social

[130] Under its Latin title, it is known as *Quid Secondatus Politicae Scientiae Instituendae Contulerit* (1892). In my citations, I use the recent critical edition and translation prepared by Watts Miller (Durkheim 1997).

[131] First made available by Béra (2014) and given a rough quantitative analysis as to what it says about Durkheim's library loan practices.

representations play an important mediating role in producing the authoritative equilibrium of society.

In my conclusion, I reconnect the genealogical argument with the previous chapter by showing that Durkheim adapted his theory of social cohesion to define ritual as a tool for understanding and reinforcing the Third Republic's stability during its crisis. In doing so, he reconciled scientific and political imperatives by framing ritual cohesion as a normative framework for authoritarian stability, defending the proper conception of the Third Republic against conservative Anti-Dreyfusards. Moreover, his theory not only addressed the political radicalism and social disintegration of his time but also served as a universal explanation for ceremonial societies, embedding political and philosophical categories relevant to the emergence of the liberal nation-state—even in "non-European" ceremonial contexts. Thus, Durkheim's social cohesion theory of ritual, forged at the intersection of scientific and political rationales, constructs a potent mythopoetic narrative of state origins through its transnational and timeless theorization of ritual institutions.

§1
Chapter Organization

This chapter is divided into two thematic parts, united by Durkheim's central question prior to his "religious turn": how can the stability of the French Third Republic be maintained? In the first part, I show how the instability of Third Republic politics (1870–1890) influenced Durkheim's early focus on the causes of the 1789 Revolution and the definition of societal structure. In the second part, I examine how, during his middle years (1889–1892), Durkheim engaged with political philosophy to develop a concept of structure that reconciles society's external order with the internal "free action" of individuals. Finally, in the conclusion, I connect this chapter's conclusions to those of the previous chapter about Durkheim's "religious turn".

§2
The Third Republic in Crisis and Durkheim's Politics of Stability

Judging by Durkheim's statements in his own intellectual history of sociology[132],the sociologist occupied an ambiguous position between contingency and necessity. On the one hand, the existence of a social structure determined by the division of labor was a contingent fact; on the other hand, given such a structure, it necessarily followed that sociology—and therefore the sociologist—came into being with the specialized insight to describe society's self-representation. Because of its circular reasoning in defending the project of sociology, this explanation suggests a hermeneutics of suspicion.

If we turn to an anecdote from Durkheim's early political activity, an alternative genealogy becomes evident—one that not only removes the necessity of the emergence of sociology, but also recognizes the political influences of the Third Republic on the young Durkheim. Already in 1880, at the age of 22, we catch a glimpse of his political inclinations when, notably, he celebrated the first official holiday on July 14 commemorating the 1789 Revolution "in the street in order to associate with the popular enthusiasm which the celebration could engender"[133]. As one historian remarks, public squares and town halls now multiplied with the Busts of Marianne[134], the female personification of the Republic, which had been previously banned by the conservative Empire and the "Moral Order" government[135] (Popkin, 2001, p.15). The historical scene of Durkheim celebrating the first memorial of the 1789 Revolution not only recalls his effervescent explanation of ritual in *The Elementary Forms of Religious Life*, but also

[132]"Sociology in the Nineteenth century" (Durkheim, 1900, p. 2)

[133] (Davy, 1973, p. 188); quoted in (Lacroix, 1981, p.36)

[134] The modern day statue of Liberty in New York represented Marianne as an example of the principles of Revolutionary France.

[135] (Popkin, 2001, p.15). In historiographical studies, the event will be dominated by Durkheim's interpretation symbols and rituals henceforth.

exemplifies the glaring "contradiction" of two clashing historical realities—the old constitution of the Monarchy and the new constitution of the Republic—that Durkheim must have observed when he saw the idols of Marianne freely paraded down the streets of the new and hopeful French Republic. The anecdote opens the possibility that the tides of current affairs in the Third Republic exercised a constant, albeit invisible, influence on Durkheim's intellectual output—a suggestion that appears confirmed in Durkheim's intervention during the political radicalism and social disintegration of the Third Republic at the height of the Dreyfus Affair.

This biographical anecdote introduces the main theme of this section: the political context of the French Third Republic directed Durkheim's early sociological agenda toward explaining the stability of political structures[136]. To this end, I deploy a narrative mode that mixes biographical and intellectual history to emphasize three points from Durkheim's formative years that illustrate how the turbulent politics of the Third Republic influenced his problematization of social structure as a remedy for national instability. First, I describe how the instability of late 19th-century politics in the Third Republic influenced Durkheim's normative goal of finding a science and practical philosophy that could contribute to "the social reconstitution of France" (Davy, 1973, p.183: quoted in Lacroix, 1981, p. 30). Next, I review two different selections from Durkheim's early period that reveal his initial problematization of structure. In his early book review of Ferneuil's sociological analysis of the 1789 French Revolution, Durkheim identified the concept of societal structure in the revolutionary change of constitutions as key to managing the Third Republic's stability. In *The Division of Social Labor* (1893), Durkheim's comments on

[136] In making this argument, I follow the general arguments of two scholars. Lacroix's (1981) general argument that Durkheim had early on problematized the questions of sociology using political philosophy; and the arguments of Alexander (2005), who partly following Lacroix describes Durkheim's general theoretical question to be one about the stability of social structure. Both Lacroix and Alexander, however, do not explain the theoretical sources of Durkheim's *Commentary of Montesquieu* in their arguments about the development of his theory of sociology.

the redistribution of wealth reveal that he sought a definition of structure that not only accounted for both structured and free action but also incorporated the concept of authority or power as essential to its definition.

The arguments in this section will help us understand why Durkheim regarded engagement with classical political philosophy as essential to his inquiries into the stability of social structures and, in turn, why he imported this paradigm of stability to explain the social cohesion of ritual in his mature work, *The Elementary Forms of Religious Life* (1912).

The course of the Third French Republic during its first two decades, officially established by the Wallon amendment[137] on January 30, 1875, could be described as anything but a model of stable constitutional government[138]. Established just after the French defeat in the Franco-Prussian War (1870–1871), which continued to haunt popular politics until the First World War, the new Third Republic likely appeared doubtful to many as a stable constitutional system. Its early career was marked by successive setbacks, as political conflicts between left-wing republicans and right-wing monarchists stalled national progress. Although republicans led by Léon Gambetta had won the National Assembly from the conservative monarchists of the "Moral Order," in 1877, the monarchist president Patrice de MacMahon threatened the constitution's stability with his coup in the National Assembly. Although the coup failed, it testified to the enduring influence of conservative and clerical monarchists, whose political presence would later be associated with the Anti-Dreyfusards during the Dreyfus affair. One year

[137] The amendment virtually switched power from the monarchy to a democracy and thus began the reign of the Third Republic: "the President of the Republic is elected by the plurality of votes cast by the Senate and the Chamber of Deputies" (Popkin, 2001, p.149)

[138] Popkins (2001, p. 150) writes that to most historians, the French Third Republic stands as a proof of the "incoherence of French politics" and is an example of a political regime with a reputation for 'instability' in the face of major problems".

after the 1884 proclamation that the Third Republic would combat all who challenged its core values of anticlericalism, liberalism, and capitalism, Jules Ferry—[139] architect of the regime's compulsory, anti-clerical educational program—was ousted from office because of his activist policy of imperial expansion in France's new colonies (Popkins, 2001, pp. 150-7). A final blow to Republican morale came when Jules Grévy had to resign in 1887 as president of the Republic due to his son-in-law's scandal (Popkins, 2001, pp. 150) involving the sale of awards from the Legion of Honour. The subsequent rise of proto-fascist Boulangisme, under the banner of revenge for the Franco-Prussian War, and the looming prospect of the ascendancy of the monarchist right cast a gloomy aura over the stability of the Third Republic at the end of the 1890s, just as Durkheim was putting the finishing touches on his new sociological theory.

The political climate of the Third Republic during Durkheim's formative years (1880–1892) likely appeared to the young sociologist as a prelude to the "confusion of ideas (Lukes 1973:331) he would later identify as the inner contradiction of French politics. As one biographer notes, it was at the beginning of these turbulent years—after passing the aggrégation[140]—that Durkheim decided upon his vocation as a sociologist: "he already felt called to something other than teaching; he must play a role in the social reconstitution of France bruised by defeat" (Davy, 1973, p. 188: quoted in Lacroix, 1981, p.30). At a time when no sociology department existed in the university, Durkheim adapted his role as a professor of philosophy to meet his research agenda as a sociologist. In particular, his literary and pedagogical activities between 1882 and 1885 reveal a man seeking a philosophy with practical applications for political reform. For example, from 1883 to 1884, Durkheim lectured on the

[139] He held the important office of minister of education from 1879-1885 and is primarily responsible for France's colonial policy popularly known as *la mission civilisatrice*.

[140] The competitive examination required for admission to the teaching staff of state secondary schools, or *lycées.*

history of philosophy, critically reviewing various positions from Aristotle to Kant on psychology, logic, ethics, and metaphysics[141]. In 1885, he published his first review of the political economist Albert Schäffle's *Structure and Life of the Social Body*[142] Schäffle, A. (1875), whose research suggested practical remedies for the "social body" of the Second Reich through state intervention in the economy. As his disciple and biographer notes, Durkheim's intellectual activities in the mid-1890s indicated that he was concerned

> "with a philosophy, which did not result in a *political and social application* and conversely no *politics* which was not founded on a philosophy. Sociology had to be this philosophy which would contribute to definitively establishing the Republic and to inspire its rational reforms at the same time as give the Nation a principle of order and a moral doctrine. The vocation of the young sociologist commenced at the basis of this thought" (Davy 1973:188: quoted in Lacroix (1981:31)).

As Durkheim's biographer[143] testifies, his early thought was not primarily concerned with religion or ritual. Rather, his research at Bordeaux reveals a theorist grappling with the political instability of the preceding three decades in the New Republic. By the end of the 1890s, Durkheim's early book review of Th. Ferneuil's *The Principles of 1789 and Sociology* (1890) emerges as important documentary evidence confirming these biographical claims. This review

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[141] "The Course on Philosophy held at the Lycée of Sens" (1884). The documents are the student lecture notes taken from Durkheim's course on philosophy in 1883-84. Notes are taken by the French philosopher, André Lalande (1867-1963).

[142] Schäffle, A. (1875) *Bau und Leben des sozialen Körpers: Erster Band.*

[143] Later biographers have concurred on marking this tendency in Durkheim. For example, Lukes (1973, p. 355) writes: "In his belief in national reintegration through (secular) education, Durkheim was within a tradition reaching back, in particular to the Kantian Renouvier and the Comtian Jules Ferry, who had written that "the principles of 1789 are the basis of modern French society: the teaching of them must be ensured" (cited in Nizan, Les Chiens de la garde –1932, p. 145). There was, Ferry believed, a need to maintain "a certain morality of the State, certain doctrines of the State which are important for its conservation".

is significant because it offers an inside glimpse into how a decade of Third Republic politics influenced the formation of Durkheim's early theoretical agenda.

Central to my analysis of this book review is the premise that Durkheim's interest in the 1789 Revolution was primarily political rather than solely historical or academic. The political and intellectual context of the 1890s in France supports this claim. The memory of the 1789 Revolution had defined the New Republic. Not only had June 14th become a national holiday marking the Republic's beginning, but in his famous essay "What Is a Nation?" (1882), Ernest Renan (1823-1892) linked the common sufferings of the Revolution to the emergence of the Third Republic. The Republic's education minister, Jules Ferry (1832-1893), emphasized the pedagogical importance of the Revolution's principles, asserting that "the principles of 1789 are the basis of modern French society: the teaching of them must be ensured" (Lukes, 1973, p. 355). In the philosophical milieu of the 1890s, Jean-Marie Guyau's (1854-1888) final work, *The Irreligion of the Future* (1887), explicitly connected the principles of the 1789 constitution with the demise of the old clerical monarchic order and the emergence of an anti-clerical society under the new Third Republic. Although it is impossible to be certain, given the near-identical intellectual profiles of Guyau and Durkheim, it is likely that Durkheim felt compelled to write his critical review of Guyau's monograph to delineate his own theoretical terrain[144]. All of this shows that discourses on the 1789 Revolution—whether scientific or political—were not solely academic or historical exercises but carried imminent political stakes for the stability of the Third Republic of France.

His early book review of Th. Ferneuil's "The Principles of 1789 and Sociology" (1890) should be understood as an early expression of Durkheim's views on the theoretical and practical

[144] In his book review (1887), Durkheim had criticized Guyau for making rationalism "the mistress" of the French Revolution.

role of sociology within the political and intellectual milieu of 1890s France. The review is important because it provides evidence that Durkheim identified the concept of societal structure—as revealed in the revolutionary change of constitutions in 1789—as crucial for managing the Third Republic's stability. As Barbaris (2022), following Giddens (1970, p. 171), has noted, the genre of the academic book review served an important function for the development of the Durkheimian school's ideas by functioning "as a platform for the elucidation of his own theories, and for rebuttal of the attacks of his critics." In this review, Durkheim melds both the functions of critic and proponent. In his summary statement, he closes the review by endorsing Ferneuil's method of examining the principles of the 1789 Revolution as "social facts"—the effects of hidden changes in the "structure" of French and European society. He notes that:

> "It is only when this change [of structure] is known with some precision that we will be able to definitively qualify the principles of 1789 and to say whether they constitute a pathological phenomenon or, on the contrary, simply represent a necessary transformation of our social conscience. Above all, it is only then that we will be able to resolve this other question: what is the destiny of the revolutionary religion? [...] There is in fact no question which absorbs more of the attention of legislators and statesmen, for not all the difficulties on which nations founder at the present time come from the trouble we encounter in adapting the traditional structure of societies to these new and unconscious aspirations which have afflicted them for a century" (Durkheim 1973:41–42: 1890).

In this passage, Durkheim highlights three important points for the sociological investigation of the 1789 Revolution. First, he problematizes societal structure and the transformative causes of

structural change as the appropriate objects of sociological study. Durkheim's emphasis on structure—not only recalling Schäffle's conceptual work in *Structure and Life of Society* (1875) but also appearing in his brief excursus on two types of social sentiment in his review of Guyau's *The Irreligion of the Future* (1887, p. 15)—provides evidence that he was developing an explanation of the Third Republic's stability in terms of structural models.

Second, from the passage it is evident that Durkheim connected the sociological investigation of the causes of structural change to the maintenance of the Third Republic's stability. The passage serves as clear evidence that Durkheim saw the question of whether the revolutionary principles could be a "necessary transformation" of European social structure as one belonging especially to the sociological research program. In this way, he gestures toward a contingent convergence of sociological and Third Republican political programs.

Finally, Durkheim identifies "the difficulties on which nations founder at the present time" as resulting from legislators' and statesmen's failure to properly adapt the "traditional structures of societies" to the "new and unconscious aspirations" embodied in the Rights of Man and Citizen of the 1789 Revolution. This observation, which reflects his own experience of three decades of instability in the French Third Republic, carries a distinctly local tone.

Durkheim's early book review of Th. Ferneuil's work is significant because it demonstrates that he *expressed* the idea of "structure" as a conceptual key to national stability, thereby addressing the political demand for a theory that could secure the stability of the Third Republic. In the remainder of this section, modifying Alexander's (2005) claim, I will argue that Durkheim developed a definition of structure that not only accounted for both structured and free action (Alexander, 2005) but also, as I contend, incorporated the concept of authority or power as essential to its definition.

In his internal analysis of the conceptual development within his oeuvre, Alexander (2005) points out that, in the last century of scholarly treatments of Durkheim, "the fundamental question has been how Durkheim stipulates the relation between structured and free action." Durkheim sought a notion of structure that could "be outside the isolated individual and still be subjective, or 'inside' at the same time." Such a notion would ideally explain both the social determinism of collective consciousness and the subjective sense of "free action" experienced by individuals within the collective.

Durkheim first confronted the relation between structured and free action in his 1887 review of Guyau's *The Irreligion of the Future* (1887). In that review, he discusses two types of social relations to criticize Guyau's notion of religion as a social obligation. One relation, which he calls "intrasocial," connects each individual to the person of his fellow citizens and is manifested in "feelings of esteem, respect, affection, and fear that we can feel for each other." The other, "intersocial," connects an individual to the social being taken in its totality and is especially evident in "society's relations with foreign societies" (Durkheim 1887, p. 15) . Durkheim explains the interaction of these two relations in terms of the balance between autonomy and social obligation:

> "The first [relation] leaves my autonomy and my personality more or less intact; they undoubtedly make me show solidarity with others, but without taking away much of my independence. On the contrary, when I act under the influence of the second [relation], I am only part of a whole whose movements I follow and whose pressure I am subject to. This is why the second relations are the only ones who can give birth to the idea of obligation" (Durkheim 1887, p. 15).

In this passage, Durkheim articulates an internalist–externalist account of social structure, distinguishing between the internal autonomy derived from sympathetic relations and the external constraint imposed by the collective's obligations. However, as Alexander (2005, p. 138) observes, Durkheim initially placed too much emphasis on the "sympathetic instincts" inherent in every human being. Although these instincts could lead to associations larger than the individual, Durkheim eventually rejected this solution as too precarious because, when confronted with foreign social totalities, "such independently motivated individuals…would develop no sense of the social whole outside of their own selves" (Alexander and Smith, 2005, p.138). Even in 1887, it is clear that Durkheim was still searching for a way to ensure that "social order could be outside the isolated individual and still be subjective, or 'inside' at the same time" (Alexander and Smith, 2005, p.138).

By the time of the publication of his *Division of Social Labor* (1893)[145], Durkheim had reached his mature formulation of an externalist–internalist structure in his typology of organic solidarity. Notably, his formulation now incorporates language influenced by his studies of German socialist theories of political economy during his last five years of research. Durkheim became interested in how an externalist–internalist conception of structure might resolve the "social question" of wealth redistribution—a key issue in 19th-century socialism that had increasingly featured in Third Republic "socialist" politics during the grapevine famine and subsequent economic depression in rural France.

> "What is needed if social order is to reign is that the mass of men be content with their lot. But what is needed for them to be content, is not that they have more or less but that *they be convinced* that they have no right to more. And for this, it is absolutely essential

[145] We will analyze this in the next section.

that there be an *authority whose superiority they acknowledge and which tells them what is right*" (Durkheim, 1895: quoted in Alexander and Smith, 2005, p. 138-9).

Alexander (2005, p. 142) plausibly identifies that Durkheim here opposes the reformulation of the political machinery through economic redistribution—as advocated by 19th-century Marxist socialism—with his new solution: a moral reorganization of society. However, the crucial term emphasized is not merely moral (or, as Durkheim later argues, religious) but is instead the dimension of "authority" based on a superiority acknowledged by the masses, which serves as the standard of right. This added emphasis on authority explains what is required for the external and internal elements of a social structure based on the division of labor in liberal capitalism to function. The operation of this authority was primarily psychological: individuals had to be convinced internally of the legitimacy of their economic position in a liberal capitalist social order, while the external element of social order represented an authority that superseded individual will and regulated the allocation of rights. In *The Division of Social Labor*, such an authoritative social order is embodied in the social consciousness that Durkheim described as organic solidarity, governed by the morale of the division of labor.

The question then arises: How did Durkheim arrive at his account of an externalist–internalist structure endowed with an authority acknowledged by the masses and which established societal standards, as discussed in *The Division of Social Labor*? Although Alexander (2005) shows how Durkheim opposed the "state-directed and instrumentally coercive" collective conscience of socialism—with emphasis on the moral community in *The Rules of Sociology* and on the moral authority generated by the ritual community following his "religious turn" during lectures on religion in 1885–1886—Alexander does not provide the genealogy of Durkheim's

turn to authority within the externalist–internalist relationship between society and the individual.

It is also relevant to note that the passage above is significant not only because it reduces national and economic stability to an account of equilibrium generated by morality and the political philosophical question of authority, but also because it relates to the political context of the French Republic in the 1890s. Durkheim's description of the reign of "social order" aligns with the standard economic policy of Third Republic French politicians, which served as the "alternative" to the revolutionary action of extreme socialists. As one historian notes, "republican *solidarité*…was a means to reintegrate workers into French society without jeopardizing private property and bourgeois liberties" (Friedman, 1990, p. 155) . Since Adolphe Thiers (1797–1877) established the status quo in the 1870s, moderate Republican politicians maintained that "the Republic would only survive if it demonstrated that its institutions were compatible with existing social hierarchies and with the protection of the rights of property" (Friedman, 1990, p. 155). Although there were many possible gradations of articulating this political economic stance along the spectrum of the moderate left and extreme socialist of 19th century politics, Durkheim's quest to define a structure that aligned with the French Third Republic's general economic policy can be seen as a sign of a moderate leftist political agenda to which he subscribed.

§3
Classical Political Philosophy, Montesquieu's *Spirit of the Laws* and the *New Method* of Political Science

In the previous section, I discussed how three decades of political instability in the French Republic produced an intellectual climate in which France struggled to adapt the new Republican tides of the 1789 Revolution to the formal structures of the old monarchical

government. As Lacroix (1981, pp. 37–38) points out, Durkheim can easily be compared to his early contemporary, the Orientalist Ernest Renan (1832–1892), regarding the formative influence of this atmosphere on intellectual production. Reflecting the political aporia of the period, Renan felt compelled to ask, "What is a Nation?" (1882) in public discourse. Similarly, this section examines how Durkheim sought to bring "clarity of thought" to a similar question after more than a half-decade (since 1885) of research on political economy, moral and political philosophy, and the sociology of the 1789 Revolution. By the time of the publication of *The Commentary on Montesquieu* (1997, [1892])—a decade after Renan's speech—Durkheim had nuanced Renan's question with the sophistication of Cartesian rationalism buttressed by Aristotelian analytics; rather than asking "What is a nation?", Durkheim inquires, "What are the causes of the nation's stability?"

The purpose of this section is to show in what way the early Third Republic's political instability catalyzed Durkheim's formative theoretical trajectory, leading him to develop a theory of structure useful for ensuring the stability of the Third Republic. In this section, I provide an answer to Durkheim's politically inspired quest for a normative framework that integrates objective structural authority with individual freedom by providing an intellectual genealogy of Durkheim's social cohesion theory in his engagement with classical political philosophy in his *Commentary on Montesquieu* (1997, [1892]). Although scholarship has extensively documented the premodern and modern sources from which Durkheim drew during the formative period of his sociology, few contributions have examined the role that classical Greco–Roman antiquity played in developing his thought[146]. Building on this promising area of research, my argument

[146] Scholars who have engaged Durkheim from the perspective of his training as a philologist in classical antiquity include Hawkins (2004) McCarthy (2003) Miller (1993; 1996), Verdon (1982), Davy (1973). With the exception of Miller, none engage Durkheim's classicism from a genealogical point of view. Miller is himself a committed Durkheimian, so that his analyses subscribe to neoliberal principles.

emphasizes that Durkheim was primarily engaged with the classical political philosophy of Aristotle's *Politics* and the notion of the prudent legislator as authoritative ruler. This engagement informed his quest for an account of an authoritative structure that could reconcile the objective social order with the subjective liberty of the autonomous subject. This historical fact remains true even when Durkheim employed the 18th-century premodernist Charles Louis de Secondat et de Montesquieu's (1689-1755) *Spirit of the Laws* as a platform for his critical engagement with classical political philosophy in his *Commentary on Montesquieu* (1997, [1892]). Here, he argued for a methodological shift from a typology of political constitutions based on the consensus of the authoritative lawgiver to a typology of social cohesion based on the impersonal yet authoritative social bond. Indeed, it is this genealogical shift from the political to the social in his *Commentary on Montesquieu* that provided the outlines for his later social cohesion theory of ritual, which he employed to explain the transformation of social structure during the 1789 Revolution at the height of the Dreyfus Affair (1898).

To support the argument outlined above, it is necessary to consider the place of the *Commentary on Montesquieu* (1997, [1892]) within Durkheim's oeuvre. In his assessment of its role—given the well-known early influence of German political economists on his theoretical trajectory—Jones (1994) maintains that the early "social sciences" of these economists furnished Durkheim with empirical methods to critique the traditional Cartesian rationalism of 19th-century French sociology[147]. Montesquieu's *Spirit of the Laws* served as a platform for Durkheim to showcase the rational empiricism emerging from his background in French rationalism and his study of German empiricism. Modifying Jones's (1994) claim in light of recent archival

[147] "Durkheim's goal was to replace the language of Cartesian rationalism and its emphasis on clear and distinct ideas deduced from first principles with this quite different language of German empiricism and its emphasis on induction carried out through the careful observation and collection of concrete fact". (Jones, 1994, p.5)

discoveries from the past two decades that highlight the importance of classical sources for Durkheim's theses, I suggest that the *Commentary on Montesquieu* functioned as a methodological platform through which Durkheim critically engaged a rationalist political philosophy—specifically based on the Aristotelian theory of constitutional forms—with the "new methodology" of German empiricism. Miller's (1996) remarks on Durkheim's use of classical quotations, as well as Béra's (2014) publication of Durkheim's library loans from 1887 to 1902, confirm the importance of classical political philosophy to Durkheim's search for an explanation of a social structure that could account for both an external social order and the internal "free action" of individuals under impersonal authority.

At the beginning of his first major empirical work the *Division of Labor* (1893), Durkheim cites a fragment of Aristotle's *Politics* in ancient Greek: "A city is not made up of people who are the same: it is different from an alliance"[148]. Miller (1996) correctly points out that Durkheim expresses his essential thesis in terms similar not to Aristotle's original statement but rather to a particular reading of *Politics* by contemporary editors. Miller explains that these philologists commented that a state "is an organism," whereas an alliance is "an aggregate of homogeneous members""[149](Susemihl & Hicks, 1894, p.216: quoted in Miller, 1996, p.73)—precisely the distinction Durkheim made between modern societies, which cohere through the organismic division of labor, and traditional societies, which cohere through the aggregation of homogeneous parts. Miller's point is important not only because it shows how late-19th-century commentators read in Aristotle 19th-century organicist ideas similar to those of political

[148] Gk. *Ou gar ginetai polis ex homoiōn, heteron gar summakhia kai polis*. (*Pol*. 2. 1261 a, 24) quoted in Miller (1996, p. 73)

[149] The full quotation is still found in recent scholarship on Aristotle and Plato's definition of a city. E.g. see Mayhew's (1997, p. 14) *Aristotle's Criticism of Plato's Republic.*

economist Albert Schäffle, but also because it draws attention to the little-appreciated fact that Durkheim likely consulted Aristotle's *Politics* as a philologist during his formative period. Trained in the humanistic tradition of the classics, it is reasonable to assume that Durkheim employed the available philological resources—in the form of commentaries and expertly written monographs. However, Durkheim gives no indication in *The Division of Social Labor* that he consulted any commentary on *Politics*—not even the one Miller presents—nor does he provide the edition of *Politics* he used. Durkheim's classical citations belonging to his published oeuvre thus reveal little about his philological habitus and even less about the role of classical antiquity in the formation of his sociology.

Béra's (2014) recent archival discovery of Durkheim's library loans, spanning his time at Bordeaux (1889–1902), illuminates these citations from classical philosophy scattered throughout his oeuvre. The anonymous fragment from *Politics* is just the tip of the iceberg compared to the archival findings. Although reconstructing Durkheim's reading of antiquity within the context of 19th-century German marxist socialism remains a desideratum[150], the Bordeaux library records shed considerable light on his working practices and borrowing patterns during the formative period of his writings. For the period between 1887 and 1892, when Durkheim submitted his two theses—*The Commentary on Montesquieu* (1997, [1892]) and *The Division of Social Labor* (1893)—Béra provides statistical evidence that Aristotle and

[150] Take for example, Durkheim's readings of Ferdidant Tönnes (1855-1936), which also seeks to explain socialism and society using the idea of consensus (Ger. *Verständnis*). The fact that Tönnies and Schäffle were deploying Aristotle inspired conceptions of *consensus* to explain the extreme 19th century political forms of Marxist socialism and community serves an indication of how common it was to use Aristotle's constitutional and biological theory for thinking about community, society and organism in the intellectual milieu of social science in 19th century France and Germany. My own personal opinion is that these authors did not even bother to cite Aristotle or other authors of classical antiquity, since the prevalence of Aristotelianism was assumed by 19th century theorists as the basic starting point of inquiry into political and biological phenomena. The widespread citation of Aristotle in Tönnes and Schäffle's works confirms this basic assumption.

scholarly works on Aristotle were the most frequently requested items. Béra summarizes the importance of Aristotle for Durkheim as follows:

> From the start of the loan registers in 1889 to Durkheim's submission of both his theses by the end of 1892, he borrowed a variety of French, English, German and Latin editions of original Greek texts of Aristotle's work, some of them quite venerable, such as *Aristotelis Graecae* (1831, ed. Bekker), others more recent, such as *Aristotle's Psychology* (1882, ed. Wallace), *Schrift vom Staatswesen der Athener* (1891, ed. Kaibel and Kiessling) and *La République athénienne* (1891, ed. Reinach). These loans covered a range of major Aristotelian texts, although Durkheim's theses cited only two, *Politics* and *Nicomachean Ethics*.

The library records of his request of Aristotelian source material is important because, as Béra correctly states, Durkheim did not only consult an ancient text when he used a particular edition but also "a closely informed, detailed commentary" (Béra, 2014, p.14). The critical editions of classical authors in 19th-century Greco–Roman philology offered an extensive scholarly apparatus of introductory background and line-by-line notes, especially for a widely read and commented text like *Politics*, for which Durkheim consulted as many as three different editions (as discussed below). At the same time, the records also show that Durkheim engaged with broader intellectual studies on political philosophy and the history thereof, both ancient and modern[151]. Clearly, during his formative period, Durkheim was deeply immersed in classical

[151] In particular, Béra (2014) informs us that Durkheim had made use of historian of antiquity Fustel De Coulanges's (1830-1889) monograph on Ancient Greek religion and politics, *La Cité antique* (1864), saying that "Durkheim borrowed Fustel's study of the city in ancient Greece and Rome, as well as the first part of his history of political institutions in ancient France, works that he cited nine times in *The Division"*. As Durkheim would argue, Fustel de Coulanges saw religion and cult as the foundation of Greek and Roman city, genealogically arguing for the development of the *polis* first from the cult, then to the family, then to the city, historically but not methodically anticipating Durkheim's arguments.

political philosophy. The single reference to *Politics* at the beginning of *The Division of Social Labor* not only indicates that "even just a single reference could involve Durkheim in extensive background reading and research (Béra, 2014, p.14), but also that by omitting the citations of his Greco-roman and classical philological sources, he deliberately demarcated the new field of sociology as a distinct discipline from the paradigms of classical political philosophy.

While it is evident that Durkheim engaged with classical political philosophy in his formative years for methodological purposes, it is equally true that he engaged with these sources critically and understood his own sociology as an evolutionary development of political philosophy. For example, later in his career Durkheim openly admitted that the early philosophers of political philosophy were precursors to the sociological method in his own intellectual "genealogy" of sociology:

> It is true that, if we call all speculation on the *life of a people* by this name, sociology seems much older than the word which is used today to designate it. On this account, in fact, the theories of Plato and Aristotle on the various forms of political organization could be regarded as a first attempt at social science…They are a first application of reflection to things of the social order. However, it is not enough for reflection to be applied to an order of facts for a science to result; it must, *moreover, be applied to it in a certain way* (Durkheim, 1900, p.2).

This quote clearly shows that Durkheim includes Plato's and Aristotle's theories on the typology of political constitutions in his genealogy—not as enterprises of political philosophy but as precursors to the progressively self-conscious idea of social science. However, he also maintained that classical political philosophy, although sharing the subject matter of his sociology, fundamentally lacked the methodological principles required to qualify as a true

science. Considering Durkheim's insistence on the empirical method of German political economists and his statements elsewhere on the methodological insufficiency of classical political philosophy, it is in his revision of method that we see him critically engaging classical political philosophy with the positivist methods of 19th-century empiricism.

Durkheim's own statement on the uses of antiquity, together with the claims of Miller (1996) and Béra (2014), provides the context for his engagement in the *Commentary on Montesquieu* (1997, [1892]). In the quote above, Durkheim criticizes political philosophy for lacking the inductive method of modern science, which proceeds statistically to evaluate claims deduced from *a priori* or rationalist thinking. Modifying Jones's (1994) claim, the quotation above clarifies how Durkheim understood his engagement with classical political philosophy in the *Commentary on Montesquieu* (1997, [1892]) as a methodological platform in which he could critically engage Aristotelian political philosophy—with its rationalist "typology deduced from first principles"—using the "new methodology" of German empiricism, with its emphasis on induction through the careful observation and collection of concrete facts" (Jones, 1994, p. 2 ff.). This is consistent with Miller's (1993) claim that "as a faithful reading of Montesquieu, Durkheim's commentary fails considerably," precisely because Durkheim is using the premodern 18th-century text as a interventionist platform to bring together Aristotelian discourses of classical antiquity and 19th-century positivism[152].

But in which doctrinal aspect of Aristotle's *Politics* did Durkheim engage in his methodological revision of classical political philosophy, and how does this connect to his search for an explanation of a structure that could account for both an external order and the internal

[152] Thus, engaging with a reading of Montesquieu's *Spirit of the Laws* is less relevant to understanding the *Commentary* than engaging with Aristotle's *Politics*, through which Durkheim read Montesquieu as the Cartesian tradition with German empiricism.

"free action" of individuals under impersonal authority? The answer to both questions lies in a closer examination of Durkheim's library loan records during his research for the *Commentary on Montesquieu* (1997, [1892]).

Béra (2014) reports that Durkheim specially requested the Bourdieux library to acquire William Lambert Newman's (1834–1923) modern critical edition of *Politics*, which had been published in 1887. Although Durkheim also consulted Bekker's uncommented 1831 critical edition and Barthélémy Saint-Hilaire's commented 1848 edition, Newman's introductory essay "On the Importance of the Constitution" is remarkable for its allusions to themes that would recur throughout Durkheim's program—not only in the *Commentary on Montesquieu* but throughout his sociological career.

In his introductory notes on Book III, Newman writes that the city's constitution (Gk. *politeia*) was the central inquiry of Greek political science, echoing Durkheim's usage of *politica scientia* for sociology in his *Commentary on Montesquieu* (1997, [1892]). Newman's elaboration of how the constitution figures as the commencement of political science is worth quoting in full:

> It was thus that in the view of the Greeks every constitution had an accompanying *ethos*, which made itself felt in all the relations of life. Each constitutional form exercised a molding influence on virtue; the good citizen was a different being in an oligarchy, a democracy, and an aristocracy. Each constitution embodied a scheme of life, and tended, consciously or not, to bring the lives of those living under it into harmony with its particular scheme. If the law provides that the highest offices in the State shall be purchasable or confines them to wealthy men, it inspires *ipso facto* a respect for wealth in the citizens. Thus Plato and Aristotle are true to Greek feeling when they speak of the constitution as a 'life' (*bios*), or 'the imitation of a life' (*mimesis biou*). Expressions not

> very dissimilar have been used by modern writers who have studied the change produced in France and in Europe by the French Revolution. 'The plain fact is', says a writer in the Saturday Review (July 8, 1882, p. 57), 'that the ideas of '89 involved not so much a new departure in politics –like (e. g.) the English Revolution of a century earlier, or the almost contemporary American one-as a new method of interpreting life altogether, or, as De Maistre expressed it "a new religion"" (Newman, 1887, p. 210).

This philological comment on *Politics* is important not because it unifies the typology of political constitutions, the 1789 Revolution, and the living scheme of "religion" in a single reference, but because it shows how these elements are integrated through the *harmony* between the constitutional scheme and the ethical life of the people. For example, "wealth" is not intrinsically valuable; it becomes valuable only as a means of obtaining power in an oligarchy. Newman emphasizes here the authoritative relation between constitutional forms and the ethical lives of citizens subject to their laws. In his *Commentary on Montesquieu* (1997, [1892]), Durkheim calls this authoritative relation between the social bond (Lat. *sociale vinculum*) of a constitution and the minds (*animae*) of its citizens the consensus[153] of a societal type, which manifests in multiple forms through evolutionary history. Given that Durkheim personally requested Newman's edition, it is highly likely that he read the passage above on the importance of the political constitution and critically considered the ramifications of shifting from political constitution to social structure in his *Commentary on Montesquieu* (1997, [1892]).

It is even more likely that Durkheim saw in Aristotle's theory of constitutional forms a means to explain the causes of revolutionary change from the traditional structure of pre-1789

[153] Durkheim employs Ciceronian language for this harmony in his essay. Béra (2014) supplies evidence that Cicero's fragmentary *De Rei publicae* figured on the list of Durkheim's library loans. Of course, we must remember that Durkheim approached Aristotle having already critically read Tönnies' monograph.

Europe to the revolutionary structure of 1789. Newman stresses that the harmony between a constitution and the scheme of life regulating practical ethics applies to all forms of constitution, leading to a relativism in the ethical life of citizens among different types. In a suggestive footnote, Newman adds that Aristotle's *Politics* (6.5, 1292b11–21) also accounts for cases of disharmony "in which the sentiments and habits of society were not adjusted to the constitution" (Newman, 1887, p. 210). According to Newman, Aristotle explained that

> "This disharmony was commonly only temporary, and occurred for the most part when the authors of a revolution after effecting a constitutional change did not at once proceed to alter the pre-existing laws, but contented themselves for a time with the bare possession of power"(Newman, 1887, p. 210).

In other words, disharmony arose when revolutionary leaders failed to amend the laws of the prior constitution to suit the new ethical life of the nation. Newman notes that Aristotle's theory of constitutions can also explain the "constitutional change" of the French Revolution of 1789 and the instability of French politics in the following century. Importantly for Durkheim, Aristotle's explanation stressed the role of authority and power in the disharmony between a constitution and the ethical life of a people that underpins the structure of the nation state. Durkheim's 1889 book review of Lutoslawski's monograph, *The Rise and Progress of the Political Constitutions according to Plato, Aristotle and Machiavelli*, is evidence that he was thinking in terms of adapting Aristotle's theory of constitutions to explain revolutionary change[154].

The main takeaway from Newman's edition of *Politics* is that it provides evidence for why Durkheim engaged with Aristotle: Durkheim saw in its typology of political constitutions

[154] Or under the original German title *Erhaltung und Untergang der Staatsverfassungen nach Plato, Aristoteles, und Machiavelli* (1888).

the solution to his quest for an account of an authoritative structure that could reconcile objective social order with the subjective liberty of the autonomous subject. The fact that Aristotle could explain revolutionary change might have suggested to Durkheim that he should engage with Aristotle's thought to explain how the 1789 Revolution changed the structure of European society, while the past century of instability of the French nation-state played out in a constant struggle between monarchical and liberal constitutions. The instability of the Third Republic could thus be explained as the failure of the French government to apply the correct constitution to the ethical life of a people, in harmony with French revolutionary principles. But how does he make the conceptual shift from political philosophy to sociology? And where does the concept of authority go in this shift?

Durkheim answers both questions through his engagement with Aristotle's theory of constitutions in his *Commentary on Montesquieu* (1997, [1892]). Here, Newman's note on the "harmony" of a constitution and the ethical life of a people is translated into Durkheim's terminology of consensus[155]. However, Durkheim did not simply adopt the term from Aristotle; as emphasized repeatedly, he critically engaged it with the epistemic standards of 19th-century empiricism. In this way, he constructed an account of a stable authoritative structure for analyzing the principles of the 1789 Revolution—a structure that would later inform his social cohesion thesis of ritual.

[155] In fact, there is no "one" term that Durkheim exclusively uses, but a set of terms in his Latin dissertation, all of them however with Ciceronian and political philosophical precedent. For example, he uses Lat. *conspiratio*, , *cohaerentia* as well as *consensus,* to denote the idea of harmony or equilibrium of a social type. The term "consensus" belongs to the classical discourse of political philosophy. Its Greek equivalent is *harmogia*, seen notably in Polybius' theory of the mixed constitution that Montesquieu had used for his own theory of checks and balances of government. Ferdinand Tönnies' important marxist socialist work *Gemeinschaft und Gesellschaft* (1887) employs the German word *Verständnis* ('mutual understanding', 'consensus', 'constitution') to differentiate between political socialism and a community of people. All of these distinctions and more (from the linguistic realm of his French pedagogues in political science we have *equanamité*) Durkheim must have understood in his usage of the word.

In his preliminary comments on the typology of monarchical and republican political constitutions, Durkheim emphasizes that the outcome of a societal type depends on the extensive prevalence of the social bond (Lat. *sociale vinculum*) in the individual's consciousness (Lat. *anima*) rather than on the authority of the legislator. My discussion here highlights that it is through the language of psychological prevalence that Durkheim resolves his earlier question regarding an impersonal authoritative structure that is both external and internal to the individual. Durkheim writes:

> "In a Republic, this [the social bond of the *patria*] must exist in everyone – each mind is possessed with what we might say is the *spirit* of the nation [*civitatis anima*], and because [in virtue of this social bond] everyone conducts themselves with the virtue of parsimony, self-interest lacks the very things by which it may be nourished. *Because* that part of each person's consciousness that expresses the nation and is identical in everyone, is extensively and powerfully developed, while by contrast that part [of consciousness] that concerns our person and our private property is minimally and immaturely developed, it is *not by external compulsion, but by a natural impulse*, that the citizens turn away from themselves and towards the common good" (Durkheim, 1997, p.36: [1892]).

In this passage, Durkheim describes how the prevalence of the external social bond of the nation (Lat. *civitas, patria*) internally compels individual action such that it can be understood as voluntary. The social bond of the nation is more extensively and powerfully developed in citizens' consciousnesses than the bond concerning private interests. Yet, the social bond is ontologically external to individual volition, arising spontaneously from efficient *natural*[156]

[156] Notice that Durkheim does not mention religion or ritual in his explanation of the social bond.

causes like population density and climatic conditions. In this way, the voluntary consensus of all citizens (Lat. *omnium civium voluntates conspirantes*)(Durkheim, 1997, p.36: [1892]) naturally constitutes the republican type of constitution. The same argument applies to the social bond of the monarchical constitution, which arises from the natural impulse toward class division (Lat. *classis imago*).

It is in his *Commentary on Montesquieu* that Durkheim shows how the social bond accounts for an authoritative structure reconciling a nonvoluntary social order with individual free action. Notably, Durkheim never uses the term "authority" to describe the influence of the external social bond on individual minds, since authority would imply a voluntarily entered social contract. Such a contract would undermine Durkheim's demand for an impersonal structure that unconsciously and externally determines individuals' ethical lives. It is precisely in this omission that Durkheim makes his conceptual shift from the political to the social, with the psychological prevalence of the social bond providing the genealogical link between Aristotle's political philosophical authority of the legislator and Durkheim's sociological structure.

The major conceptual shift can be located in Durkheim's interpretation of Montesquieu's claim that "laws follow from the nature of things." Here, Durkheim engages the classical tradition of Aristotelian constitutional forms with the revisionist empiricism of German political economy. As Miller notes, Durkheim vacillates between explaining societal structures as arising from efficient causes (i.e., causally dependent on the social bond) and a final causal interpretation in which political forms result from a legislator's prudence[157]. Durkheim criticized

[157] See Miller's (1993, p. 699) discussion on Durkheim's revision of the final causal role of the legislator in the *Commentary on Montesquieu.* – Regarding the authority of the legislator in Aristotle's theory, for Aristotle power is generally connected with being the principal initiator of movement through deliberation in practical action and that, in interpersonal contexts, authority belongs to the one who can deliberate and initiate motion in another by some form of communication. For example, in the context of household management, the principle of ruler-ruled in the master-slave relationship is that the slave is the

Montesquieu for imbuing the ruler's authority (Lat. *principis auctoritas*) with so much influence that, in extreme cases, it was held responsible not only for instituting laws but also for shaping morality and religion. Against this final causal view—which is precisely Aristotle's legacy—Durkheim argued:

> "[1]Political life involves so many important things that nobody can grasp it all. As a result it is not easy to use prudence [*providere*] and see what would be beneficial, and what would not be. [2]Even if it is not a calculation largely beyond the human mind, it is so abstract it can have little power to move the wills [of the ruled]. [c] Therefore social institutions do not usually become established on the basis of deliberative reasoning [*ex ratione*], and laws are not devices a legislator invents because they seem in line with the nature of a society. They are more often the result of causes that produce them with something like physical necessity (Durkheim, 1997, p.52: [1892]).

In this passage, Durkheim refutes the final causal interpretation of Montesquieu's phrase, favoring instead his efficient causal interpretation. He argues that (1) the prudence of a legislator cannot reasonably account for the complexity of political life, and (2) even if it could, such deliberation would be too abstract to prompt practical action among the subjects. This argument is important because it shows that Durkheim believed that the authority of the prudent legislator should be displaced by the nonvoluntary social bond, which is "the result of causes that produce them with something like physical necessity." Durkheim evidently saw that by imbuing the social bond with authority, he could achieve a theory of social structure that is both nonvoluntary and normative—one in which the social bond determines behavior and individuals internally

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instrument of action to the master and acts for the benefit of the former. Hence, the master need not have the knowledge of the slave in domestic matters (i.e. how to make olive oil), but only how to use the slave as an instrument and prescribe (Gk. *epitattein*) the relevant acts that are for the master's own benefit (*Pol*. 1. 1253b20ff).

accept the normative rule of the social bond. Thus, Durkheim argued, "no individual ever existed who might have deduced, from the small size of early Rome, the laws suited to such a society. These [laws] did not create the frugality and equality which, according to Montesquieu, they [the Roman legislators] legislated [*praecipiebant*], but arose out of that physical condition itself and merely reinforced that way of life" (Durkheim, 1997, p.36: [1892]).

The purpose of this section is to show how intellectual genealogy of Durkheim's theory of social cohesion could serve as a response to his quest to develop a theory of structure useful for ensuring the stability of the Third Republic at a time of extreme political instability. The key takeaway is the connection between the tense political atmosphere of his historical context and his engagement with the political-philosophical concept of consensus in his *Commentary on Montesquieu*, which he used to explain a normative integration of objective authority of social structures and individual freedom. The genealogical argument of this chapter is precisely the shift from political constitution to social cohesion, in which the authority of the political constitution becomes an explanatory concept for the social bond that produces the typology of societal structures. How this applied to Durkheim's political involvement in the Third Republic and entered into the 19th-century public discourse of ritual sacrifice will be the subject of the conclusion.

§4
Conclusion

In concluding this chapter, I connect its conclusions to those of the previous chapter on Durkheim's essay "Individualism and Intellectuals" (1997, [1898]). There, we examined how Durkheim's early social cohesion theory of ritual challenged Brunetière's national theory of sacrifice—a discursive event reflecting competing visions for the French Third Republic as a

nation-state. Here, I demonstrate how Durkheim's rebuttal of Brunetière's sacrificial logic echoes arguments from his earlier analysis of Montesquieu's constitutional typologies, linking his *Commentary on Montesquieu* to the social cohesion theory of ritual presented later in *The Elementary Forms of Religious Life*. Ultimately, I contend that Durkheim's theory of ritual was inherently connected to the political project of preserving a moderate liberal status quo in early 19th-century France.

In the previous chapter, we saw Durkheim reject Brunetière's claim that Captain Alfred Dreyfus was meant to be an expiatory sacrifice for the nation. Instead, he argued that any infringement on individual rights undermines the nation-state's legitimacy and stability—a principle rooted in the 1789 French Revolution. At the core of Durkheim's argument was the claim that the division of labor had reshaped the Third Republic's social cohesion, elevating the individual as its sacred object. This perspective is incompatible with Brunetière's logic of national sacrifice, which justifies sacrificing individuals for the preservation of the nation-state.

By framing his argument in this way, Durkheim implicitly contended that Brunetière's sacrificial logic applies to a form of social cohesion entirely different from that of the Third Republic and incompatible with the moral of the division of labor. The similarity between Durkheim's rhetoric and his treatment of the typology of political constitutions in the *Commentary on Montesquieu* hints at the kind of social cohesion he envisioned.

In his analysis of constitutional typologies, Durkheim outlined accounts of consensus in both monarchic and republican political constitutions that anticipated Brunetière's nationalistic discourse of sacrifice and his own theory of social cohesion derived from the division of labor. For example, Durkheim appears to have thought of the Third Republic as having a "monarchic" political constitution, animated by the division of labor and the corresponding social bond of the

"individual." Examining the monarchic type, Durkheim describes how the social bond of a specialized class (Lat. *classis sociale vinculum*) influences the collective mind (Lat. *anima*), stating that "each class… sees nothing beyond the horizons of its own activities," so that "it is the idea, not of the nation, but of class, that holds the minds [of the monarchic type] together" (Durkheim, 1997, p.37: [1892]). The division of labor, responsible for diversity, is "in fact the source of their cohesion"[158](Durkheim, 1997, p.38: [1892])) cf. (1997: 37). Here, Durkheim clearly contrasts the monarchic constitution—with its social bond of specialized class—with constitutions based on the social bond of the nation (Lat. *patria*).

By contrast, Durkheim probably viewed Brunetière's sacrificial logic as characteristic of the "republican" type of constitution, which depends on the nation as its social bond. In the republican type, "the idea of the nation is all powerful, while individuals, having almost nothing of their own, are unmindful of their own interests" (Durkheim, 1997, p.35: [1892]). In contrast to the monarchic constitution, the republican constitution relies on the social bond of the nation—"the love of the nation" (Lat. *patriae amor*)—which demands that people attach "less importance to themselves and their own concerns than to the state." Durkheim expressed this cohesion in psychological terms:

> "The part of each person's consciousness which expresses society and which is the same in everyone is large and powerful, while the part to do with ourselves and our own concerns is small and feeble. So it is not by an external force, but a natural impulse, that people turn away from themselves, as it were, and towards the common good"(Miller, 1993, p. 36).

[158] where Durkheim writes about the monarchy according to the organicist models of totality: "the difference between monarchy and other states is that in it the division of labor, which does not exist in a republic, tends towards its fullest development. Society might be compared with a living being, in which each part has a different function in line with its own nature".

By emphasizing how citizens in the republican constitution place the nation above self-interest, Durkheim confirms that such a system could demand political sacrifices for the common good. Although Durkheim describes the republican constitution differently than Brunetière, it is evident that he saw a constitution animated by "love of the nation" and the devaluation of individual concerns as analogous to Brunetière's argument of social equilibrium achieved through sacrificing individual interests for the national good.

There is one important difference between the arguments in the essay "Individualism and Intellectuals" (1997, [1898]) and Durkheim's earlier treatment of the typology of social cohesions in the *Commentary*: the former emphasizes the representation of the individual as endowed with the sanctity of religion. In the *Commentary*, Durkheim made no mention of "religion" in his description of the typology of cohesions, but he introduces the vocabulary of sacrifice and religion in "Individualism and Intellectuals." How do we explain this shift?

The arguments of the previous chapter serve to explain Durkheim's "religious turn" in his sociology. While acknowledging this well-documented intellectual genealogy placing Durkheim shift in his encounter with Robertson Smith's communal theory of sacrifice (Alexander, 2005; Lacroix, 1981), I argued that Durkheim's turn cannot be fully understood without considering its embedding in French national discourses on sacrifice[159]. He introduced an early version of his social cohesion theory of ritual at a time when sacrificial and ritual discourses actively shaped public perceptions of the French Third Republic. Although his framework may be extended to other forms of collective consciousness, its focus on ritual is especially salient given the historical context of the Dreyfus Affair and ensuing debates (like Brunutière's), which underscored sacrifice of the individual for the national preservation of the Third French

[159] Strenski (2002) has convincingly described the presence of these sacrificial discourses surrounding the Dreyfus Affair.

Republic. In my view, Durkheim responded to evolving intellectual currents by continuing to view cohesion ("solidarity") as emerging from the interaction between the social bond or representation and the individual consciousnesses of the collective. But he also responded to political radicalism and social disintegration, as exemplified by the spiralling political debates of the Dreyfus affair, by revising his statements about efficient causes of cohesion in population density— expressed in the *Commentary on Montesquieu* (1997, [1892]) and in *The Division of Social Labor* (1893). Durkheim revised the efficient cause of cohesion with his view of the collective moments of heightened ecstasy during rituals as the catalyst of the moral order invested with the symbolic authority of ideational forces. The contingent crisis of the Third Republican politics thus provided an occasion for Durkheim to transform his earlier ideas about affective and moral interaction into a comprehensive theory linking solidarity with the sacred forces of collective representations.

In this way, a continuous theoretical line of analysis can be traced from Durkheim's *Commentary on Montesquieu*, through "Individualism and Intellectuals" (1997, [1898]), to the social cohesion theory of ritual in *The Elementary Forms of Religious Life*. In the last chapter, I demonstrated that Durkheim had anticipated the same analysis of cohesion that later formed the basis of his argumentation in *The Elementary Forms of Religious Life* (1912), ten years later. After the arguments of this chapter, we can begin to see how Durkheim's social cohesion theory of ritual was, from a genealogical perspective, based on an engagement with the Aristotelian theory of constitutional forms and the principle of ruler and ruled.

The concern of *The Elementary Forms* to explain the function of ritual thus turns out to be the same solution to the problem of stability of the French Third Republic that guided Durkheim's investigation in the *Commentary*: namely, how to explain social determinism and

the "free" action of individuals within a collectivity. Recall that Durkheim viewed religious force as the cause of the social representation of totem societies:

> "Religious force is only the sentiment that the collectivity inspires in its members, but projected out of their consciences which feel it, and objectified (*objectivité*). In order [for the collective sentiment] to become an objectified (*pour s'objectiver*), it fixates itself upon an object which becomes *ipso facto* sacred, but every object can play that role…the sacred character which invests things is not at all implicated in the intrinsic properties of the things: it is superimposed (*il y est surajouté*)" (Durkheim 1912:327).

In this description of the formation of the emblem or representation of social cohesion, Durkheim was demonstrating how the sanctity of a social representation belonged both to the external, objective order of the collectivity and to the subjective sentiments of its members. This description matches his attempts to articulate a societal structure that is simultaneously an external source of objective authority and internal to the "free action" of the individual, as discussed in the *Commentary on Montesquieu*.

Thus, in *The Elementary Forms* (1912), Durkheim explains how "social action does not limit itself to demanding sacrifices" from its members, since "the collective force is not something entirely exterior, but since society cannot but exist in individual consciences and through them, it is necessary that it penetrates and organizes itself within us." In the cohesion theory of ritual, Durkheim formulates the normative and nonvoluntary conception of cohesion that he originally set out to explain in the *Commentary on Montesquieu* (1997, [1892]) through his shift from the typology of political constitutions to that of social cohesions. This is the same theory of cohesion that Durkheim employed in the polemical discourses on sacrifice during the

height of the Dreyfus Affair, which rendered the "Cult of Man" the individual representation of the French Third Republic.

The Dreyfus affair is crucial evidence of Durkheim's political agenda within his social cohesion thesis of ritual. In its historical context, the essay "Individualism and Intellectuals" (1973, [1898]) illustrates how he merged his earlier typology of social cohesion from *Commentary on Montesquieu* (1997, [1892]) with the new concept of "ritual" emerging from his religious turn. Durkheim's ability to deploy his previous sociology at a time when Third Republic liberalism was under threat is no coincidence; his theory of ritual cohesion was designed from the outset to reconcile political and scientific rationales. Rather than viewing his original scientific agenda as corrupted by the political crisis, the previous chapters show that the Third Republic's instability continuously shaped his theoretical development. During moments when political radicalism and social disintegration endangered the regime, his emphasis on ritual cohesion provided essential support to the Third Republic. The success of this negotiated approach is confirmed in *The Elementary Forms of Religious Life* (1912), where the same theory of cohesion explains the function of ritual in primitive societies organized around totemic cults rather than nation-states.

Conclusion

(§)

Girard's Scapegoat Theory of Sacrifice & Shadows of Sacrifice in the American South-West

This concluding chapter applies the genealogical analysis developed in the previous six chapters to reexamine the late Classicist René Girard's scapegoat theory of sacrifice. Rather than merely summarizing prior findings, it situates Girard's intervention within his engagement with Sigmund Freud's reading of Robertson Smith and in conversation with Saldaña-Portillo's analysis of the cannibalistic logic underlying marginalized experiences in the American Southwest—an enduring afterlife of the nation-state's mythopoetic discourse[160]. By reconsidering Girard's engagement with Freud's framework, the chapter reveals how communal violence has been reconfigured through mythopoetic logics that support modern nation-state narratives. Saldaña-Portillo's interpretation of marginality—as a cannibalistic logic of victimhood—further demonstrates how these sacrificial motifs are internalized by historically marginalized communities, transforming their identities into self-devouring manifestations of colonial legacy. Ultimately, this conclusion critically interrogates the modern legacy of 19th century theorizations of sacrifice and ritual, exposes the contingency of our inherited categories, and challenges established narratives by advocating alternative methodologies that disentangle ceremonial action from modern political logics.

In his 1977 work *Violence and the Sacred*, René Girard explains sacrificial ritual through his celebrated scapegoat theory. According to Girard, sacrifice protects the community by deflecting the violence generated by interpersonal rivalry onto a surrogate victim. As he writes,

[160] For this reading, see Chapter 5 of María Saldaña-Portillo, *Indian Given: Racial Geographies Across Mexico and the United States* (Durham: Duke University Press, 2016).

"the sacrifice serves to protect the entire community from its own violence" (Girard, 1977, p. 8). The victim, by nature incapable of retaliation, lacks the social bond that would normally trigger retribution, ensuring that their death does not lead to endless cycles of vengeance (Girard, 1977, p. 10). According to Girard, violence underpins both the sacred and the profane. It becomes the object of religious dread –the profane– when unchecked blood vengeance threatens to spiral into chaos, yet it is transformed into a sacred act through ritual sacrifice. In this process, violence is "tricked" into expending itself on a victim whose death will not provoke retribution, thereby "purifying" the force of violence and preserving social order (Girard, 1977, pp. 36–37).

Girard's theory rests on the idea of mimetic desire—the human tendency to imitate others, which naturally leads to rivalry and conflict (Girard, 1977, pp. 144, 146). Left unchecked, this rivalry can destabilize society. Sacrifice, as a communal institution, channels and preempts such destructive impulses: in the face of escalating mimetic rivalry, the community channels destructive violence into a ritual sacrifice of a surrogate victim, thus transforming chaos into social order (Girard, 1977, pp. 27–30). For Girard, the modern functional parallel of the preemptive institution of sacrifice is the curative judiciary system of the nation-state (Girard, 1977, pp. 15, 18). He suggests that, like sacrificial ritual, the judiciary embodies a transcendent authority that all citizens recognize and trust to remedy violence, thus maintaining national stability (Girard, 1977, p. 15).

This historical reconstruction of sacrifice has been hailed as a major contribution to the study of both ancient and contemporary religion[161]. Yet I argue that the logic underlying Girard's account reproduces a master myth of sacrifice—a narrative built on tropes and motifs that reveal

[161] For an overview of the significance of Girard's theory in recent studies of ritual in antiquity, see for example, Burton Mack's introduction in Violent Origins (1987, Stanford University Press).

more about the rise of the transnational liberal nation-state than about actual ancient rites. I contend that this critique is more relevant than ever. Through being in legacy to 19th century sacrificial discourses rather than through deliberate authorial intent, Girard's theory imposes the mythopoetic motifs of the liberal nation-state on historical antiquity. In consequence, this sacrificial logic not only excludes alternative interpretations emerging from 19th-century history and premodern ceremonial traditions, but it also retrojects modern nation-state logic onto a pre-colonial past, thereby justifying it. Besides being anachronistic, such retrojections on antiquity of founding national myths risk having broader impacts on contemporary discursive imaginations. In this conclusion, I offer one example of how the mythopoesis of the nation-state in Girard's sacrificial logic affects self-conceptions of marginal groups who are the historical victims of transnational expansion. Specifically, I argue this interpretation of the past encourages theorizations of marginality that internalize a cannibalistic logic of sacrifice—portraying the colonized, deemed incapable of enacting the nation-state's sacrificial logic, as consuming a fictitious, self-created indigenous identity. In the remainder of this chapter, I demonstrate how my claims are suggested by the underlying sacrificial logic of 19th century motifs of transnationalism.

My critique begins by examining the role Girard assigns to mimetic desire as the catalyst for sacrifice—arguably his most original contribution. In *Violence and the Sacred*, Girard engages extensively with Freud's account in *Totemism and Taboo* (1950: [1913]), suggesting that his mimetic desire theoretically parallels Freud's notion of sibling rivalry over a father's monopoly on women. Without claiming that this parallel is in intellectual debt to Freud, both Girard and Freud cite Smith's communal theory of sacrifice in expostulating the workings of their respective theories of rivalry and violence. By stressing the role of rivalry and conflict as a

structuring moment of communal sacrifice, I make the case that both theorists, in effect, perpetuate the myth of imperial liberalism by rehearsing the social contractual logic of Smith's communal theory of sacrifice. What is the evidence for this claim?

As summarized by Littlewood (2015), in his *Totemism and Taboo* (1950: [1913]), Freud argued that early human promiscuity gave way to an authoritarian patriarchy in which the dominant father controlled access to women. In response, his sons, driven by both love and hatred, killed him and commemorated his death by sacrificing a totemic figure they identified with. This act, coupled with the establishment of an incest taboo, transformed a patricidal crime into a ritualized expression of *mourning*.

In his reading of Freud's *Totemism and Taboo* (1950: [1913]), Girard highlights the parallel between this familial rivalry and the mimetic rivalry that underpins sacrificial violence in his own theory. Both he and Freud stress the need for "unanimous participation in the rite" to recast a violent act as a socially "good" ritual rather than an isolated crime (Girard, 1977, p. 198). However, Girard criticizes Freud for focusing too narrowly on familial repression and neglecting the broader function of the surrogate victim in managing mimetic conflict in the preemptive institution of sacrifice (Girard, 1977, p. 194).

Rivalry—whether for "the monopoly of women" or for "being like the model"—serves as a catalyst for the corporate violence of sacrifice, linking both theorists to Smith's communal theory. They invoke Smith's account, exemplified by Saracen's camel sacrifice, to underscore the collective nature of the act. As Girard and Freud note, citing Smith:

> "A life which no single tribesman is allowed to invade, and which can be sacrificed only by the consent and common action of the kin, stands on the same footing with

> the life of the fellow tribesmen. The rule that every participant at the sacrificial meal must eat a share of the flesh of the victim has the same meaning as the provision that the execution of a guilty tribesman must be carried out by the tribe as a whole. In other words, the sacrificial animal was treated as a member of the tribe; the sacrificing community—the god and the sacrificial animal—were of the same blood and members of the same clan" (Smith, 1889, p. 285, cited in Freud 1950, 133 :[1913] cited in Girard, 1977, p. 198)

Freud uses this account to frame the first sacrifice as a collective patricide that, through mourning, normalizes the corporate act of violence as a healthy response to loss. He departs from Smith, not so much by rejecting the idea that community cohesion naturally follows from such an act, but rather by internalizing cohesion as a historical display of the normative processes of mourning in individuals. In contrast, Girard criticizes Freud's narrow psychoanalytical focus on the family. Like Smith, he sees the corporate act of violence as leading to social order; the key difference lies in its emotional roots—sympathy for Smith versus rivalry for Girard. Whereas Smith views the stimulative sympathy of corporate acts of sacrifice as entailing the regulative obligation of blood-vengeance, Girard argues that the fear of a Hobbesian descent into chaos implied by unrestrained cycle of blood-vengeance compels a community to sacrifice a member to preempt the social disorder of unregulated vengeance.

In all three accounts, the threat posed by potential rivalry is central to the social contract view of sacrifice. Freud's normalization of rivalry through mourning echoes 19th-century national movements, where collective agreement countered the arbitrary violence of monarchical rule. The key difference in Girard's theory lies in his debt to Freud's emphasis on collective rivalry as leading to the cathartic act of violence rather than a wish to stimulate the providential

fellowship of the community. Indeed, in this way Girard's theory of sacrifice presents a more faithful myth of the liberal 19th-century social contract by inverting Smith's sacrificial logic: it is the fear of internal rival powers of the individuals in the nation-state that drives a community to sacrifice its own autonomy in pursuit of law and order.

Besides being anachronistic, such retrojections upon antiquity of founding national myths may have broader impacts, shaping and transforming the experiences of contemporary marginalized groups according to a persistent discursive logic of coloniality. These impacts are relevant to beginning a critical discussion to the question I posed in my introduction: is it reasonable to analyze religious antiquity using concepts originally developed to serve national and transnational power? In the controversial reading of Girard's theory I am about to suggest, the answer may provoke us to think more about the possible stakes of continuing the legacy of such discourses.

To be sure, it is not clear that one can generally test a theory's discursive sedimentation in a particular historical discourse by seeing if it can reproduce the historical logic of that discourse when its secondary signifiers cease to be operative and its original signifiers are reinstated. But the literary-critical idea of mythopoesis, operating on a circular logic in which a myth justifies an institution, and that institution, in turn, reinforces its founding myth, seems to suggest that it might be so in some cases at least. Removing the empty signifiers of "sacrificial antiquity" from Girard's scapegoat theory, we are left with 19th century nation-states, channeling the economic and political rivalries of power-politics by designating dependent colonies as sacrificial victims. This sacrificial logic recasts the brutal domination of 19th-century transnational power-politics – the necessary "violence" concealed at the center of the myth of

the necessary emergence of the nation-state – as a mythopoetic narrative of necessary sacrifice, legitimizing and perpetuating transnational rule over colonial territories.

Clearly, Girard's own scholarly contribution was to show how ritual sacrifice transforms raw violence into a sacred act that ostensibly benefits the community in a reconstruction of sacrifice in Greek antiquity. It is not fair to read his scholarly intention beyond this narrow historical scope. But from the perspective of this dissertation's genealogy, the *logic* underlying Girard's theory –signifying the discursive affect of transnational logic without the need of human intentionality– not only embeds the inherent violence of colonial exploitation by historicizing it as a natural institution of violence in Greek antiquity, but also thereby offers an apologetic myth, suggesting that sacrificing the colonies was essential to maintain the stability and legitimacy of a transcendent, modern democratic order. Is it a matter of coincidence that Girard located the parallel of the ancient scapegoat in the transcendent order of authority in the modern judiciary – an institution that systematically refuses to pronounce a verdict on the historical violence of its own origin as well as that of its other branches of governmental oversight– the executive and legislature? Or did Girard reach the full extent of mythopoetic circularity inherent in the 19th century discourse of the nation-state?

A look at a theory of marginality for Chicana/o identity in María Saldaña-Portillo's monograph *Indian Given* (2016) illustrates the perspective of the "victim" of the mythopoesis of the nation-state. The same mythopoetic rehearsal that stabilizes contemporary transnational nationalist myths—through the designated sacrifice of the colonized other—also shapes the theorization of marginality in explanations of colonial experiences of marginalized groups. In this logic, these groups internalize their legacy as sacrificial victims as a pre colonial indigenous past. The myth that preserves the nation-state's current ritual definitions renders premodern

ceremonial traditions obsolete, favoring histories of premodern ritual and sacrifice–like Girard's – promoted by the vestigial discourses of the nation-state. As a result, histories of indigenous identity emerge alongside a counterpart cannibalistic logic of sacrifice that portrays the colonized—trapped enacting the nation-state's sacrificial logic—as consuming a fictitious, self-created indigenous past.

In her book *Indian Given* (2016), María Saldaña-Portillo's presents a reading of a sacrificial scene in Oscar "Zeta" Acosta's *An Autobiography of a Brown Buffalo* (1972) that can serve as a case study for my claim that the transnational myth of sacrifice encodes the experiences of marginalized groups in a cannibalistic logic[162]. Acosta intertwines early memories of navigating the ambiguous racial terrain between the U.S. and Mexico with a six-month journey (July 1967–January 1968) before he became the lead defense attorney for Chicano activists in Los Angeles—a narrative that culminates in a nationalist vision of Aztlán, a reconquered California for the newly christened "Brown Buffalo"[163] people of the Chicana/o movement.

Saldaña-Portillo analyzes an episode from a sacrificial scene in a California ghetto to illustrate how Acosta and his brother experience the Mexican-American dichotomy of the unassimilated "savage Indian" (*indio bárbaro*) and the assimilated "good mestizo Indian." She presents her analysis in the following passage:

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[162] Saldaña-Portillo notes that her reading of Freudian analysis is informed by Ann Anlin Cheng's *The Melancholy of Race* (New York: Oxford University Press, 2001).

[163] Oscar Acosta's depiction links the "Brown Buffalo people" to Aztec ancestry as the source of Mexican American "brown" identity. Saldaña-Portillo argues that this label is not just about historical lineage but serves also as a fantasy of Chicana/o racial completion. She reconfigures this ancestry to include a myriad of intermingled indigenous groups from the Southwest, with the "Brown Buffalo" emerging as a phantasmatic figure mobilized for political and cultural transformation.

> "Coming from the metropolitan south, speaking proper Castilian Spanish, and dressed in the attire of the mestizo bourgeoisie, these young *vecinos* are preyed upon by a 'bunch of Apaches who lived in the edge of the *barrio* [ghetto] . . . ten brothers and seven dogs. . . . They were always slaughtering pigs and goats and young bulls, getting drunk on tequila and drinking raw blood" (Saldaña-Portillo, 2016a, p. 230).

In this episode, Acosta recalls his childhood in a Californian ghetto, living near "barbarian Indians" within a miscegenated Mexican-American landscape. According to Saldaña-Portillo, Acosta and his brother represent the civilized, assimilated mestizo, while the "Apaches"—half-civilized, violent, and intoxicated figures practicing Saracen-like blood sacrifices—embody the unassimilated, pure-blooded "savage Indian" (Saldaña-Portillo, 2016a, p. 230). In her Freudian inspired reading, the "Apache" functions as a "psychic derivative" of repressed Chicana/o trauma. She writes: "the Apache is not so much the savage bárbaro…that must remain repressed." Saldaña-Portillo explains that this repression is not due to the figure's barbarism per se, but because "the Apache derivative distorts the traumatic loss of an indigenous past that must remain repressed" (Saldaña-Portillo, 2016b, p. 230). In her view, the praxis of sacrifice is closed to Mexican Americans because "the *indio* came to symbolize their exclusion from U.S. citizenship and nation," with "behaving like an Indian" amounting to a form of social death. In short, the miscegenated "good" Indian must repress its indigenous past to secure U.S. citizenship (Saldaña-Portillo, 2016b, p. 232).

Saldaña-Portillo's close-reading is interesting because it reflects how the sacrificial logic of transnational nationalism –whose varieties we located in both Girard and Freud's theories – has been reshashed to analyze the experiences of marginalized groups who identify themselves

as the colonial victims of transnational sacrifice. In Saldaña-Portillo's close-reading, Acosta's narrative serves as case study of the Chicana/o's repressed Aztec (i.e. *indio barbero*) heritage:

> "Acosta's arrival at the truth about himself and about Mexican Americans in the aftermath of this manic journey is staged as an epiphanic moment of self-revelation and collective rebirth… In the narrative chronology of the autobiography, the protagonist is on the brink of a (utopic) future predicated on these losses, on this personal and collective past cluttered with lost objects…. In Acosta's litany we see that "the history of [his] ego is thus the history of its losses" (Saldaña-Portillo, 2016b, p. 196).

Saldaña-Portillo draws on Freud's theory of mourning in *Mourning and Melancholy* (2005: [1917]) to further elucidate this process. According to Freud, "mourning" is a normal, finite response to loss that allows for the substitution of the lost object, while "melancholy" is pathological and interminable, as the ego, unable to substitute the lost object, instead *cannibalistically* devours it: "the ego wishes to incorporate this object into itself, and the method by which it would do so, in this oral or *cannibalistic* stage, is by devouring it" (2005, pp. 205–206:[1917]). In *Totemism and Taboo* (1950 : [1913]), Freud portrays sacrifice as originating from collective patricide that, through mourning, normalizes corporate violence as a healthy response to loss. Reading both of Freud's theories together suggests that, when this process fails, guilt displaces onto the community, leaving the melancholic to consume the lost object and enact a cannibalistic logic of melancholy. Saldaña-Portillo extends this framework in her analysis of Acosta, depicting him as a Freudian melancholic whose identity is defined by the loss of his indigenous heritage—and, crucially, the loss of sacrifice itself—resulting in a self-devouring cannibalistic melancholy that reflects the internalization of victimhood.

Saldaña-Portillo's reading of cannibalistic logic operates on the transnational motifs found in both Freud and Girard's theories of sacrifice, both indebted to Robertson Smith's sacrificial logic. A Girardian reading suggests that this melancholy—understood as the recognition of oneself as a scapegoat for whom reprisal is impossible—is not merely a pathological response to loss but a false consciousness of historical subjugation under the nation-state's mythopoetic logic. In this view, Acosta emerges as a Girardian scapegoat: his false consciousness is forged by his failure to sacrifice—specifically, because he is a "good Indian" who, in his bid to secure U.S. citizenship, must reject sacrifice—resulting in a present mestizo identity defined by victimhood. Thus, by invoking 19th-century national motifs, the sacrificial logic of Girard's theory offers an apologetic myth that asserts that sacrificing the colonies was essential for maintaining the stability and legitimacy of a transcendent modern democratic order, while also explaining how the cannibalistic logic of sacrifice compels marginalized groups to internalize their victimhood within the nation-state's mythic framework.

The purpose of this genealogical critique is not to propose new avenues for theories of marginality but to challenge the sacrificial motifs in contemporary theories of religious antiquity that rely on the mythopoetic logic of the transnational nation-state analyzed throughout this dissertation. The above critique demonstrates that, when viewed through the experiences of historically marginalized communities, this logic systematically reduces dependent colonies to a cannibalistic system of victimhood. But one might respond that Saldaña-Portillo's reading reclaims this false consciousness of victimhood by providing a framework for marginal groups to express the trauma of transnationalism at the miscegenated geography of Mexican-American racial geography. Giving expression to real lived inner experience of individuals is after all at least one basic *raison d'être* of literature and its critical analysis that of literary criticism.

I agree, provided that, once critically exposed, this logic of false-consciousness be transcended, rather than be carried to its logical conclusion. What is the final conclusion of Acosta's victimhood? At the end of his hallucinogenic journey through America's Southwest, Acosta reproduces the nation-state's logic by invoking the "Brown Buffalo people"—a term that, in Saldaña-Portillo's reading, transforms sacrificial victimhood into a potent, active force—to reconquer California and reclaim the legendary Aztec land of Aztlán. Who, then, will be the new victims of this national reconquest? Whether projected onto religious antiquity or into the contemporary imaginations of political-activist communities, theories of sacrifice rooted in transnational nation-state's mythopoesis inevitably repeat the same narrative cycles of state-justified violence, albeit always in new variations.

The primary concern of this dissertation is not to offer a Foucaultian critique of modernity – liberating consciousness from false-consciousness– but to demonstrate how the categories of sacrifice and ritual in our understandings of antiquity are historically entwined with the political categories at the emergence of the 19th century nation-state. Thus, this concern remains critically scientific and invested in the project of knowing the purpose of ceremonial action in pre-modern traditions. By critiquing these founding conceptions of sociology of religion, I show their underlying contingency and arbitrariness in representing their object of investigation, leaving open the possibility of new avenues for researching ceremonial action that might arise from a critical study of 19th-century history and a sympathetic engagement with premodern ceremonial traditions. In this dissertation, Mīmāṃsā philosophy—a premodern South Asian tradition that precedes the 19th century emergence of the nation-state—serves as one example of an alternative methodology for reexamining ceremonial action beyond the confines of the nation-state, but this is not to dismiss the possibility that the *critical* study of other pre

colonial traditions—Hebraic, Islamic, Greco-Roman, Confucian, you name it— might serve equally well. My earnest hope is that this work inspires scholars to pursue alternative approaches to understanding ceremonial action, confident that such inquiry is still relevant to modernity and the so-called "structures of modern thought."

References

Aldrich, R. (1996). Greater France: A history of French overseas expansion. Macmillan. https://catalog.princeton.edu/catalog/9910796313506421

Alexander, J. C., & Smith, P. (Eds.). (2005). The Cambridge companion to Durkheim. Cambridge University Press.

Asad, T. (1993). Genealogies of religion: Discipline and reasons of power in Christianity and Islam. Johns Hopkins University Press.

Barth, K. (1959). Protestant thought from Rousseau to Ritschl. Harper & Brothers Publishers. http://archive.org/details/protestantthough013180mbp

Bediako, G. M. (1997). Primal religion and the Bible: William Robertson Smith and his heritage. Sheffield Academic Press.

Bell, C. M. (1992). Ritual theory, ritual practice. Oxford University Press.

Bell, C. M. (1997). Ritual: Perspectives and dimensions. Oxford University Press.

Béra, M. (2014). Durkheim's university library loans at Bordeaux: Preliminary investigations. Durkheimian Studies/Études Durkheimiennes, 20, 3–34.

Bert, J.-F. (2010). Mauss en Angleterre (1898): Trois lettres à Henri Hubert. Revue du Mauss, 36(2), 447–462.

Bert, J.-F. (2011). « De l'utilité des recherches de sociologie descriptive dans l'Indochine française »: Un manuscrit inédit de Marcel Mauss (1902). Genèses, 84(3), 143–159. https://doi.org/10.3917/gen.084.0143

Birnbaum, P. (2024). The Dreyfus affair and Durkheim's experience of anti-Semitism. In H. Joas & A. Pettenkofer (Eds.), The Oxford handbook of Émile Durkheim. Oxford University Press.

Black, J. S. (1912). The life of William Robertson Smith. A. & C. Black.

Brunetière, F. (1898). Après le procès: Réponse à quelque "intellectuels" (2nd ed.). Perrin et cie.

Chakrabarti, S. C. (1980). The paribhāṣās in the śrautasūtras. Sanskrit Pustak Bhandar.

Ciabattoni, A., Freschi, E., Genco, F. A., & Lellmann, B. (2015). Mīmāṃsā deontic logic: Proof theory and applications. In H. De Nivelle (Ed.), Automated reasoning with analytic tableaux and related methods (pp. 323–338). Springer International Publishing.

Cohn, B. S. (1996). Colonialism and its forms of knowledge: The British in India. Princeton University Press.

Daughton, J. P. (2006). An empire divided: Religion, republicanism, and the making of French colonialism, 1880–1914. Oxford University Press. https://catalog.princeton.edu/catalog/9949424243506421

Decter, J. (2020). Survivals, debris, and relics: E. B. Tylor, the Orientalist inheritance, and medieval polemic. History of Humanities, 5(1), 251–271.

Davy, G. (1973). L'homme; le fait social et le fait politique. Mouton.

Durkheim, É. (1884). Cours de philosophie fait au lycée de sens [Written manuscript]. Bibliothèque de la Sorbonne, Manuscript 2351.

Durkheim, É. (1887). L'irreligion de l'avenir. Revue philosophique, 23, 299–311.

Durkheim, É. (1890). Les principes de 1789 et la sociologie. Revue international de l'enseignement, 19, 450–456.

Durkheim, É. (1892). Quid secondatus politicae scientiae instituendae contulerit. Gounouilhou.

Durkheim, É. (1900). La sociologie en France au XIXe siècle. Revue bleue, 12, 609–613, 647–652.

Durkheim, É. (1904). Contribution to "L'élite intellectuelle et la démocratie." Revue bleue, 5e série, 1, 23, 705–706.

Durkheim, É. (1912). Les formes élémentaires de la vie religieuse, le système totémique en Australie. F. Alcan.

Durkheim, É. (1973). On morality and society: Selected writings. University of Chicago Press.

Durkheim, É. (1995). The elementary forms of religious life. The Free Press.

Durkheim, É. (1997). Montesquieu. Durkheim Press.

Ferry, J. (1890). Le Tonkin et la mère-patrie: Témoignages et documents. Victor Havard.

Fitzpatrick, M. P. (2008). Liberal imperialism in Germany: Expansionism and nationalism, 1848–1884. Berghahn Books, Inc. https://catalog.princeton.edu/catalog/9996639163506421

Frith, N. (2014). The French colonial imagination: Writing the Indian uprisings, 1858–1859, from second Empire to third Republic. Lexington Books. https://catalog.princeton.edu/catalog/99125349595006421

Freud, S. (1950). Totem and taboo: Some points of agreement between the mental lives of savages and neurotics. W. W. Norton & Co. https://catalog.princeton.edu/catalog/9913878653506421

Freud, S. (2005). On murder, mourning and melancholia. Penguin Books. https://catalog.princeton.edu/catalog/9969354483506421

Garbe, R. (Ed.). (1983). The Śrauta sūtra of āpastamba: Belonging to the Taittirīya Saṃhitā; with the commentary of Rudradatta (2nd ed., pp. 1–3). Munshiram Manoharial Publishers.

Girard, R. (1977). Violence and the sacred. Johns Hopkins University Press. https://catalog.princeton.edu/catalog/9912103283506421

Giddens, A. (1970). Durkheim as a review critic. The Sociological Review, 18(2), 171–196. https://doi.org/10.1111/j.1467-954X.1970.tb00189.x

Griffiths, R. (1991). The use of abuse: The polemics of the Dreyfus affair and its aftermath. St. Martin's Press.

Groh, J. E. (1982). Nineteenth century German Protestantism: The church as social model. University Press of America.

Hawkins, M. (2004). Why begin with Aristotle? Durkheim on solidarity and social morphology. Durkheimian Studies/Études Durkheimiennes, 10, 21–37.

Hodge, W. (1913). The witness of the Holy Spirit to the Bible. The Princeton Theological Review, 11.

Hubert, H., & Mauss, M. (1964). Sacrifice: Its nature and function (W. D. Halls, Trans.). University of Chicago Press.

Hubert, H., & Mauss, M. (2021). Correspondance (1897–1927) (R. F. Benthien, C. Labaune, & C. Lorre, Eds.). Classiques Garnier.

Jha, G. (1933). Śabara-bhāṣya. Oriental Institute.

Johnson, C., & Otis, A. (2024, September 10). Hyde's short hand. Hyde's Secret Short Hand. https://web.njit.edu/~cjohnson/hyde/temp/shorthand/shorthand.html

Johannes de Goeje, M. (1892). Levensbericht van George Alexander Wilken. Jaarboek der Koninklijke Akademie van Wetenschappen.

Jodock, D. (1995). Ritschl in retrospect: History, community, and science. Fortress Press.

Lacroix, B. (1981). Durkheim et le politique. Presses de l'Université de Montréal.

Littlewood, R. (2015). Totem and taboo: Some points of agreement between the mental lives of savages and neurotics, by Sigmund Freud: 1913. Anthropology & Medicine, 22(2), 206–207. https://doi.org/10.1080/13648470.2015.1045294

Livingstone, D. N. (2004). Oriental travel, Arabian kinship, and ritual sacrifice: William Robertson Smith and the fundamental institutions. Environment and Planning D: Society and Space, 22(5), 639–657.

Lukes, S. (1973). Emile Durkheim, his life and work: A historical and critical study. Allen Lane.

Mauss, M. (1897). La religion et les origines du droit pénal. https://gallica.bnf.fr/ark:/12148/bpt6k996173h

Mauss, M. (1906). I. Religions des peuples non civilisés. Annuaires de l'École Pratique des Hautes Études, 20(16), Article 16.

Mauss, M. (1907). I. Religions des peuples non civilisés. Annuaires de l'École Pratique des Hautes Études, 21(17), Article 17.

Manchuelle, F. (1988). Origines républicaines de la politique d'expansion coloniale de Jules Ferry (1838–1865). https://doi.org/10.3406/outre.1988.2660

Mattheisen, D. J. (1979). Liberal constitutionalism in the Frankfurt Parliament of 1848: An inquiry based on roll-call analysis. Central European History, 12(2), 124–142.

Mayerson, P. (1980). The Ammonius narrative: Bedouin and Blemmyae attacks in Sinai. In The Bible World: Essays in honor of Cyrus H. Gordon (p. 133).

McCarthy, G. (2003). Classical horizons: The origins of sociology in ancient Greece, 1–202.

McLennan, J. F. (1869). The worship of animals and plants. Fortnightly Review, 6(34), 407–427.

McLennan, J. F. (1870). The worship of animals and plants. Fortnightly Review, 7(38), 194–216.

Miller, W. W. (1993). Durkheim's Montesquieu. The British Journal of Sociology, 44(4), 693–712. https://doi.org/10.2307/591417

Miller, W. W. (1996). Durkheim, morals and modernity. UCL Press.

Morgan, J. R. (2015). The monk's story: The Narrationes of pseudo-Neilos of Ankyra. In S. Panayotakis, G. Schmeling, & M. Paschalis (Eds.), Holy men and charlatans in the ancient novel (Vol. 19, pp. 167–194). Barkhuis.

Nash, G. P. (Ed.). (2019). Orientalism and literature. Cambridge University Press.

Nelson, R. R. (1969). The life and thought of William Robertson Smith, 1846–1894 [Doctoral dissertation, University of Michigan]. University of Michigan.

Nilus. (1983). Narratio. B. G. Teubner.

Nyayaratna, M. (Ed.). (1873). The aphorisms of the Mimamsa, with the commentary of Savara-svamin. Printed at the Ganesa Press.

Persell, S. M. (1974). Joseph Chailley-Bert and the importance of the Union Coloniale Française. The Historical Journal, 17(1), 176–184.

Ritschl, A. (1861). Über geschichtliche Methode in der Geschichte des Urschristenthums. Jahrbücher für Deutsche Theologie, 6, 429–459.

Ritschl, A. (1872). A critical history of the Christian doctrine of justification and reconciliation. Edmonston and Douglas.
http://archive.org/details/acriticalhistor00ritsgoog

Ritschl, A. (1893). Gesammelte Aufsätze: Von Albrecht Ritschl. J. C. B. Mohr.

Ritschl, A. (1895). Die christliche Lehre von der Rechtfertigung und Versöhnung. A. Marcus.

Ritschl, A. (1972). Three essays. Fortress Press.

Ritschl, O. (1892). Albrecht Ritschls leben. J. C. B. Mohr. https://catalog.princeton.edu/catalog/SCSB-4049765

Schleiermacher, F. (1821). Der christliche Glaube: Nach den Grundsätzen der evangelischen Kirche. G. Reimer.

Siemann, W. (1998). The German revolution of 1848–49. St. Martin's Press. https://catalog.princeton.edu/catalog/991978147350642

Smith, W. R. (1878). Answer to the form of libel: Now before the Free Church Presbytery of Aberdeen. D. Douglas.

Smith, W. R. (1889). Lectures on the religion of the Semites. First series: The fundamental institutions. A. & C. Black.

Smith, W. R. (1912). Lectures & essays of William Robertson Smith. A. & C. Black.

Suonpää, M., & Wright, O. (2019). Diplomacy and intelligence in the nineteenth-century Mediterranean world. Bloomsbury Publishing.

Swing, A. T. (1901). The theology of Albrecht Ritschl. Longmans, Green and Co.

Svensson, L. (2020). A theology for the Bildungsbürgertum: Albrecht Ritschl in context. De Gruyter. https://doi.org/10.1515/9783110626261

Todd, D. (2015). Transnational projects of empire in France. Modern Intellectual History, 12(2), 265–293. https://doi.org/10.1017/S147924431400047X

Tocqueville, A. de. (2001). Writings on empire and slavery. Johns Hopkins University Press. https://catalog.princeton.edu/catalog/9933129603506421

Van Hamel, G. A. (1885). L'ethnologie et l'étude du droit, à propos d'un discours académique. Revue Coloniale Internationale, 3, 88–101.

Ward, W. R. (1996). Guilt and innocence: The German churches in the twentieth century. The Journal of Modern History, 68(2), 398–426.

Ward, W. D. (2014). Mirage of the Saracen: Christians and nomads in the Sinai Peninsula in late antiquity. University of California Press.

Warburg, M. (1989). William Robertson Smith and the study of religion. Religion, 19(1), 41–61.

Wellhausen, J. (1897). Reste arabischen Heidentums. G. Reimer.

Wheeler-Barclay, M. (1993). Victorian evangelicalism and the sociology of religion: The career of William Robertson Smith. Journal of the History of Ideas, 54(1), 59–78.

Winkler, H. A. (1993). Nationalism and nation-state in Germany. In M. Teich & R. Porter (Eds.), The national question in Europe in historical context (pp. 181–195). Cambridge University Press. https://doi.org/10.1017/CBO9780511622298.008

Yelle, R. (2019). From sovereignty to solidarity: Some transformations in the politics of sacrifice from the Reformation to Robertson Smith. History of Religions, 58(3), 319–346. https://doi.org/10.1086/700585

Yoshimizu, K. (2004). The dual significance of a periodical sacrifice: Nitya or kaamya from the Mimamsa viewpoint. Journal of Indian Philosophy, 32(2–3), 189–209

Saldaña-Portillo, M. J. (2016). Indian given: Racial geographies across Mexico and the United States. Duke University Press.