

to the second article: "The goal of every political association is the preservation of the natural and indefeasible rights of man"). And the Declaration can attribute sovereignty to the "nation" (according to the third article: "The principle of all sovereignty resides essentially in the nation") precisely because it has already inscribed this element of birth in the very heart of the political community. The nation—the term derives etymologically from *nascere* (to be born)—thus closes the open circle of man's birth.

2.2. Declarations of rights must therefore be viewed as the place in which the passage from divinely authorized royal sovereignty to national sovereignty is accomplished. This passage assures the *exceptio* of life in the new state order that will succeed the collapse of the *ancien régime*. The fact that in this process the "subject" is, as has been noted, transformed into a "citizen" means that birth—which is to say, bare natural life as such—here for the first time becomes (thanks to a transformation whose biopolitical consequences we are only beginning to discern today) the immediate bearer of sovereignty. The principle of nativity and the principle of sovereignty, which were separated in the *ancien régime* (where birth marked only the emergence of a *sujet*, a subject), are now irrevocably united in the body of the "sovereign subject" so that the foundation of the new nation-state may be constituted. It is not possible to understand the "national" and biopolitical development and vocation of the modern state in the nineteenth and twentieth centuries if one forgets that what lies at its basis is not man as a free and conscious political subject but, above all, man's bare life, the simple birth that as such is, in the passage from subject to citizen, invested with the principle of sovereignty. The fiction implicit here is that *birth* immediately becomes *nation* such that there can be no interval of separation [*scarto*] between the two terms. Rights are attributed to man (or originate in him) solely to the extent that man is the immediately vanishing ground (who must never come to light as such) of the citizen.

Only if we understand this essential historical function of the doctrine of rights can we grasp the development and metamorpho-

sis of declarations of rights in our century. When the hidden difference [*scarto*] between birth and nation entered into a lasting crisis following the devastation of Europe's geopolitical order after the First World War, what appeared was Nazism and fascism, that is, two properly biopolitical movements that made of natural life the exemplary place of the sovereign decision. We are used to condensing the essence of National Socialist ideology into the syntagm "blood and soil" (*Blut und Boden*). When Alfred Rosenberg wanted to express his party's vision of the world, it is precisely to this hendiadys that he turned. "The National Socialist vision of the world," he writes, "springs from the conviction that soil and blood constitute what is essential about Germanness, and that it is therefore in reference to these two givens that a cultural and state politics must be directed" (*Blut und Ehre*, p. 242). Yet it has too often been forgotten that this formula, which is so highly determined politically, has, in truth, an innocuous juridical origin. The formula is nothing other than the concise expression of the two criteria that, already in Roman law, served to identify citizenship (that is, the primary inscription of life in the state order): *ius soli* (birth in a certain territory) and *ius sanguinis* (birth from citizen parents). In the *ancien régime*, these two traditional juridical criteria had no essential meaning, since they expressed only a relation of subjugation. Yet with the French Revolution they acquire a new and decisive importance. Citizenship now does not simply identify a generic subjugation to royal authority or a determinate system of laws, nor does it simply embody (as Chaliier maintained when he suggested to the convention on September 23, 1792, that the title of citizen be substituted for the traditional title *monsieur* or *sieur* in every public act) the new egalitarian principle; citizenship names the new status of life as origin and ground of sovereignty and, therefore, literally identifies—to cite Jean-Denis Lanjuinais's words to the convention—*les membres du souverain*, "the members of the sovereign." Hence the centrality (and the ambiguity) of the notion of "citizenship" in modern political thought, which compels Rousseau to say, "No author in France . . . has understood the true meaning of the term 'citizen.'" Hence too, however, the rapid