Understanding the Pastoral King's Two Bodies, Cariou

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The birth of the modern State is linked to a process of rationalisation that has led « Western » societies to move from a situation of traditional domination to a situation of legal-rational domination.

Two characteristics make it possible to identify the modern State and to analyse the historical process of its emergence from the XVIth century onwards : 1. the historical importance taken by law as a mode of domination through the dissemination of abstract rules decided in principle by reference to other general rules ; 2. the organisation of a system of checks and balances justified by reference to these rules, also known as bureaucracy - which is in the process of mutating into algocracy, or government through algorithmic systems (1).

Bureaucratisation is part of a long process of rationalisation that has now sprawled to all aspects of social as well as of private, not to say inner (2), life. This technology of power, as he termed it, was, inasmuch as possible, exposed, its tight and concealed networks unknotted, by Foucault (3) ; its media extensions, and the vastness of « the effect of that […] huge technology [...] which surrounds you, physically […] », the vastness of « the effect of that huge service environment on you, personally […] » (4), by McLuhan. Some of the considerations they developed on this matter tend to show that they were both aware of the occult dimension, or nature, of that technology, whether, as that on which the former focused, of the self, or, as that which was investigated by the later, of the electronic order, it being understood that the means by which the current universal dysgenic promotion of self-care in all its forms, as a tactical arm of government, was made, not only possible, but so effective, is likely to be electricity. In particular, most instructive pages are given by Foucault, an expert on patristic literature, on Christian confession and psychoanalysis (5) in The Governement of the Living.

Historically, the first technology of power can be considered to be the doctrine of the king’s two bodies, as evidenced from Elizabethan and Tudor legal literature by Kantorowicz in 1957 (6).

In a nutshell, the king « has a Body natural, adorned and invested with the Estate and Dignity royal ; and he has not a Body natural distinct and divided by itself from the Office and Dignity royal, but a Body natural and a Body politic together indivisible ; and these two Bodies are incorporated in one Person, and make one Body and not divers,that is the Body corporate in the Body natural, et e contra the Body natural in the Body corporate. So that the Body natural, by this conjunction of the Body politic to it (which the Body politic contains the Office, Government, and Majesty royal), is magnified, and by the said Consolidation hath in it the Body politic ». « The King’s Two Bodies thus form one unit indivisible, each being fully contained in the other. However, doubt cannot arise concerning the superiority of the body politic over the body natural. His Body politic is more ample and large than the Body natural […] Not only is the body politic “more ample and large” than the body natural, but there dwell in the former certain truly mysterious forces which reduce, or even remove, the imperfections of the fragile human nature ». « "The King has two Capacities, for he has two Bodies, the one whereof is a Body natural, consisting of natural Members as every other Man has, and in this he is subject to Passions and Death as other Men are; the other is a Body politic, and the Members thereof are his Subjects, and he and his Subjects together compose the Corporation. this Body is not subject to Passions as the other is, nor to Death, for as to this Body the King never dies, and his natural Death is not called in our Law […] the Death of the king, but the Demise of the King, not signifying by the Word (Demise) that the Body politic of the King is dead, but that there is a Separation of the two Bodies, and that the Body politic is transferred and conveyed over from the Body natural now dead to another Body natural" ». « This migration of the “Soul,” that is, of the immortal part of kingship from one incarnation to another as expressed by the concept of the king’s demise is certainly one of the essentials of the whole theory of the King’s Two Bodies. This “incarnation” of the body politic in a king of flesh not only does away with the imperfections of the body natural, but conveys “immortality” to the individual king as King, that is, with regard to his superbody » (7).

This doctrine evolved from the christological position of Christ’s two natures. Jusr as Jesus Christ, in Paulinian language, was said to be the head of the Church, which was said to be his (mystical) body, so, by the XIth century, the king, among canonists and theologians, was said to be the head of the nation, which was said to be his (mystical) body. The sacredness of royalty was no longer attached to the actual body, or person, of the king, but to what John of Salisbury called in 1159 the collective corpus respublicae mysticum, that is, the king’s mystical body. This language represented a « tendency to mystify political activity by removing it from the range of normal human competence » (8), thus assuming, in conjunction with the Christian-inspired doctrine of the divine right of kings, connotations of absolutism. As a matter of fact, it was woven and formulated, between the XIth and the XVIIth century, to legitimate monarchical sovereignty, within the broader context of the institutionalisation of political power. The distinction between the Crown and the king, between the abstract entity in which the principle of political power resides and the body temporaily in charge of exercising that power, in other words the dissociation between the physical person of the ruler and the abstract concept of public power. was meant to ensure the continuity of the State beyond the vagaries of succession : if the king’s organic body was mortal, his mystical body was reputed to survive and reincarnate in his successor. Hence the expression : « Le roi est mort : vive le roi ! ».

The institutionalisation of public power was also expressed at a second level, in the development and generalisation of the legal rules constituting what will be referred to as the « rule of law » in XIXth century Prussia. Their purpose was to define the prerogatives and obligations of all those who exercised power on behalf of the king as well as of those who were governed by him. Monarchical institutions relied on law to impose their supremacy in the face of the many territorial but also professional divisions of feudal society. « Western » monarchies established themselves as legal systems, their mechanisms of power operated in the form of law.

Both McLuhan and Foucault commented on Kantorowicz’s book in the light of their own respective interests.

« Kantorowitz, the former writes, gives a remarkable analysis of "The King's Body": a double body according to the juridical theology of the Middle Ages, since it involves not only the transitory element that is born and dies, but another that remains unchanged by time and is maintained as the physical yet intangible support of the kingdom; around this duality, which was originally close to the Christological model, are organized an iconography, a political theory of monarchy, legal mechanisms that distinguish between as well as link the person of the king and the demands of the Crown, and a whole ritual that reaches its height in the coronation, the funeral and the ceremonies of submission. At the opposite pole one might imagine placing the body of the condemned man ; he, too, has his legal status ; he gives rise to his own ceremonial and he calls forth a whole theoretical discourse, not in order to ground the "surplus power" possessed by the person ofthe sovereign, but in order to code the 'lack of power' with which those subjected to punishment are marked. In the darkest region of the political field the condemned man represents the symmetrical, inverted figure of the king. We should analyse what might be called, in homage to Kantorowitz "the least body of the condemned man".

« If the surplus power possessed by the king gives rise to the duplication of his body, has not the surplus power exercised on the subjected body of the condemned man given rise to another type of duplication. That of a 'non-corporal', a 'soul', as Mably (9) called it. The history of this "micro-physics" of the punitive power would then be a genealogy or an element in a genealogy of the modern "soul". Rather than seeing this soul as the reactivated remnants of an ideology, one would see it as the present correlative of a certain technology of power over the body. It would be wrong to say that the soul is an illusion, or an ideological effect. On the contrary, it exists, it has a reality, it is produced permanently around, on, within the body by the functioning of a power that is exercised on those punished - and, in a more general way, on those one supervises, trains and corrects, over madmen, children at home and at school, the colonized [especially Whites ones], over those who are stuck at a machine and supervised for the rest of their lives. This is the historical reality of this soul, which, unlike the soul represented by Christian theology, is not born in sin and subject to punishment, but is born rather out of methods of punishment, supervision and constraint. This real, noncorporal soul is not a substance ; it is the element in which are articulated the effects of a certain type of power and the reference of a certain type of knowledge, the machinery by which the power relations give rise to a possible corpus of knowledge, and knowledge extends and reinforces the effects of this power. On this reality reference, various concepts have been constructed and domains of analysis carved ouu psyche, subjectivity, personality, consciousness, etc. ; on it have been built scientific techniques and discourses, and the moral claims of humanism. But let there be no misunderstanding : it is not that a real man, the object of knowledge, philosophical reflection or technical intervention, has been substituted for the sout, the illusion of the theologians. The man described for us, whom we are invited to free, is already in himself the effect of a subjection much more profound than himself. A soul inhabits him and brings him to existence, which is itself a factor in the mastery that power exercises over the body. The soul is the effect and instrument of a political anatomy ; the soul is the prison of the body » (10). It has been rather aptly observed that, here, « Foucault seems [or pretends to be] unaware of [the] correlation [established by Kantorowitz] bettween the Christian theological thought and political and legal terminology] and is unable to realise that his own "modern soul" is also in part derived from a theological discourse. Foucault believes that Mably’s penal soul can be linked to the "surplus power" of the King's body politic in Kantorowicz's study. This tendentious argument by Foucault is based on the supposition that the corresponding "surplus power exercised on the sujected body" creates a soul. The idea is indeed interesting and imaginative, but has little foundation in Kantorowicz's own study. The "body politic" of the King has evolved from the Christological identifications of regency ; the only theological parallel for a "modern soul" had to be the Christian soul, and no mention of this idea is made by Foucault. There is of course no reason why Foucault cannot rupture the traditional discourse of souls, but using theological structures to achieve this weakens his position. There is also no examination of the theological strands embedded in Mably's own notion of the soul. Many of the ideas of the soul in eighteenth-century penal reform, like those of Quakers, have a specific theological basis » (11).

There is still far more than a kernel of truth in the striking counter-Platonic formula Foucault uses in the last clause of the final sentence to define the condition of the modern man (12).

Even less concerned than the French philosopher with the theological roots of the doctrine of the king’s two bodies, its macabre aspects and developments in the « Renaissance » visual arts, to which Foucault was expected to be receptive to, given the fact that he brought to light the existence of a governement, that is, a representation and a regulation, of the body by the soul, by techniques of the self that were fabricated in the early Church (13), are what stirs McLuhan’s interest.

« The mounting passion for visualizing knowledge and separating functions in the later Middle Ages, McLuhan writes, is given extensive documentation in a major study by Ernst H. Kantorowicz. The King's Two Bodies: A Study in Mediaeval Political Theology illustrates in detail how medieval jurists were animated by the same passion that led later medieval scientists to separate kinematics and dynamics, as is described by A. C. Crombie in Medieval and Early Modern Science. Late in his great study, Kantorowicz summarizes a good deal of his theme in a way that indicates how the legal fictions clustering about the separation of the King's two bodies led to such characteristic fantasies as the danses macabres. These, indeed, made up a kind of animated cartoon world which dominated even Shakespearean imagery, and continued to flourish in the eighteenth century, as Gray's Elegy testifies. It was the English in the fourteenth century who developed the effigy in funerary rites as a visible expression of the King's two bodies. Kantorowicz writes (pp. 420-1) :

"No matter how we may wish to explain the introduction of the effigy in 1327, with the funeral of Edward ii there begins, to our knowledge, the custom of placing on top of the coffin the "roiall representation" or "personage", a figure or image ad similitudinem regis, which—made of wood or of leather padded with bombast and covered with plaster—was dressed in the coronation garments or, later on, in the parliamentary robe. The effigy displayed the insignia of sovereignty : on the head of the image (worked apparently since Henry vii after the death mask) there was the crown, while the artificial hands held orb and scepter. Wherever the circumstances were not to the contrary, the effigies were henceforth used at the burials of royalty : enclosed in the coffin of lead, which itself was encased in a casket of wood, there rested the corpse of the king, his mortal and normally visible—though now invisible—body natural ; whereas his normally invisible body politic was on this occasion visibly displayed by the effigy in its pompous regalia: a persona ficta—the effigy—impersonating a persona ficta—the Dignitas."

« The division between the ruler's private and his corporate Dignity, elaborated by Italian jurists for centuries, flourished in France, also. Kantorowicz quotes (p. 422) a French lawyer, Pierre Gregoire, in the later sixteenth century, writing (as if he were commenting of King Lear) : "The Majesty of God appears in the Prince externally, for the utility of the subjects ; but internally there remains what is human." And the great English jurist Coke observed that the mortal king was God-made, but the immortal King man-made.

"Actually, the importance of the king's effigy in the funerary rites of the sixteenth century soon matched or even eclipsed that of the dead body itself. Noticeable as early as 1498, at the funeral of Charles VIII, and fully developed in 1547, at the rites held for Francis I, the display of the effigy was connected successively with the new political ideas of that age, indicating, for example, that the royal Dignity never died and that in the image of the dead king's jurisdiction continued until the day he was buried. Under the impact of those ideas—strengthened by influences deriving from the medieval tableaux vivants, the Italian trionfi, and the study as well as the application of classical texts—the ceremonial connected with the effigy began to be filled with new contents and to affect fundamentally the funerary mood itself : a new triumphal element came into the ceremony which was absent in earlier times. (p. 423)"

Kantorowicz here and in many other passages helps us to understand how the analytic separation of functions was steadily intensified by visual manifestation. The long passage that follows (from pages 436 and 437 of The King's Two Bodies) will reinforce the Huizinga themes and further illuminate Shakespeare's King Lear, which has a great relevance to the Gutenberg motifs of the Renaissance:

"Our rapid digression on funerary ceremonial, effigies, and sepulchral monuments, though not directly related to the rites observed for English kings, has nevertheless yielded at least one new aspect of the problem of the "two Bodies"—the human background. Never perhaps, except in those "late Gothic" centuries, was the Western mind so keenly conscious of the discrepancy between the transience of the flesh and the immortal splendor of a Dignity which that flesh was supposed to represent. We understand how it could happen that the juristic distinctions, though developing quite independently and in a totally different thought compartment, eventually fell in with some very general sentiments, and that the jurists' imaginative fictions met with certain feelings which in the age of the Danses macabres, where all Dignities danced with Death, must have been peculiarly close to the surface. The jurists, as it were, discovered the immortality of the Dignity ; but by this very discovery they made the ephemeral nature of the mortal incumbent all the more tangible. We should not forget that the uncanny juxtaposition of a decaying corpse and an immortal Dignity as displayed by the sepulchral monuments, or the sharp dichotomy of the lugubrious funeral train surrounding the corpse and the triumphant float of an effigy-dummy wrapped in regalia, was fostered, after all, in the same ground, came from the same world of thought and sentiment, evolved in the same intellectual climate, in which the juridical tenets concerning the "King's two Bodies" achieved their final formulation. In both instances, there was a body mortal, God-made and therefore "subject to all Infirmities that come by Nature or Accident," set against another body, man-made and therefore immortal, which is "utterly void of Infancy and old Age and other Defects and Imbecilities."

"In short, one revelled in strong contrasts of fictitious immortality and man's genuine mortality, contrasts which the Renaissance, through its insatiable desire to immortalize the individual by any contrivable tour de force, not only failed to mitigate, but rather intensified : there was a reverse side to the proud reconquest of a terrestrial aevum. At the same time, however, immortality—the decisive mark of divinity, but vulgarized by the artifice of countless fictions—was about to lose its absolute, or even its imaginary, values : unless it manifested itself incessantly through new mortal incarnations, it practically ceased to be immortality. The King could not die, was not allowed to die, lest scores of fictions of immortality were to break down ; and while kings died, they were granted the comfort of being told that at least "as King" they "never died." The jurists themselves, who had done so much to build up the myths of fictitious and immortal personalities, rationalized the weakness of their creatures, and while elaborating their surgical distinctions between the immortal Dignity and its mortal incumbent and talking about two different bodies, they had to admit that their personified immortal Dignity was unable to act, to work, to will, or to decide without the debility of mortal men who bore the Dignity and yet would return to dust. »

« The Roman jurists had also conceived an "objectivication" of the ruler's persona publica, and the Roman emperor is sometimes called "a corporation sole." But neither Greek nor Roman antecedents can explain the concept of the King's two bodies. It was the aggressive Pauline concept of the Church as corpus Christi, says Kantorowicz (pp. 505-6), that "eventually endowed the late antique "corporations" with a philosophico-theological impetus which apparently those bodies were lacking before Constantine the Great referred to the Church as a corpus and thereby introduced that philosophical and theological notion into the language of law."

« As with any medieval development at all, the later phases show a preference for an increasingly visual stress. And so it is with the King's two bodies. In 1542 Henry VIII addressed his council : "We be informed by our judges that we at no time stand so highly in our estate royal as in the time of Parliament, wherein we as head and you as members are conjoined and knit together in one body politic."

« The organological idea of mystical tribal unity was in itself only partly visual. Merely visual stress in the Renaissance "now served Henry VIII to incorporate the Anglicana Ecclesia, so to speak, the genuine corpus mysticum of his "empire, into the corpus politicum of England, of which he as king was the head." That is to say, Henry translated the non-visible into the visible exactly in keeping with the science of his age, which was giving visual form to non-visual forces. And the same transformation of the audible into the visual word was the prime effect of typography (14). »

The theological foundation of the doctrine of the king’s two bodies as well as its ramifications in modern times form the subject of the following paragraphs, whose aim is to evidence that, if this doctrine was devised by jurists, these did not betray in any way the christological source they drew upon, and according to which two natures, divine and human, exist in the person of Jesus Christ.

So, just like Jesus Christ was declared to be he head of the Church, which was his body, so the king was declared to be the head of the nation, which was his body, at least until Louis XIV proclaimed : « La nation ne fait pas corps en France. Elle réside toute entière dans la personne du roi. » The king represents the whole nation ; all power resides in the king's hands, and there can be no other power in the kingdom than that which he establishes. He established many, creating and selling charges to bolster the State finances, hampered by the expenses entailed by his wars, or rather his mistresses’, many of whom « found warfare an aphrodisiac » (15), wars.

Likewise, the Assemblée Nationale, which, in its first incarnation, lasted from 1789 to 1795, was both the head and the body of the State, or Nation, even though, theoretically, the Nation was assimilated to a body, whose « will » so-called representatives had mandated themselves to « interpret ». In the absence of the Assemblée Nationale, there is no « general will » at all : the Declaration of June 17, 1789, by which the Estates General declared themselves National Assembly, states : « […] il n’appartient qu’aux représentants vérifiés de concourir à former le vœu national. » (« […] it belongs only to verified representatives to contribute to the formation of the national will »].

A cornerstone of the theory of political representation elaborated by Abbé Sieyès, the Nation is, from that time, to be written with a capital, defining, not a human group, whose members are linked by affinities related to a set of common ethnic, social (language, religion, etc.) and subjective (historical, cultural, etc.) elements, whose coherence is based on an aspiration to form or maintain a community, but an abstract, collective and indivisible entity, distinct from its individual members and holder of sovereignty, that is, in other words, a legal person constituted by all the individuals composing the State, but distinct from them and holder of the subjective right of sovereignty, that is to say, in a word, a fiction - a ghost.

As the crowning of a long theologico-juridical process of institutionalisation of the State and of legitimation of absolutism, this abstract, collective and indivisible entity was masterminded by those who drafted the 1791 constitution, who happened to be the very ones who paraded as representatives of the people at the Assemblée Nationale, so that it can be positively said, first of all, that they represented, in a Scylla and Charybdis scenario, both nothing and only themselves and the lobbies on which behalf fhey acted, and, secondly, that the « will » they had decreed they were in charge of « interpreting » was at best inexistent, since a concept has no will whatsoever by definition, at worst theirs, only theirs.

That « representatives do not represent the people » is a statement that « politically conscious » democrats keep harping tiresomely, who, having not read the constitution, are not aware of the provision of article 27 : « Any mandatory mandate is null and void. The voting rights of members of Parliament are personal. »

The « mandat impératif » was prohitibited at the sitting of 8 July, 1789, at the instigation of Abbé Sieyès, whose argument in the course of the debates appears, interestingly enough, to « [have replicated] the structure of an argument for the sovereignty of the Church that was offered by the theologian Nicolas Malebranche, in the face of the Jansenist challenge a century earlier » (16) ; noblesse oblige, Louis XIV had set the example as early as 23 June, by « [quashing] and [annulling], as anti-constitutional, contrary to the letters of convocation, and opposed to the interests of the state, restrictions on the powers of the deputies to the Estates General which, by impeding their liberty, would prevent them from accepting forms of deliberation adopted separately, by order or in common, by the independant decision of the three orders » (17). « Restrictions » is how Louis XVI called « binding mandates ». The expression Sieyès uses for them is even more telling : « mandats indiscrets »

This provision would be repeated in the 1793 constitution (« Les membres du corps législatif ne sont pas représentants du département qui les a nommés, mais de la Nation entière, et il ne peut leur être donné aucun mandat » [« The members of the legislature are not representatives of the department that nominated them, but of the whole Nation, and no mandate can be given to them »]) ; « l’universalité des citoyens français est le souverain » [« the universality of French citizens is the sovereign »], in the next one (1848) : « Ils ne peuvent recevoir de mandat impératif » [« They may not receive a binding mandate »] (art. 35) (18), as well as, as just mentioned, in the 1948 constitution and, of course, in the constitution of most « Western » countries, no to mention the EU’s (19), the height of cynicism being reached In Germany, where « representatives » are not bound by any instruction, and only have « to act according to their conscience » (20)… As a rule, « representatives » are bound to their « constituents » by a « moral responsibility »…

It should be recalled that the imperative mandate, in use under the Old Regime since the XIVth century, is, or rather was, a mode of political representation according to which the delegate must comply with the directives of those who have chosen him, to whom he must report on his mandate and who, in the event of failure, may dismiss him. The delegate saw it as the sole source of his power and refused to undertake anything until he was vested with it. He could neither think nor act, « for lack of a special charge ». Delegates said that, should they have allowed themselves to take any decision whatsoever, they would have been « disavowed or reproached by those by whom they had been delegated ». The representative was therefore subordinate to the represented. Least but not last, no delegate represented « the whole Nation » ; each baillage, each seneschalsy, each pays, each province chose its representative. The binding mandate was used mainly at the convocation of the Estates General (21).

When the Republican regime was established and a president was elected, it was the president, especially in monarchical republics like France, who became both the head and the body of the State, or Nation. He embodies it, from head to foot, so to speak. He represents the people, but only in the theatrical sense, « in a manner that [seems] realistic to the audience, rather than a manner that the actors [experience] as real » (22) : in a political actor’s manner. His corpus mysticum, that is, his political body, is his media representation, effigy. This means that political power is now bodiless. The political body of the president is purely mediatic ; it lies in his image, just as Louis XIV’s lied in his image, his representation, his painting(s) (23). « L’État, c’est moi » ? Indeed, to the extent that « l’État » was, or was in the process of becoming, an abstraction, just like, through pictorial sleights of hand, Louis XIV.

Political power can also be said to be bodiless in a sense that it actually belongs to virtually invisible people, nestled behind the scene, backtage. Conversely and for this very reason, the political body, whether presidential or parliamentary, can be said to be powerless. Among « MP’s », an occupational group has always been over-represented in « Western » countries, so much so that France has been called « la république des avocats » (24). They are as powerless as Mp’s as powerful as jurists.

In « La Noblesse d’État », the sociologist Perre Bourdieu, a colleague of Foucault at the Collège de France and a fierce critic of education, convincingly shows that « robins » (« hommes de robe » [the « robe » is the lawyer’s suit], from fr. « rober », « to steal »), as we say, were the driving force behind the « invention » of the Nation-State. After having recalled that the first corps of professional jurists was constituted in twelve century Bologna, Bourdieu draws on Kantorowicz to make the point that « the ambiguity of the relationship of dependence in and through independence that binds cultural power to temporal power is abundantly clear. [...] while the autonomization of the law effectively guarantee the prince powers of a new kind, powers which are more concealed and more legitimate, founded as they are on the authority gained by the juridical tradition and its guardians in challenge to him, it is also at the source both of the demands made on him by the jurists and of the power struggles in which the holders of the monopoly of the legitimate manipulation of texts can invoke the specific authority of the law against the arbitrariness of the princely power » (25) ; not the arbitrariness of the prince, but the arbitrariness of princely power. Texts are not the only things robins are experts at manipulating.

The part they played in the fomenting of the Revolution is not overlooked by all current historians. « To understand the causes of Louis XVI’s procrastinations, it is necessary to take stock of the weight, in the State, of sovereign courts, of their relations, within the King's own councils, with ministers and councillors of State who were often born into the same families, and were characterised by the same legal training and the same traditions. Let us not forget the influence of magistrates on enlightened opinion and their ability to agitate urban populations through this channel. It was not just the Parliament of Paris, but also thirteen regional parliaments and four higher councils in the outlying provinces, four higher Courts of Aids, twelve Courts of Audit, and, behind these magistrates, hundreds of Basochians (26) and lawyers, many of whom would play an essential role in revolutionary events... Finally, the particular legal structures of the French monarchy, inherited from its long history and shaped by a host of customary procedures, precedents and practices, must never be forgotten. The robins and jurists who inhabit the State have introduced into its daily life and in its most solemn manifestations a respect for forms, which guarantee, within the absolute monarchy itself, the persistence of a State governed by the rule of law » (27) and, above all, their own reproduction. What was their training ?

It was Jesuit. « Les collèges ont formé des marchands et des artisans, mais surtout les fonctionnaires et les juristes (les robins) dont avaient besoin les États modernes » (28). In tribute to this training, the second chapter of La Noblesse d’État, subtitled Grandes écoles et esprit de corps, is ironically entitled "L’ordination".

« If, Pierre-Jules Dudon, advocate general of the king, ingenuously, asked in Compte rendu des constitutions des jésuites (1762) (29), this esprit de corps is a spirit of faction willing to shake the Throne, a spirit of schism willing to divide the Altar ; if this is indeed the esprit de corps that reigns in the Society, it should be outlawed, that would be the fairest thing. But if by esprit de corps we mean this spirit of union, this zeal, this common dedication, that we notice among Jesuits, to the glory and the benefit of their Society, should we regard it as a crime ? »

The point is that all jurists received a religious training and a theological education. Sinibaldus Fliscus (de Flisco or Fiesco) (1180-1254) surely received one. It is in his writings that the conception of the juristic person (ficta persona) - later also called legal personality - of corporate bodies appeared for the first time.

« In outward form the doctrine that corporate bodies are perrsona fictae was directed at ecclesiastic bodies. The doctrine was stated as the reason why an ecclesiatic collegium or universitates, or capitulum, could not be excommunicated, or be guilty of a delict. For nomina sunt juris et non personarun ; they have neither a body nor a will. A chapter was but a name and an incorporeal res. Other canonists declared that corporate bodies could not be punished or excommunicated because they had neither a soul nor a body, and carried their nominalism so far as to say that they had being only in abstracto, like "man" in respect to men. The doctrine did not imply, however, that excommunication was of no effect ; on the contrary, it signified that, in order that a decree of punishment or excommunication should not lack effect, it was to be applied to all, omnes singulos » (30). Did it ? At the council of Lyon (1245), the excommunication of an universitates or collegium was forbidden – by Sinibaldus Fliscus in person -, on the grounds that universitates were « names of law » only and not of persons, and that names cannot be subjected to excommunication (31). Put with rapt attention in the alambic of law, Sinibaldus Fliscus’ concept of persona fictae distillated into the hobbesian theoretical construction of the ruler as a fictitious person (persona fictitia) that represents, in a theatrical sense, all the governed once they have collectively surrendered freely - with a wave of their hand ? - their individual power to it and that implies a personification of the social contract (32), and later into what modern lawyers refer to as the doctrine of « disregard of corporate entity », which they will swear does not allow in any way their clients to commit all sorts of frauds and misdeeds with impunity.

Sinibaldus Fliscus was pope under the name of Innocent IV.

At this point, one may, and, in fact, will, ask : what is wrong, as considered in its early theologico-political stages, which preceded its legal transposition into the theory of sovereignty, with the doctrine of the king’s two bodies, based as it was on the tenet of the dual nature of Jesus Christ ? What is wrong with assimilating metaphorically the ruler, be it Jesus Christ or the prince, to the head, and the ruled, be it the Church or the nation, to the body ? Have we not been told that « [f]rom [the most] ancient times it was recognised that there existed an analogy between the human being and the greater organism that is the State. The traditional conception of the State – an articulate and organic concept – has always reflected the natural hierarchy of the faculties proper to the human being, in the full sense of the term, in which the purely physical and somatic part is dominated by the vital forces, which obey the life of the soul and the character, whereas we find at the summit of all beings the spiritual and intellectual principle, which the Stoics called the ‘inner sovereign’, the egemonikon » (33) ?

This assertion is questionable on two accounts. First, because the organic metaphor does not go back to the year dot. « The image [of the cosmos or state as a body] was widespread in antiquity » (34), so widespread that the author can only mention one occurrence of it, that is, the famous Menenius Agrippa’s fable, preferring to refer the reader to an « important study by Margaret Mitchell in Paul and the Rhetoric of Reconciliation » (35), where « she documents how the metaphor was used in ancient political literature to show the need for cooperation among all the parts or members of society » (36). « The metaphor of the body for the political organism, Mitchell says, […] is very old, going back at least as far as the 5th and 4th century B. C. E., as Momigliano as shown » in "Camillus and Concord" (37), in which it is asserted, p. 99, that « the apologue [of Agrippa], indeed, expresses the "organic" [the quotation marks are not out of place] conception of omonoia [concord] which was current in the 5th and 4th century B. C. ». Note 29 refers the reader to verses of Greek tragedies in which the word « city » does occur, while the word « body » does not... « The classic definition of the organic theory, our guide goes on, is, of course, Aristotle », whose Politics (1253a18) he then quotes - in the Greek original.

Let us quote it in English : « Thus also the city-state is prior in nature to the household and to each of us individually. For the whole must necessarily be prior to the part; since when the whole body is destroyed, foot or hand will not exist except in an equivocal sense, like the sense in which one speaks of a hand sculptured in stone as a hand. » The trouble is that the word « body » (σῶμα) is not found in the Greek original. Aristotle speaks of « the whole », not of « the whole body ». In the same way, « the term "body" of citizens or judges is found countless times in (French) translations, as is the term "members" of these "bodies", without sôma or mélè being found once at these places in the Greek text » (38).

The bottom line is that « [w]hen the "body" provides an anchor for Aristotle's analyses, it is never in the form, implied by the metaphor, of the assimilation of the city to a living organism. The notion of "body" is reduced to an extreme abstraction, and almost fossilised, in the first pages of the Politics, when Aristotle, who has just defined human beings as "political animals", is seeking, through an image, to illustrate the pre-existence of the whole in relation to the parts » (39) ; in 1302b, « the image of the political body is not used to establish a pattern ; it is not the formal characteristics of the city that are the subject of the anatomic comparison, but its own life and the processes that this life implies » (40). As to Plato, « he does resort once [...], not to the metaphor of the body of the city, but to a comparison between a well administered city and a body affected in all its parts by the same impressions of pleasure and pain. However, this unity of feelings concerns only the guardian class and results from the community of women and children among guardians. On the other hand, Plato oscillates, tn defining this unity, between the mention of the whole individual, body and soul (ἐγγύτατα ἕνος ἀνθρώπου), and the evocation of the body (σώματι), when he takes up the comparison » (41). Among orators, in the very rare cases where it is found, the metaphor is devaluing for the citizens, or the fragment is dubious (42).

There is, however, one tradition that can be invoked in support of Evola’s assertion that, in ancient times, « there existed an analogy between the human being and the greater organism that is the State » : the teachings of the Roman branch of the Stoic school (43). Among many examples that could be given of the use of an actual organic metaphor by Stoics, let us take Cicero and Cleanthes. « Indeed, the former says, how is it possible that the universe, which contains within itself all the other natures and their seeds, should not itself be governed by nature (natura)? Thus, if anyone declares that a man's teeth and the hair on his body are a natural growth but that the man himself to himself to whom they belong is not a natural organism, he would fail to see that things which produce something from within them must have more perfect natures than the things which are produced from them » ; « [f]or, the latter claims, just as (ὥσπερ), in the case of the individual, all his bodily parts (τὰ μέρη) take shape in the proper periods of time from the seed, so (οὕτω) all the particular parts of the universe – animals, plants, and so on – take shape at the proper moments » (44). If, therefore, it is not untrue to state that the organic metaphor was « widespread in antiquity », it should be clarified that it was disseminated by Stoic philosophers in the IIIrd centuty B. C. It should also be clear that what Stoicism assimilated the body with was not the State, but, according to their cosmopolitan worldview, the world State.

Stoic teachings may have had some affinities with the Roman ethos - hence the great success Stoics obtained among the nostalgic leading classes in Rome -, but it differed from it substantially. The Stoic could live and die as a good citizen, yet as a good citizen of the world he felt he was.

Stoicism is Romanity without a sense of the fatherland and, without a sense of the fatherland, Romanity is nothing. What thus escaped Evola is that, to the Stoics, the State was not Rome, but the cosmos, the world, the world State. It presupposed a community that was not only universal, but also, as anything that is conceived of in universalistic terms, egalitarian (45), and, therefore, as rightly pointed out by Evola… inorganic.

Now, what about the apologue on the quarrel between the limbs and the stomach, supposedly made by Menenius Agrippa, consul in 503 BC., at a time when there were no relations between Rome and Egypt (46), and of Plebeian birth? It was first related by Livy and Dionysus of Hallicarnassus, who both lived in the Ist century B. C., and, later, by Plutarch, at the end of the Ist century C. E. and, even later, by Cassius Dio. According to the former, its delivery made such an impression on the Plebeians that they became reconciled with the Senators, who, obviously, did not hold a grudge on Menenius for having identified them with so noble a body member as the stomach. In fact, its effectiveness was so high that you would think that it would be delivered again during the second (494 B. C.) and the third secessio plebis (287 B. C.). You would be wrong. The apologue stemmed from an Egyptian fable called The Head and the Body, that deals with the need for harmony between the parts of the body, and, symbolically, between those of the State. It was adapted by various Greek fabulists from the 1st centuty C. E onwards (47).

Speaking of corrosive oriental influences on Graeco-Roman culture, it is most remarkable that Cleanthes, born in the Troade (Zeno, the founder of the Stoa, was born in Cyprus), and in whose Hymn to Zeus the father of gods and men has Jehovic traits (48), considered, as did all Stoics, the soul, and, generally, anything that is capable of acting or being acted upon, as a body (49). According to Plutarch, they believed that only bodies are « existent ». « Body could refer to that part of the human being which is separate from the soul. At the same time, the soul itself, being corporeal and "real", was itself a body in a certain sense » (50). Could this conception be the embryonal pattern of the doctrine fo the king’s two bodies ?

To the best of my knowledge, Evola did not comment on Kantorowicz’s book. On the other hand, de Benoist developped the following most relevant cosiderations on Evola’s « organicism » in his Foreword to the fourth edition of « Gli Uomini e le rovine » (2002).

ORGANIC STATE OR ORGANIC SOCIETY?

Julius Evola frequently described the state to which he aspired as the “organic state.” Thus, he affirmed that “any true state always had some character of organicity.” And he declared that the “authentic imperial structure” could be defined as an “organism composed of organisms.” Likewise he spoke of a “natural analogy that exists between the individual being and that great organism which is the state.” He seems to adopt, thus, the point of view of the political theorists of organicism. The very notion of the “organic state” has, however, something problematic. Julius Evola is, in effect, an adversary of any form of “naturalism”; he felt only distrust towards all that he encountered in the order of biological things. The question is to know, then, how this rigorous anti-naturalism can be reconciled with his “organicism.” That the quality of being “organic” is attributed by Evola to the state is already revealing. The political theorists of organicism—with the possible exception of Othmar Spann—practically never spoke of an “organic state.” They rather spoke more of organic society, of organic culture, of organic communities, etc. And the model to which they referred is undoubtedly a model that is borrowed from the life sciences: a society in good health is a society where there is, in their social relationships, the same flexibility that exists between the organs of a living being. Evidently, one understands that if Evola preferred to speak of an “organic state,” it is because for him the state is incommensurably superior to society. But can a state itself be organic? For the classical theorists of organicism, the response is generally negative: only society can be organic, precisely because an organism is defined as a whole that cannot be reduced or identified with any of its parts, even with the most eminent. An organic society can clearly have institutions which function in such a manner that they maintain their organic character, but these institutions could not themselves be qualified as organic: a state is never solely an organism. In the classical organicist perspective, what is most frequently asserted is that the greater organicity of society is threatened. Evola wrote that “a state is organic when it has a center and when that center is an idea which effectively models, by its own virtue, its diverse parts.” On the contrary, for classical organicism, a society has much less need of a “center” to the extent that it is precisely organic, because what defines the organicity of the social body is not its dependency in respect to a center (the “head”), but rather the natural complementarity of all its parts. The “organicism” of Evola is therefore very distinct from classical organicism. The latter, which is frequently linked to holist doctrines, systematically tends to devalue the state and state institutions, which it considers intrinsically “mechanistic,” and assigns a principal role to the collectivities of the base and the people. Among the theorists of organicism, organicity is always associated with what is “below” and with what is “spontaneous.” Its critique, in general, consisted of opposing a mechanical, rationalistic, abstract, and even excessively “Apollonian” conception of social existence with the prerogatives of the living, of the sensible, of the carnal, which is manifested in the Dionysian spirit and in the “soul of the people.” However, it is precisely the inverse path which Evola adopted, as for him the soul, the sensible, the people, the collective, etc. are those which systematically refer to the most “inferior” dimensions of existence. Evola even came to say that “the organic idea has as its counterpart a form that is molded from the higher.” And this precisely what theorists of classical organicism reproached: for them, organicity is a given fact, present from the start; it could not be the result of an impulse “from the higher,” since, on the contrary, the latter would only weaken it. To the extent that it implies a radical disconnection of the organic and the biological, the exact scope of an “organicism from the higher” still remains to be established. Can one speak of “organicism” in a society that, far from being an end, is only a means for the appearance of an elite that by itself tends towards the “absolute person”? Can a “true state” that desires to liberate itself from any naturalist conditioning be truly “organic”? Finally, can organicity be the result of authority, of power, and of the will? On this point, the historical experience invites, at least, prudence. Effectively, in the course of history, each time that a state had asserted itself as holder of an absolute sovereign power, the organicity of the social realm was not augmented but rather decreased. The case of France is very illustrative in this respect. Evola had very justly noted that, in its desire to break free from the authority of the Pope and the Emperor, the royal power in France was broken off from any superior spiritual principle. Now, it is no less true that France constituted the most complete model of the creation of a nation by the state. Nonetheless, it is also the country where the sovereign authority of the state—defined since Jean Bodin as indivisible and inalienable—had most impoverished the social organicity and destroyed local autonomies, while local liberties have always been better preserved in situations where, on the contrary, the people or the nation had created the state. The counter-model of the Empire, to which Evola had devoted some of his best pages, is all that. The Romano-Germanic Empire undoubtedly better respected the organicity of society better than the nation-state. But it respected it better to the extent that its power was not absolute and unconditional but on the contrary relatively weak, in which sovereignty was shared or distributed, and in which power was less concerned with imposing its “form” on the different local collectivities than with respecting their autonomy as much as possible. The very principle of any imperial construction is, in effect, the principle of subsidiarity. We cannot forget that this principle implies leaving to the base the maximum power possible and not making it go upwards towards the “higher” except for those aspects of authority and decision that cannot be exercised below. » (51).

In keeping with this spirit, Hitler believed that « the details of a matter should not be decided by the central authority but independantly "on the spot" », and « […] often warned of the consequences of an over-centralization which expressed itself in interference and regimentation at the lower level » (52). He complained that « among us, the conception of the monolithic state implies that everything should be directed from a centre... The English in India do exactly the opposite ». « There is no possibility, » he concluded, « of ruling this huge empire from Berlin » (53). These statements, among others, show how unfounded, not to say tendentious, the critics raised by Evola in « Notes on the Third Reich » against the so-called « centralisation » that would have been carried out by Hitler, critics that are taken at face value by Kopf (« Evola’s view of National Socialism and the Third Reich was virtually the reverse. He detested the principles of Hitler’s regime, especially its emphasis on one leader and its centralising policies that undermined and subverted Germany’s long traditions of federalism » – Evola even completely missed the point of the reorganisation of the Länder into Gaue, which he deemed « anti traditional » and, which, on the contrary, as noted by the editor, gave « [...] the Gauleiters who ruled each Gau […] considerable autonomy ») - are – when his ravings on the Führerprinzip may not be devoid of bad faith (for example, when stating that « [in feudal times] this bond [between the chief and his followers] was established only in an emergency or in view of definite military ends and, like the dictatorship in the early Roman period, the character of Führer (dux or heretigo) did not have a permanent character », he does not realise that he has just pinpointed one of the weaknesses of the feudal regime ; as to the lack of diarchy under the Third Reich, should Hitler, to fulfil Evola’s wishes, have, following the lead of Mussolini and Vittorio Emanuele’s brilliantly successful diarchia, coruled with the king of Germany ?).

I am not saying that it is for the reason that have been put forward in the present study - the disindividualisation and automatisation of political power (54) and « unpowerment » of the ruler that ensued from the will to legitimate political power through the tyrany of the « rule of law » - that Hitler « nourished a fundamental aversion to the monarchy », which, in Europe, has always been closely linked to the Judeo-Christian conception of kingship. I am saying that he was not wrong to « [nourrish] a fundamental aversion to the monarchy », as did ancient Romans.

(1) medium.com/@nicboldrini/algocracy-and-surveillance-capitalism-we-live-in-a-world-governed-by-algorithms-abd1f158186a, ; reallifemag.com/rule-by-nobody/; algocracy.wordpress.com/.

(2) Stephen B. Wicker, Cellular Convergence and the Death of Privacy, Oxford University Press, 2013.

(3) Johanna Oksala, From Biopower to Governmentality, in Christopher Falzon, Timothy O’Leary, Jana Sawicki (eds.), A Companion to Foucault, Wiley-Blackwell, 2013., [www.researchgate.net/publication/285945514\_From\_Biopower\_to\_Governmentality](http://www.researchgate.net/publication/285945514_From_Biopower_to_Governmentality)

(4) [www.youtube.com/watch?v=ImaH51F4HBw](http://www.youtube.com/watch?v=ImaH51F4HBw), from7:10 onwards.

(5) Jean-Michel Landry, Confession, Obedience, and Subjectivity: Michel Foucault’s Unpublished Lectures On the Government of the LivingTelos, 2009, [www.academia.edu/1797532/Confession\_Obedience\_and\_Subjectivity\_Michel\_Foucault\_s\_Unpublished\_Lectures\_On\_the\_Government\_of\_the\_Living](http://www.academia.edu/1797532/Confession_Obedience_and_Subjectivity_Michel_Foucault_s_Unpublished_Lectures_On_the_Government_of_the_Living) ; Andreas Fejes, Foucault, Confession, and Education, in Michael Peters (ed.), Encyclopedia of educational philosophy and theory, Springer Science, 2016 [p.1-5]. [www.researchgate.net/publication/292377626\_Foucault\_Confession\_and\_Education](http://www.researchgate.net/publication/292377626_Foucault_Confession_and_Education) ; Stijn Krooshof, Foucault, Christianity and the Care of the Self. A framework for a new Foucauldian understanding of Christianity,

[www.academia.edu/26987876/Foucault\_Christianity\_and\_the\_Care\_of\_the\_Self.\_A\_framework\_for\_a\_new\_Foucauldian\_understanding\_of\_Christianity](http://www.academia.edu/26987876/Foucault_Christianity_and_the_Care_of_the_Self._A_framework_for_a_new_Foucauldian_understanding_of_Christianity) ; see, for a decent introduction to Foucault’s wok, educationmuseum.wordpress.com/2013/03/19/michel-foucault-modalities-of-power/.

(6) [www.libraryofsocialscience.com/ideologies/resources/kantorowicz-the-kings-two-bodies](http://www.libraryofsocialscience.com/ideologies/resources/kantorowicz-the-kings-two-bodies) ; epdf.pub/the-kings-two-bodies.html.

(7) Ernst Kantotowicz, The King’s Two Bodies, Princeton University Press, Princeton, N.J., 1997 [1st ed. : 1957], p. 9, p. 13.

(8) Quoted in Stephen Deng, Coinage and State Formation in Early Modern English Literature, Palgrave Macmillan, 2011, p. 44.

(9) Abbé Gabriel Bonnot de Mably (1709-1785) was a French philosopher, born, as the philosopher and economist Etienne Condillac (1714-1780), one of his brothers, into a family of parliamentary nobility, of noblesse de robe. They were all educated in an institution run by the Jesuits.

A precursor of utopian socialism and the Revolution, he engaged in a moral criticism of the Old Regime, stating that inequality of conditions and private property were the cause of society's ills. An advocate of the abolition of common property and of equality before the law, more than means of achieving happiness, he saw in common property and equal rights means of achieving virtue. An admirer of, or what he imagined to be, Spartan life, he placed the concern for justice and peace above the concern for increase in wealth.

The part of his work Foucault is interested in is De la législation, ou Principes des lois (1776), in which Mably simply laid the principle of any psychiatrisation of society : « […] que le châtiment, si je puis ainsi parler, frappe l’âme plutôt que le corps » (« […] Punishment, if I may so put it, should strike the soul rather than the body » (Œuvres complètes de l'abbé de Mably. r. 18, part II, 1797, p. 88). « It was an important moment. The old partners of the spectacle of punishment, the body and the blood, gave way. A new character came on the scene, masked. It was the end of a certain kind of tragedy ; comedy began, with shadow play, faceless voices, impalpable entities. The apparatus of punitive justice must now bite into this bodiless reality » (Michel Foucault, Discipline and Punish, 2d ed., Vintage Books, N.Y., 1995 p. 16-7, monoskop.org/images/4/43/Foucault\_Michel\_Discipline\_and\_Punish\_The\_Birth\_of\_the\_Prison\_1977\_1995.pdf).

(10) Michel Foucault, op. cit., p. 28-30.

(11) Jeremy Carrette, Foucault and Religion, Routledge, 1999, p. 123

(12) By this formula what is summarised is the transformation of criminal practice in modern times : the judgment shifts from the question of the criminal nature of the facts to the personality of the accused and the biographical origins of his act. « Ever since the Middle Ages slowly and painfully built up the great procedure of investigation, to judge was to establish the truth of a crime, it was to determine its author and to apply a legal punishment. Knowledge of the offence, knowledge of the offender, knowledge of the law: these three conditions made it possible to ground a judgement in truth. But now a quite different question of truth is inscribed in the course of the penal judgement. The question is no longer simply: 'Has the act been established and is it punishablel' But also : "What is this act, what is this act of violence or this murder ?" "To what level or to what field of reality does it belong ?" "Is it a phantasy, a psychotic reaction, a delusional episode, a perverse action ?" It is no longer simply : "Who committed it ?" But : "How can we assign the causal process that produced it ? Where did it originate in the author himself ? Instinct, unconscious, environment, heredity ? It is no longer simply : "What law punishes this offence ?" But : "What would be the most appropriate measures to take ?" "How do we see the future development of the offender ?" "What would be the best way of rehabilitating him ?" A whole set of assessing, diagnostic, prognostic, normative judgements concerning the criminal have become lodged in the framework of penal iudgement. Another truth has penetrated the truth that was required by the legal machinery; a truth which, entangled with the first, has turned the assertion of guilt into a strange scientifico-iuridical complex » (Michel Foucault, op. cit., p. 19) First experimented on detainees within the carceral system, these inquisitive, totalitarian procedures of discipline are now applied by « experts » to the general public, in the context of work (unemployment is also a job) just as outside (Foucault later came to recognise in the techniques of Christian confession, penance and direction of conscience, and the verbalisation they implied from the subject, models for these procedures (see John H. Arnold, Inquisition and Power: Catharism and the Confessing Subject in Medieval, University of Pennsylvania Press, 2001))

It needs hardly to be said that the argument that is developed here on the basis of Foucault's acute analyses of the various psychic confinements to which contemporary man is subjected does not fall, anymore than its underlying propositions, within the framework of « whistleblowing », of the ongoing libertarian-like whining about the so-called loss of liberty. Hillbillies have never been allowed to enjoy so much freedom, the way they like it, as today : assisted. They are to a large extent governed precisely through freedom (do see Nikolas Rose, Powers of Freedom, chap 2, pombo.free.fr/nikolasrose1999.pdf), and, in every extent, flattered to death to hear that they are « looked after», cocooned. What is pastoral power, if not, basically, the - diffuses and almost imperceptible - rule of the mother ?

(13) Jason Adam, "Paul and the Government of the Soul: Reading the Modern Citizen-Subject in the Early 'Christian' Archive", vol. 3, issue 1, Fall 2005 [p. 2-16], Journal of Philosophy & Scripture, [www.academia.edu/459987/\_Paul\_and\_the\_Government\_of\_the\_Soul\_Reading\_the\_Modern\_Citizen-Subject\_in\_the\_Early\_Christian\_Archive\_Journal\_of\_Philosophy\_and\_Scripture\_](http://www.academia.edu/459987/_Paul_and_the_Government_of_the_Soul_Reading_the_Modern_Citizen-Subject_in_the_Early_Christian_Archive_Journal_of_Philosophy_and_Scripture_)

(14) Marshall Mc Luhan The Gutenberg Galaxy: The Making Of Typographic Man, 1962, University of Toronto Press, p. 119-21

(15) see Richard Wilkinson, Louis XIV, Routledge, 2017.

(16) Stephanie A. Franck, "Justificatory Arguments Theological and Political: Two Senses of Secularization", [www.academia.edu/1030658/\_Justificatory\_Arguments\_Theological\_and\_Political\_Two\_Senses\_of\_Secularization\_](http://www.academia.edu/1030658/_Justificatory_Arguments_Theological_and_Political_Two_Senses_of_Secularization_)

(17) Keith Michael Baker et al. (eds.), Readings in Western Civilization, vol. 7, The University of Chicago Press, 1987, p. 203.

(18) Art. 34, 36, and 27 are also worth quoting : « Les membres de l’Assemblée nationale sont les représentants, non du département qui les nomme, mais de la France entière » (« The members of the National Assembly are the representatives, not of the department that nominates them, but of the whole of France ») ; « Les représentants du peuple sont inviolables. - Ils ne pourront être recherchés, accusés, ni jugés, en aucun temps, pour les opinions qu'ils auront émises dans le sein de l'Assemblée nationale » (« The representatives of the people are inviolable. - They may not be investigated, accused, nor tried, at any time, for the opinions they have expressed in the National Assembly) ; « Ils ne peuvent être arrêtés en matière criminelle, sauf le cas de flagrant délit, ni poursuivis qu'après que l'Assemblée a permis la poursuite. - En cas d'arrestation pour flagrant délit, il en sera immédiatement référé à l'Assemblée, qui autorisera ou refusera la continuation des poursuites. Cette disposition s'applique au cas où un citoyen détenu est nommé représentant » (« They may not be arrested in criminal matters, except flagrante delicto, nor prosecuted until after the Assembly has allowed the prosecution. - In the event of arrest flagrante delicto, this will immediately be reported to the Assembly, which will authorise or refuse the continuation of the prosecution. This provision also applies in the event that a detained citizen is nominated as a representative »).

(19) Karlheinz Neunreither, "Political Representation in the European Union: A Common Whole, Various Wholes, or Just a Hole", in Karlheinz Neunreither and Antje Wiener (eds.), European Integration after Amsterdam, Oxford University Press, p. 133.

(20) Marc van der Hulst, Le mandat parlementaire : étude comparative mondiale, Union Interparlementaire, Genève, 2000, p. 8.

(21) Philipon Édouard, Le Mandat impératif : Étude de droit constitutionnel comparé, A. Chevalier-Marescq, 1882, p. 7, p. 10, p. 19.

(22) Paul Friedland, Political Actors: Representative Bodies and Theatricality in the Age of the French Revolution, Cornell University Press, Ithaca and London, p. 6, 2002 [emphasis his].

(23) Louis Marin, Le Portrait du roi, Editions de Minuit, Paris, 1981. [www.louismarin.fr/ressources\_lm/pdfs/Poiesis.pdf](http://www.louismarin.fr/ressources_lm/pdfs/Poiesis.pdf).

(24) Gilles Le Beguec, La République des avocats, [www.lepoint.fr/politique/la-republique-des-avocats-une-longue-tradition-francaise-24-04-2013-1659480\_20.php](http://www.lepoint.fr/politique/la-republique-des-avocats-une-longue-tradition-francaise-24-04-2013-1659480_20.php) ; [www.legalcheek.com/2017/11/most-of-the-mps-controversially-branded-brexit-mutineers-by-the-press-are-lawyers/](http://www.legalcheek.com/2017/11/most-of-the-mps-controversially-branded-brexit-mutineers-by-the-press-are-lawyers/) ; [www.spectator.co.uk/2017/11/cull-the-lawyers-there-are-too-many-for-democracy-to-work/](http://www.spectator.co.uk/2017/11/cull-the-lawyers-there-are-too-many-for-democracy-to-work/) ; [www.nytimes.com/1964/01/05/are-there-too-many-lawyers-in-congress.html](http://www.nytimes.com/1964/01/05/are-there-too-many-lawyers-in-congress.html).

(25) Pierre Bourdieu, The State Nobility: Elite Schools in the Field of Power, Stanford University Press, Stanford, CA, 1998, p. 385-6 (translation amended).

(26) See [www.infoplease.com/dictionary/brewers/basochians](http://www.infoplease.com/dictionary/brewers/basochians) ; [www.theatrehistory.com/medieval/bates001.html](http://www.theatrehistory.com/medieval/bates001.html). See also, about the « solides analogies entre les théories poéticoartistiques de la Renaissance et les doctrines techniques des juristes médiévaux », Ernst kantorowic, La souveraineté de l’artiste. Notes sur quelques maximes juridiques et les théories de l'art à la Renaissance, translated by Jean-François Courtine et Sylvie Courtine-Denamy. In Mourir pour la patrie et autres textes, PUF, Paris, 1984 [p. 31-57]. po-et-sie.fr/wp-content/uploads/2018/08/18\_1981\_p3\_21.pdf.

(27) Pierre Deyon, L'Europe du XVIIIe siècle, 2nd ed., Hachette Supérieur, 2007.

(28) [www.jesuites.com/la-pedagogie-jesuite-entre-excellence-et-encouragement](http://www.jesuites.com/la-pedagogie-jesuite-entre-excellence-et-encouragement).

(29) Pierre-Jules Dudon, Compte rendu des constitutions des jésuites, 1762, p. 16,

(30) John Dewby, The Historic Background of Corporate Legal Personality, Yale Law Journal, vol. 25, issue 6 [p. 655-73], 1926 digitalcommons.law.yale.edu/cgi/viewcontent.cgi?referer=https://www.google.fr/&httpsredir=1&article=3149&context=ylj, p. 665.

(31) Ernst Kantorowicz, The King’s, p. 305.

(32) L. Del Río González, La teoría de la persona ficta en el Leviatán de Thomas Hobbes. El miedo como germen del contrato social, [www.academia.edu/9112645/La\_teoría\_de\_la\_persona\_ficta\_en\_el\_Leviatán\_de\_Thomas\_Hobbes.\_El\_miedo\_como\_germen\_del\_contrato\_social](http://www.academia.edu/9112645/La_teor%EF%BF%BDa_de_la_persona_ficta_en_el_Leviat%EF%BF%BDn_de_Thomas_Hobbes._El_miedo_como_germen_del_contrato_social) ; Maja Lukac de Stier, Hobbes y la construcción racional del estado, bibliotecadigital.uca.edu.ar/repositorio/ponencias/hobbes-construccion-racional-estado.pdf.

(33) evolaasheis.wordpress.com/2016/04/14/the-race-of-the-fleeing-man.

(34) Michelle V. Lee, Paul, the Stoics, and the Body of Christ, Cambridge University Press, 2009, p. 9.

(35) Ibid.

(36) Ibid., p. 10.

(37) In Arnaldo Momigliano, Secondo contributo alla storia degli studi classici, Edizioni di Storia e di Letteratura, Rome, 1984 [p. 89-104].

(38) Michelle Lacore, Corps des citoyens, corps de la cité, Kentron, 19, 2003, journals.openedition.org/kentron/1858.

(39) Ibid.

(40) Sylvie Lopez-Jacob et Eric Delassus, Ce que peut un corps, L'Harmattan, 2018, p. 15

(41) Michelle Lacore, op. cit.

(42) Ibid.

(43) See Timothy A. Brookins, Paul and the Ancient Body Metaphor: Reassesing Parallels, Journal for the Study of Paul and His Letters, vol. 6, n° 1, Spring, 2016 [p. 75-98].

(44) Both quoted in Michelle V. Lee, op. cit., p. 46-7.

(45) Jula Wildberger, The Stoics and the State: Theory - Practice – Context, Nomos, 2018, p. 170. « Stoic sources adduce the comparison of the world state with a body. Individual humans are its parts, and their interests can only be met in the context of the whole. Drawing on the Stoic conception of the community of all humankind, Cicero argues that we harm ourselves if we take away what belongs to our neighbors, just as a body part would gain no advantage if it detracted health and strength from the others. In order to combat aggression, Seneca reminds his readers that to harm a fellow citizen, whether of the same polity or the world state, would be like hands attacking the feet or eyes attacking the hands. Epictetus argues that a rational person will form impulses which are in agreement with the adminsitration of the whole. Just as a hand or foot, if they had the human capacity of reflexive observation, would independently conceive impulses to move in the same way as they do now with the whole organism. These Stoic analogies presuppose an egalitarian community with no body part significantly superior to the other » (ibid.).

(46) Bernard Legras, "Les Romains en Égypte, de Ptolémée XII à Vespasien", Pallas, 96, 2014, journals.openedition.org/pallas/1294.

(47) Francisco Rodríguez Adrados, History of the Graeco-Latin Fable, vol. 2, p. 106 ; id., op. cit., vol. 1, p. 169 et sqq.

(48) André Pichot, Expliquer la vie : De l'âme à la molécule, Editions Quae, 2016, p. 124.

(49) Charles Daremberg, La médecine : histoire et doctrines, 1865, Paris, p. 92.

(50) Michelle V. Lee, op. cit., p. 49.

(51) Alain de Benoist, Julius Evola, Radical Reactionary and Committed Metaphysician: A Critical Analysis of the Political Thought of Julius Evola, s3-eu-west-1.amazonaws.com/alaindebenoist/pdf/julius\_evola\_radical\_reactionary.pdf.

(52) Rainer Zitelmann, Hitler: The Policies of Seduction, London House, 1999, p. 402.

(53) Quoted in Richard J. Evans, The Third Reich in History and Memory, Little, Brown, 2015, p. 359; « This huge empire had no central direction, and there was no co-ordination in the way it was run. The Germans never created any equivalent of the Greater East Asia Ministry through which the Japanese governed their conquests. This [...] was partly because Hitler bypassed the civil service in favour of committed Nazi fanatics whom he could trust to construct the new Greater Germany along racial lines. As a consequence, the Nazi Party, led by ‘Old Fighters’ who had been members since the 1920s, and particularly by the regional leaders, the Gauleiters, gained power at the expense of the interior ministry, whose officials began to lament the absence of any centralised administration of the new territories » (ibid. ; see also and perhaps especially, Mark Mazower, Hitler's Empire: Nazi Rule in Occupied Europe, Penguin, 2013)

(54) Jennifer O’Mahoney, Lorraine Bowman Grieve and Alison Torn, Ireland’s Magdalene Laundries and the Psychological Architecture of Surveillance, in Susan Flynn, Antonia Mackay (eds.), Surveillance, Architecture and Control: Discourses on Spatial Culture, Palgrave Macmillan, 2019, p. 196, that hints at the question of surveillance, both of the other and of the self, in Christian monastic communities, without however daring to use the words « voyeurism » and « exhibitionism ».