

The God of *Ge-Stell* in the legislative-prayer cases

“God will lead me through this persecution and I will be His instrument.”

Rowan County Commissioner Jon Barber¹

Dasein – human existence – is “a self-interpreting, self-articulating entity,” Heidegger says. In other words, Dasein is “an entity for which in its being, in its being-in-the-world, ‘it goes about its very being’ [*es geht um sein Sein selbst*], for which, that is, *its very being is at issue*.”² Heidegger names this way of existence *Sorge*, ‘care.’ Self-interpreting and self-articulating are modes of ‘taking-as.’ The phenomenon of the ‘as’ is “the structure that belongs to understanding as such. . . . The ‘as’ has the function of uncovering something in terms of something, of uncovering something *as* – i.e., as this or that. The ‘as’ is the structure of understanding.”³ Heidegger believed this feature distinguishes human existence from that of the (other) animals:

“There belongs to man a being open for ___ [*ein Offensein für . . .*] of such a kind that this being open for ___ has the character of *apprehending something as something* [*des Vernehmens von etwas als etwas*]. This kind of being we call comportment [*Verhalten*], as distinct from the behavior [*Benahmen*] of the animal. . . . Insofar as we address this possibility of taking something as something as characteristic of the phenomenon of [the human] world, the ‘as’-structure [*die ›als‹-Struktur*] is an essential determination of the structure of world.” “The manifestness of beings as such, of beings *as* beings, belongs to world. This implies that bound up with world is this enigmatic ‘as’, beings as such, or formulated in a formal way: ‘something as something’, a possibility which is quite fundamentally closed to the animal.”⁴

¹ As quoted in *Lund v. Rowan County, North Carolina*, 863 F.3d 268 (4th Cir. 2017) (en banc); at slip opinion 7: <https://www.ca4.uscourts.gov/Opinions/Published/151591A.P.pdf>. On October 12, 2017 Rowan County filed its petition for certiorari presenting this question: “Whether legislative prayer delivered [only] by legislators comports with the Supreme Court’s decisions in *Town of Greece v. Galloway* and *Marsh v. Chambers* as the Sixth Circuit has held [in *Bormuth v. County of Jackson*, 870 F.3d 494 (6th Cir. 2017) (en banc)], or does not, as the Fourth Circuit has held.” As of this writing the petition is pending.

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/17-565.html> Coverage of case progress here also: <http://www.scotusblog.com/case-files/cases/rowan-county-north-carolina-v-lund/>

² Martin Heidegger, *History of the Concept of Time: Prolegomena* (tr. Theodore Kisiel 1985) 302, 292.

³ Martin Heidegger, *Logic: The Question of Truth* (tr. Thomas Sheehan 2010) 126, 127.

⁴ Martin Heidegger, *The Fundamental Concepts of Metaphysics: World, Finitude, Solitude* (tr. William McNeill and Nicholas Walker 1995) 306, 311, 274.

Thomas Sheehan paraphrases Heidegger's meaning in these words: "The nature of the human being is to be the locus for the 'as' – where 'as' is shorthand for the 'possibility of things appearing *as* this or that,' i.e., appearing *in* their being."⁵ Sheehan brings out the phenomenon of the 'as' with an example of rock-wielding:

"The current being of an entity is what and how I happen to *take this thing as* at the present moment. For example, in the absence of a hammer at my campsite, I use this rock to pound in tent pegs. This piece of granite is currently a mallet. Once I find my hammer, the rock will cease to be a mallet, and I may take it instead as a paperweight, or as a weapon, or as something useless. In a matter of minutes this hard grey mass will have gone through three or four different 'beings.' The being of something comes about only when '*man entwirft etwas auf etwas.*' The proper translation of *entwerfen auf* . . . is not 'to project something upon' (a meaningless phrase in this context) but 'to take something as,' i.e., to make sense of it."⁶

In his remarks on *Bestand* (inventory, stock, 'standing reserve') Heidegger contemplates human beings going about their very being by manipulating and deploying **other** human beings; by taking them as instrument, resource, means, etc. E.g.:

"In the age of technological dominance, the human is placed [*bestellt*] into the essence of technology [*das Wesen der Technik*], into positionality [*das Ge-Stell*], by his essence. In his own way, the human is a piece of the standing reserve in the strictest sense of the words 'piece' and 'standing reserve.' . . . The forester, for example, who surveys the felled wood in the forest and who to all appearances still goes along the same paths in the same way as his grandfather is today positioned [*gestellt*] by the lumber industry. Whether he knows it or not, he is in his own way a piece of inventory [*Bestand-Stück*] in the cellulose stock and its orderability [*Bestellbarkeit*] for the paper that is delivered to the newspapers and tabloids that impose themselves upon the public sphere so as to be devoured by it."⁷

⁵ "How (Not) to Read Heidegger," 69 *American Catholic Philosophical Quarterly* 275, 276 (1995).

⁶ "A Paradigm Shift in Heidegger Research," 34 *Continental Philosophy Review* 183, 190 (2001).

⁷ Martin Heidegger, "Positionality," in *Bremen and Freiburg Lectures: Insight Into That Which Is and Basic Principles of Thinking* (tr. Andrew J. Mitchell 2012) 35-36. Texas law divides the state's resources into two kinds, natural and human, with its respective code governing the conservation and development of each. <http://www.statutes.legis.state.tx.us/>

Biologists take an organism's signaling in just this sense – as manipulation of other organisms.⁸ Mary Jane West-Eberhard describes discriminatory choice – e.g. of mate, of ally, of instrument, of victim – as “differential responsiveness to signals produced by socially competing individuals.” When signals from candidate organisms are veridical *indicators* their “variations reflect variation in some underlying trait that would enhance the fitness of the chooser or the chooser's descendants if favored, or that otherwise adjusts the costs and benefits in favor of the chooser.” **Manipulative signals**, by contrast, “trigger a response [by the chooser] that benefits the signaler, without necessarily being indicators of any underlying quality other than the ability to produce the signal and evoke a favorable response.” “Under choice,” she writes, “all indicator signals, since they are used in social competition, are potentially manipulative and so are susceptible to ‘contamination’ (departures from truth) in the social context.”⁹

Choice screens for aspects of quality, among which is “Genetic quality under social selection per se, which includes ability to excel in the social environment through effective signals.” Under this aspect “selection favors the best manipulative signalers, and choice that distinguishes the best signals, due to the advantage of signaling superiority of descendants.” This outcome of selection when iterated over generations can lead to “genetic correlation between signal ability and discrimination ability, and so-called runaway change.”¹⁰ Runaway change in the co-evolution of signaling, assessment, and manipulation, West-Eberhard suggests, made us what we are:

“In highly social organisms, social competition screens access to virtually all crucial resources (food, space, protection, and mates). . . . Probably as a result of this, traits used in social competition are notable for their exaggeration. An exaggerated trait like the human brain in such an eminently social (and socially competitive) animal seems likely explained at least in part by feats of social maneuvering and assessment. Humans engage in fine-tuned assessment of relatedness, status, and reciprocity in alliances and exchange, where they make precise quantitative assessments and remember them for long periods of time. For these

⁸ Survey and references in “Arms Races and Manipulation,” chapter 4 of Richard Dawkins, *The Extended Phenotype: The Long Reach of the Gene* (rev. ed. 1999).

⁹ *Developmental Plasticity and Evolution* (2003) 466-467. References omitted. Harry G. Frankfurt: “It is just this lack of connection to a concern with truth – this indifference to how things really are – that I regard as of the essence of bullshit.” “One of the most salient features of our culture is that there is so much bullshit. Everyone knows this.” The bullshitter “intends [his] statements to convey a certain impression of himself. . . . What he cares about is what people think of *him*.” “On Bullshit” in *The Importance of What We Care About: Philosophical Essays* (1988) 125, 117, 121. The care of Dasein *qua* bullshitter is impression management; and thus it goes about its very being.

¹⁰ *Id.* 467.

reasons, hypotheses for the evolutionary increase in the size of the human brain seem to me most convincing when they deal with social aspects of judgment and intelligence, such as use of language or the expansion and assessment of social alliances, and least convincing when they address ecological aspects, such as tool making or throwing ability of hunters.”¹¹

“Manipulative signals are less constrained in their evolution than are indicator signals, since there is no ceiling of truth to their change, other than their costs under natural selection.”¹² And language is the least constrained, most blue-sky of all signaling systems on the planet.

In the case of an interpreting and articulating organism its signals also target the signaling organism itself, as Heidegger emphasizes; something of a novelty in the history of life. For example, La Rochefoucauld has it that “Most women bewail the death of their lovers not so much because they loved them as in order to appear worthy of being loved [*pour paraître plus dignes d’être aimées*].”¹³ Appear to whom? Of first importance, to themselves.¹⁴ This is his founding insight, that the agent, the speaker, is herself the one constant audience of her own actions and her own speech. In La Rochefoucauld’s world *amour propre*, self-love, is the pre-eminent mode of care. Self-

¹¹ *Id.* 464.

¹² *Id.* 467. La Rochefoucauld: “In every walk of life each man puts on a personality [*mine*] and outward appearance so as to look what he wants to be thought [*pour paraître ce qu’il veut qu’on le croie*]: in fact you might say that society is entirely made up of assumed personalities [*n’est composé que de mines*].” “Loyalty as seen in most men is simply a device invented by self-love in order to attract confidence. It is a way of raising ourselves above others and appointing ourselves as recipients of the weightiest matter.” “Humility is often feigned submissiveness assumed in order to subject others, an artifice of pride which stoops to conquer, and although pride has a thousand ways of transforming itself it is never so well disguised and able to take people in [*plus capable de tromper*] as when masquerading as humility [*que lorsqu’il se cache sous la figure de l’humilité*].” And so on *passim*. François, duc de La Rochefoucauld, *Maxims* (tr. Leonard Tancock 1959) # 256, 247, 254. Not that these moves are necessarily deliberate. In a wide variety of circumstances the less conscious to the signaler the more effective the manipulative signal. So Trivers: “At some point it became clear to me . . . that the social nature of the human being could easily induce self-deception, that is, that we are selected to deceive ourselves the better to deceive others. . . . if deceit is fundamental to animal communication, then there must be strong selection to spot deception and this ought, in turn, to select for a degree of self-deception, rendering some facts and motives unconscious so as not to betray – by subtle signs of self-knowledge – the deception being practiced.” *Natural Selection and Social Theory: Selected Papers of Robert Trivers* (2002) 257-258.

¹³ *Maxims* # 362.

¹⁴ Why? “It is a salient characteristic of human beings, one which affects our lives in deep and innumerable ways, that we care about what we are. This is closely connected both as cause and effect to our enormous preoccupation with what other people think of us. We are ceaselessly alert to the danger that there may be discrepancies between what we wish to be (or what we wish to seem to be) and how we actually appear to others and to ourselves.” Harry Frankfurt, “The Importance of What We Care About,” *op cit.* 163.

love is “the love of oneself and of all things in terms of oneself [*pour soi*].”¹⁵ Self-love is to the individual as positionality is to Dasein.

Nietzsche admired La Rochefoucauld’s acumen, and when Nietzsche looked he found the same histrionics in the ancient world: “Among the men of antiquity famed for their virtue there were, it appears, a countless number who *play-acted before themselves* [*vor sich selber schauspielerten*]: the Greeks especially, as actors incarnate, will have done this quite involuntarily [*ganz unwillkürlich*] and have approved it. Everyone, moreover, was with his virtue [*seiner Tugend*] in *competition* with the virtue of another or of all others: how should one not have employed every kind of art to bring one’s virtue to public attention, above all before oneself [*vor Allem vor sich selber*], even if only for the sake of practice! Of what use was a virtue one could not exhibit [*zeigen*] or which did not know how to exhibit itself [*sich zeigen*]!”¹⁶

Which brings us at last to the secondary rationale of the legislative-prayer cases. In *Town of Greece v. Galloway* the Supreme Court of the United States held that the First Amendment’s Establishment Clause does not prohibit municipal governments from opening their proceedings with a prayer, even though the prayer may be sectarian.¹⁷ “**The principal audience** for these invocations,” Justice Kennedy writes for the Court, “is not, indeed, the public but **lawmakers themselves**, who may find that a moment of prayer or quiet reflection **sets the mind to a higher purpose** and thereby **eases the task of governing**.”¹⁸ Slip op. 19; all emphasis mine. “For members of town boards and commissions, who often serve part-time and as volunteers, ceremonial prayer may also **reflect the values they hold** as private citizens. The prayer is an **opportunity for them to show who and what they are** without denying the right to dissent by those who disagree.” Slip op. 20. The opinion concludes,

“Ceremonial prayer is but a recognition that, since this Nation was founded and until the present day, many Americans **deem that their own existence must be understood by precepts far beyond the authority of government to alter or define** and that willing participation in civic affairs can be consistent with a brief acknowledgment of their

¹⁵ *Maxims* # 563.

¹⁶ *Daybreak: Thoughts on the Prejudices of Morality* (ed. Maudemarie Clark and Brian Leiter; tr. R. J. Hollingdale 1997) Book I, # 29.

¹⁷ No. 12-696, 572 U.S. ___ (2014); slip opinion: https://www.supremecourt.gov/opinions/13pdf/12-696_bpm1.pdf. The primary rationale is ‘Americans have always done this.’

¹⁸ The commissioners of Rowan County also claimed that their opening prayers are offered “for the edification and benefit of the commissioners and to solemnize the meeting.” *Lund v. Rowan County*, slip op. 9.

belief in a higher power, always with due respect for those who adhere to other beliefs. The prayer in this case has a permissible **ceremonial purpose**. It is not an unconstitutional establishment of religion.” Slip op. 23.

For this distinctive self-interpretation “precepts far beyond” and “higher purpose” are its metaphysics – ‘Platonism for the masses’ as Nietzsche called Christianity – and the “higher power” the God of metaphysics, of ontotheology. Precepts, purpose, and power are resources for the essence of technology, positionality, *das Ge-Stell*. Divinity is ‘challenged forth’ by legislative prayer and positioned as the ground, *logos*, of *Ge-Stell*.

“Metaphysics,” Heidegger says, “thinks of beings as such, that is, in general. Metaphysics thinks of beings as such, as a whole. Metaphysics thinks of the being of beings [*das Sein des Seienden*] both in the ground-giving [*ergründenden*] unity of what is most general, what is indifferently valid everywhere, and also in the unity of all that accounts for the ground [*als such in der begründenden Einheit der Allheit*], that is, of the All-Highest [*des Höchsten über allem*]. . . . the unifying One [*das Eine Einende*] in the sense of the All-Highest (Zeus).” The ‘logy’ part of ontotheology names “that kind of thinking which everywhere provides and accounts for the ground [*ergründet und begründet*] of beings as such within the whole in terms of being as the ground [*Grund*] (Λόγος).” “The original matter of thinking presents itself as first cause, the *causa prima* that corresponds to the reason-giving [*begründenden*] path back to the *ultima ratio*, the final accounting [*die letzte Rechenschaft*]. The being of beings is represented fundamentally, in the sense of the ground, only as *causa sui*. This is the metaphysical concept of God.”¹⁹

Heidegger thought metaphysics has been ‘productionist,’ technological, from its Greek origin all the way to now. “The limitless domination of modern technology in every corner of the planet is only the late consequence of a very old technical interpretation of the world, which interpretation is usually called metaphysics.” And seen metaphysically the *technē*-like Creation doctrine believed and taught in Christendom is

¹⁹ Martin Heidegger, “The Onto-Theo-Logical Constitution of Metaphysics,” in *Identity and Difference* (tr. Joan Stambaugh 1969) 58, 69, 59, 60. As in the Texas Constitution, art. 1, sec. 4: “No religious test shall ever be required as a qualification to any office, or public trust, in this State; nor shall any one be excluded from holding office on account of his religious sentiments, **provided he acknowledge the existence of a Supreme Being.**” (my emphasis) Cf. “We are a religious people whose institutions presuppose a Supreme Being.” *Zorach v. Clauson*, 346 U.S. 306, 313 (1952) (Douglas, J., for the majority) <https://supreme.justia.com/cases/federal/us/343/306/case.html>

“also one of the most essential reasons for the coming of the dominion of modern technology.”²⁰

The divine as ground of production is evident in the Town Board meeting’s invocation which Justice Kennedy quotes as typical:

“Lord we ask you to send your spirit of servanthood upon all of us gathered here this evening to do your work for the benefit of all in our community. We ask you to bless our elected and appointed officials so they may deliberate with wisdom and act with courage. Bless the members of our community who come here to speak before the board so they may state their cause with honesty and humility. . . . Lord we ask you to bless us all, that everything we do here tonight will move you to welcome us one day into your kingdom as good and faithful servants. We ask this in the name of our brother Jesus. Amen.” Slip op. 2-3.

Albeit perhaps an unexpected instance we can nevertheless recognize in this prayer a form of calculative (technological, productionist) thinking – *rechnendes Denken* – as Heidegger describes it: “We take [given conditions] into account with the calculated intention of their serving specific purposes. This calculation is the mark of all thinking that plans and investigates. Such thinking remains calculation even if it neither works with numbers nor uses an adding machine or computer.”²¹ In the language of this prayer there appears the age-old formula *do ut des* – the transactional basis of a rite calculated to incentivize God: “to do your work . . . that everything we do here tonight will move you to,” etc.

The Court situates the above-quoted specimen and indeed the entire tradition of legislative prayer in the means-ends structure which Heidegger calls *Bewandtnisganzheit*, the whole of involvements²²:

“The tradition reflected in *Marsh*²³ permits chaplains to ask their own God for blessings of peace, justice, and freedom that find appreciation

²⁰ As quoted in Michael E. Zimmerman, *Heidegger’s Confrontation with Modernity: Technology, Politics, Art* (1990) 166, 180. Zimmerman synthesizes into one account Heidegger’s several histories of productionist metaphysics.

²¹ Martin Heidegger, *Discourse on Thinking* (tr. John M. Anderson and E. Hans Freund 1966) 46.

²² “That in which [an entity within-the-world] is involved is the ‘towards-which’ of serviceability, and the ‘for-which’ of usability. . . . The primary ‘towards-which’ is a ‘for-the-sake-of-which.’ But the ‘for-the-sake-of’ always pertains to the being of that being which as its essence goes about its very being.” Martin Heidegger, *Being and Time* (tr. John Macquarrie and Edward Robinson 1962) 116-117 (translation modified).

among people of all faiths. That a prayer is given in the name of Jesus, Allah, or Jehovah, or that it makes passing reference to religious doctrines, does not remove it from that tradition. **These religious themes provide particular means to universal ends.**" Slip op. 15.

The Vedic shorthand for the content of this (ancient) tradition is *dadāmi te, dehi me*: 'I give (fealty, laud, orison) to you, give to me.'²⁴

Karl Barth, quite as well as Heidegger, knew calculative thinking when he saw it. Barth calls 'ungodly' the endeavor of such thinking to engage the divine:

"We suppose that we know what we are saying when we say 'God'. We **assign** to Him the highest place in our world: and in doing so we **place** Him fundamentally on one line with ourselves and with things. We assume that He *needs something*: and so we assume that we are able to **arrange** our relation to Him as we **arrange** our other relationships. We press ourselves into proximity with Him: and so, all unthinking, we **make Him nigh** unto ourselves. We allow ourselves an ordinary communication with Him, we permit ourselves to **reckon** with Him as though this were not extraordinary behavior on our part. We dare to deck ourselves out as

²³ *Marsh v. Chambers*, 463 U.S. 783 (1983); no First Amendment violation in Nebraska legislature's practice of opening its sessions with a prayer delivered by a chaplain paid from state funds.

²⁴ "The overwhelming majority of R̥gvedic hymns have as their major aim to praise the god(s) to whom the hymn is dedicated and to induce said god(s) to repay the praise with requested favors. . . . This praise of divine powers and deeds is not a disinterested act, for the aim is to persuade or constrain the gods to mobilize these same powers on behalf of their worshipers and to replicate their great deeds in the present for the benefit of these same worshipers. In the all-pervasive system of reciprocity and exchange that might be termed the dominant social ideology underlying the R̥gveda, praise of the gods requires requital: they must provide recompense for what they receive from those praising them. Worshipers are not shy about specifying what they want in exchange: the good things of this world—wealth, especially in livestock and gold, sons, and a long lifespan—and divine aid in defeating opponents, be they enemies in battle or rival sacrificers." Stephanie W. Jamison and Joel P. Brereton, *The R̥gveda: The Earliest Religious Poetry of India* (2014) Vol. I, p. 7. "The acts performed have the constraining force of a pact, at least that implicit kind of pact explored by Marcel Mauss in his *The Gift: Forms and Functions of Exchange in Archaic Societies* . . . and which is so well expressed in the traditional formula, *do ut des*: 'I give that you may give.' And in fact this notion of a divine 'trade' is no less essential to the Indian theory of sacrifice (Marcel Mauss has drawn attention to the importance of the formula *dadāmi te, dehi me*, 'I give to you, give to me!')." Georges Dumézil, *Mitra-Varuna: An Essay on Two Indo-European Representations of Sovereignty* (tr. Derek Coltman 1988) 62. "The same reciprocity relation as between poet and patron existed between poet and the gods. We have the same eulogistic model: a good hymn of praise, saying something wholly traditional in a new and interesting way, is the gift of the poet to the god. This gift then *obligates* that deity to bestow as counter-gift that which is prayed for: prosperity, fecundity, long life. Poetry and poets were not a 'frill' in Indo-European society but a necessity of life, a necessary condition for existence. The spoken word could produce a physical effect on the world, but only if properly formulated by the poet." Calvert Watkins, *How to Kill a Dragon: Aspects of Indo-European Poetics* (1995) 70.

His companions, patrons, advisers, and commissioners. We confound time with eternity. This is the *ungodliness* of our relation to God.”²⁵

“The principal audience for these invocations is the lawmakers themselves,” who in their meetings go about the task of office by assigning, placing, arranging, reckoning, disposing, etc. Of this phenomenon in general Heidegger writes: “Men and women must place themselves in a work service [*sich zu einem Arbeitdienst stellen*]. They are ordered [*bestellt*]. They are met by a positioning [*Stellen*] that places them [*das sie stellt*], i.e., commandeers them [*anfordert*]. One places [*stellt*] the other. He retains him. He positions [*stellt*] him. He requires [*fordert*] information and an accounting [*Rechenschaft*] from him. He challenges him forth [*Er fordert ihn heraus*].”²⁶ The ceremonial purpose of legislative prayer is to commandeer the divine and position it in the regime of orderable resource as backing, ground, warrant, legitimation for lawmakers’ actions.

And as instrumentality, as means; as the ultimate counter-party of a deal: “To do your work” so as to be compensated with “blessings of peace, justice, and freedom.” In setting their minds to a higher purpose and a higher power through prayer lawmakers set that purpose and power to work. “To place, position, set means here: to challenge forth, to demand, to compel toward self-positioning.”²⁷ Legislative prayer conscripts the divine; it requisitions God. “[R]equisitioning from the outset attacks everything that is: Nature and history, humans, and divinities; for an ill-advised theology today orders the results of modern atomic physics so as to secure with their help its proofs of the existence of God, then in so doing God is placed into the realm of the orderable [*in den Bezirk des Bestellbaren gestellt*].”²⁸ “Typical were invocations,” Justice Kennedy writes, “that asked the divinity to abide at the meeting and bestow blessings on the

²⁵ *The Epistle to the Romans* (tr. from the sixth ed. Edwyn C. Hoskyns 1933) 44 (bold emphasis mine).

²⁶ “Positionality” 26. Thus *das Ge-Stell* produces a characteristic soul. Michel Foucault: “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, 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.” *Discipline and Punish: The Birth of the Prison* (tr. Alan Sheridan 1977) 29. It is not enough that the *organon* be ensouled; it must be ensouled with a disposition responsive to disciplinary technology so as to “do its work when told to, or by foreseeing what to do” as Aristotle says of automata. *Politics* 1253b.

²⁷ “Positionality” 24.

²⁸ *Id.* 30.

community.”²⁹ As in Barth’s description: “Forgetting the awful gulf by which they are separated from Him, they enter upon a relation with Him which would be possible only if He were not God. They make Him a thing of this world, and set Him in the midst of other things.”³⁰ Once more in Heideggerese: “Positionality orders. It orders what is present through conscription. Positionality orders what is present into standing reserve.”³¹

“We are a religious people whose institutions presuppose a Supreme Being.” In other words ‘we the people’ continuously establish – position – a Supreme Being as ontologically prior to the existence of any Congress that might make a law “respecting an establishment of religion.” The jurisprudence of legislative prayer makes it plain that this *praesuppositum* is the God of metaphysics, ontotheology, ‘technicity,’ *Ge-Stell*; the All-Highest of ruling, ordering, placing, assigning, and setting to work; of hierarchy and status, the *dominus* of servants and field-hands; the counter-party of ultimate resort in the all-pervasive system of dealing. Legislative prayer functions so as to re-consecrate this *praesuppositum*, the foundation-stone of a constantly extendable hegemony,³² over and over again. From this vantage Church and State show up less as separate realms than as two aspects of the single phenomenon positionality, *das Ge-Stell*; “a very old technical interpretation of the world;” the rapture wherein Dasein takes all things in terms of itself for the sake of itself.

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²⁹ *Town of Greece v. Galloway*, slip op. 2. Cf. Jamison and Brereton on Vedic ritual sacrifice to which the gods are invited, places prepared for them to sit, refreshments offered to them, their chariot-horses unhitched and fed, etc. *The Rigveda*, Vol. I, 25-26. As if a cordial swap-meet. Though not for all comers. One universal end of religion is to signal differences. The *Rigveda* signals differences between Āryas, ‘the best,’ and Dasyus (*goyim, kuffār*). The Dasyu “is *akarmán* ‘of non-deeds,’ that is, he does not perform the sacrificial rites. He is *amantú* ‘of non-thought’ because he does not know the truths formulated in the Vedic hymns and therefore is unable to articulate these truths. He is *anyávrata*, one ‘whose commandments are other’ than the commandments of the gods. And he is *ámānuṣa* ‘no son of Manu’ and therefore one who does not belong to the Vedic peoples.” *Id.* 56. *Town of Greece* treats the signals of difference uttered in Christian prayer as *de minimis* so long as they are not openly aggressive. Justice Kagan dissents to this treatment: “That public proceeding becomes (whether intentionally or not) an instrument for dividing her from adherents to the community’s majority religion, and for altering the very nature of her relationship with her government.” *Town of Greece v. Galloway*, slip op. 7 (Kagan, J., dissenting). Cf. the signals of difference found unconstitutionally to exceed *Greece v. Galloway*’s “passing reference to religious doctrines” in *Lund v. Rowan County*, slip op. 30-31. The crux of *Rowan County* is ‘how much is too much?’

³⁰ *The Epistle to the Romans* 244.

³¹ “Positionality” 38.

³² “We can characterize the relation human being possesses to the world by referring to the extendability [*Vermehrbarkeit*] of everything that it relates to [*wozu sich der Mensch verhält*]. This is why we speak of human being as world-forming [*von der Weltbildung sprechen*].” *Fundamental Concepts of Metaphysics* 193.