

# ONE FOUCAULDIAN ANALYSIS OF ATHEISM AND THE NOTION OF SOVEREIGNTY

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## **Abstract**

The world trend of atheism and the general attack on religion has serious philosophical-legal and practical-political implications. This paper is an examination of the central notion in the law, Sovereign and Sovereignty from Foucauldian discourse analysis, focusing on power relationships in society as expressed in New Atheism movement. I try to understand how the notion of Sovereign is being shaped (or constructed) by new scientific language, which in turn reflects existing power relationships established from the relation of the science and politics.

The notion of the Sovereign and sovereignty, as Schmitt correctly concluded, is central to political theology and its denial and disappearance has significant implications. Today's domination of atheism has exactly that purpose – full delegitimization of this notion of Sovereign and sovereignty. Finally, the complete collapse of the relation with a transcendence from which the notion of sovereignty arises, is the ultimate goal of the New Atheism.

**Keywords:** *Sovereign, sovereignty, New Atheism movement, Foucault, discourse, science, episteme, God*

## **Introduction**

The ideas in this paper are a continuation of the research of the so called *New Atheism* movement. These ideas were originally presented in the paper “New atheism as a neoliberal imperial tool”, prepared for the 4th International Conference Social Change and the Global World organized by the Faculty of Law at the University "Goce Delcev" - Stip, and later in another paper in the “Yearbook” which is in preparation. In this paper, I will try to build on the ideas in those papers, but in this case more as a basis for

the general atheistic climate dominant in neoliberal ideology and the impact of such a climate on the central notion in legal science - Sovereign and Sovereignty. The atheistic culture, which is being promoted primarily through the New Atheism movement, has a serious impact on the notion of the Sovereign and Sovereignty in the legal science, and thus also in the practical legal and social sphere. The world trend of atheism and the general attack on religion has serious philosophical-legal and practical-political implications. In this paper we will try to analyze these implication in relation to the notion of the Sovereign and of the notion of Sovereignty derived from it.

In the papers previously devoted to this problem, I examined both the socio-political implications, and the philosophical constructions resulting from the spirit of the scientism that is especially nurtured by New Atheism. In this paper, I will dedicate myself to the legal-political notion of sovereignty, which I consider to be particularly important, and whose quiet disappearance was noted by Carl Schmitt. The notion of the Sovereign and sovereignty, as Schmitt correctly concluded, is central to political theology and its denial and disappearance has significant implications. Today's domination of atheism has exactly that purpose – full delegitimization of this notion of Sovereign and sovereignty. Finally, the complete collapse of the relation with a transcendence from which the notion of sovereignty arises, might be the ultimate goal of the New Atheism.

### **Atheism as a new scientific episteme**

Given that in the previous papers, which we mentioned above, we have already dealt with the more important ideas and views of New Atheism, we will not dwell long on these here, but we will single out only those general aspects of atheism which are useful for connecting with Foucault's ideas, specifically that the representatives of New Atheism have been trying to draw conclusions from the scientific analysis of the religious phenomenon, and then transfer them to the socio-political sphere. Today's atheism in general is rather encouraged by the progress and knowledge of science, encouraged so much that it makes the logically incorrect conclusion of causality between science and atheism.

The "scientific" analysis of the religious phenomenon gives them "the right" from the positions of empirical science: firstly - not only to explore the religious phenomenon in the reference system of empirical science, but secondly - even to confirm or deny the existence of God precisely with the means and methods of empirical science. In his book *“Breaking the Spell:*

*Religion as a Natural Phenomenon*“, Daniel Dennett attempts to do exactly that, to allow an empirical, scientific examination of religion which eventually will lead to denying of the existence of God. “The spell that I say must be broken is the taboo against a forthright, scientific, no-holds-barred investigation of religion as one natural phenomenon among many” (Dennett 2006: 17). The other representative of New Atheism, Richard Dawkins goes even further – he assumes that not only can God be explored with the tools of the empirical science, and that doubtlessly "this is a scientific issue", but that “one day we may know the answer, and meanwhile we can say something pretty strong about the probability.” (Dawkins 2006: 48).

But, although now one can know with more or less probability of God's existence, i.e. non-existence, they are behaving as if they have already proven with scientific, exact certainty that God does not exist. In essence, New Atheism devotes a great deal of time and energy to directly prove (to prove!?) - that God does not exist!?. This attempt is dual: either from a scientific point of view (of astrophysics, cosmogony, but also of biology and evolutionary sciences, in particular)<sup>1</sup>, to prove God as unnecessary, redundant; or to subject the arguments for God's existence to immanent critique, i.e. to directly refute them. In chapter four of his book *The God Delusion* - of course, cautiously titled "Why There Almost Certainly Is No God" (Dawkins 2006: 109) - Dawkins based his argument on the implications of the evolutionary science, and in doing so (let us shorten), the main thesis can be reduced to the "improbability" of the thesis of God's existence. He actually "reverses" the theological argument of the "improbability" of the existence of the natural world without the assumption of God's existence, into the counter-argument against God's existence as "improbability". God is a surplus in the equation, i.e. from the point of view of the evolutionary science arguments there is no need for the hypothesis of God. Dawkins argues the exact opposite of the theological argument - that in terms of science, the theory of evolution and physics, the existence of God is the "improbability". “Some natural phenomenon is too statistically improbable, too complex, too beautiful, and too awe-inspiring to have come into existence by chance. Design is the only alternative to chance that the authors (creationists – T.S.) can imagine. Therefore, the designer must have

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<sup>1</sup>Steven Hawking can also be listed here with his latest co-authorship book: Hawking, Stephen and Mlodinov, Leonard (2010) *The Grand Design*. New York: Bantam Books. It argues the same thesis as in the theory of evolution: from the aspect of physics this world is "self-sufficient", there is no need to introduce the "hypothesis of god."

done it. And science's answer to this faulty logic is also always the same. Design is not the only alternative to chance. Dawkins concludes that natural selection is a better alternative." (Dawkins 2006: 121). Evolution and the principle of "natural selection" is a sufficiently explanatory, elegant and powerful hypothesis (Dawkins 2006: 121), which, if accepted, throws out the hypothesis of God's existence as a ballast, as a problem, i.e. as a surplus, or, as Hitchens directly says: "we no longer have any need of a god to explain what is no longer mysterious" (Hitchens 2009: 34). What is important in our case is the fact that from such analyses they deduct political and social implications. Their attempt to derive atheism from the scientific interpretation of the religious phenomenon is biased at least, and then scientifically dubious, because it rests on the wrong assumption of theism as ignorance, from which they mistakenly conclude that atheism is the necessary result of knowledge. Thus, the socio-political implications that scientists from New Atheism derive from their scientific attitudes are more fundamentalist, if not even more than the most radical religious fundamentalism that they themselves criticize.<sup>2</sup> But, all of this produced an appropriate "episteme", using Foucault's dictionary, which essentially determines every discourse today that relates to the religious phenomenon.

### **The death of the Sovereign**

Due to the success of the natural sciences, this intervening of the science in the sphere of the social and the political, and in this case also in the religious, creates appropriate "discursive practices", as Foucault would say, that suppress the religious phenomenon. Finally, knowledge joins to power. Bearing in mind that, according to Foucault, the relationship between knowledge and power is constitutive for the political, it is clear in this case that we are witnessing an absolute instrumentalization of knowledge, which creates a "regime of truth"<sup>3</sup> (Foucault 1988: 30) in the field of the political, which sanctions any attempt to articulate any religious truth, or any religious attitude. The mode of truth of neo-liberalism in this case creates an anti-religious discourse, which together with the ideology of humanism coupled with capitalist logic, do not have the need for transcendence. In the end, the

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<sup>2</sup>For this argument in more detail, see our paper mentioned at the beginning, published in the proceedings of the above conference.

<sup>3</sup>The first time, Foucault discusses the concept of the "regime of truth" is in *Discipline and Punish*, where he speaks of the 19th century penal system and the emergence of a formation of knowledge, techniques, and 'scientific' discoveries that intertwine with practice of the power to punish.

power of scientific knowledge and the technological production of life, in turn, give birth to the age of biopolitics. In this post-political era control is complete and mainly corporeal. This is enabled precisely because of the accumulation of knowledge and its opposition to the religious phenomenon. Finally, it is knowledge versus ignorance, science versus religion. Religion must not only be completely rejected, but every relationship to transcendence must also be completely cut off; transcendence must be abolished.

This reaches its peak with the development and dominance of capitalism. The supremacy of "economism" as the dominant determinant of relations in society leads to the loss of the meaning of the political and its dissolution into the economic. Capitalism and the supremacy of economism in general as a principle, treats the entire society as a field of economic relations. Therefore, bio-power is needed for a full control of the life: "This bio-power was without question an indispensable element in the development of capitalism; the latter would not have been possible without the controlled insertion of bodies into the machinery of production and the adjustment of the phenomena of population to economic processes. But this was not all it required; it also needed the growth of both factors, their reinforcement as well as their availability and docility; it had to have methods of power capable of optimizing forces, aptitudes, and life in general without at the same time making them more difficult to govern." (Foucault 1990a: 157). That is why capitalism "needs" a healthy body, bodybuilding, healthy food, but also the management of life, birth, death, life span, disease, food, living conditions in general.

That is why politics is being depoliticized, and life is being economized. Finally, sovereignty and freedom have also died. In the era when knowledge dominates and through which power is exercised, the notion of the "sovereign" and "sovereignty" dies. "In order to conduct a concrete analysis of power relations, one would have to abandon the juridical notion of sovereignty," says Foucault (Foucault, 1997: 59); because the classical understanding of sovereignty relied precisely on this understanding of power as the exclusive right of the sovereign.

According to this classical understanding, the power is invisible, absolute and supreme. According to this model, power is exclusively "state property" and executed from top to bottom, based on the established "allowed-not allowed" distinction. God is the Sovereign, his power is not owed to anyone and in monarchies the king is his recognized representative on earth. The sovereign is the highest, legally independent and unelected

government - this is how we could define sovereignty. The nuances in the interpretations of the practical implementation of this understanding bear problems in the legal science. "The relationship between real power and the highest legislative power is the fundamental problem of the concept of sovereignty", according to Carl Schmitt (Schmitt 1993: 27). He defines sovereign as follows: "Sovereign is he who decides on the exception" (Schmitt 1993: 10). As we can see Schmitt defines the essence of sovereignty as the decision over what is an exception and decides the measures taken to eliminate such an exception. The state of exception is both the monopolistic domain of the sovereign and reveals the sovereign itself. But sovereignty, too, then, is also he who defines what's "the normal."

It is exactly this concept that Foucault challenges, when through his archeology, he determines that from XVII century onwards there have been new technologies of power which strongly differ from the sovereign's power typical of the state. The classic privilege of the sovereign was "the power of life and death" (Foucault 1990a: 136), unlike in biopolitics, the power to give life and let die. Liberalism in general, for Foucault, was not born from the idea of a political society based on a contractual relationship; liberalism is preoccupied with the technical form of governance. And in that sense, liberalism as biopolitics is not at all connected with the rule of law in the sense it was in the idea of a social contract and the idea of national sovereignty.

Finally, all of this today, instead of leading to ruling in that classical sense, leads to governmentality/manageability (Foucault, 2009)<sup>4</sup>, which is more about skills of management techniques, i.e. control. Foucault's concept of manageability refers to all aspects of governance in a society through knowledge; he analyzes governance and new techniques of governance such as statistics, medical examinations, police, social affairs ... that are regulated by means of numbers. Techniques for governing abolish *nomos*. There is no need for *nomos* any more, *nomos* does not exist, only spheres of interest. This is in the core of the idea of the governmentality.

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<sup>4</sup>The term governmentality (Fr. *Gouvernementalité*), is Foucault's neologism derived from the French *gouvernemental* by which he describes the specific way of administering the population in modern European history, but this concept also covers the techniques and procedures designed to regulate the behavior of individuals or the population of each, not only administrative or political level.

Though Foucault's analysis rarely discusses the attitude to the religious phenomenon in society,<sup>5</sup> I will try to use the concept of governmentality for an analysis of the religious phenomenon. Foucault finds this relationship of knowledge-power in various practices: psychopathology (*Madness and Civilization: A History of Insanity in the Age of Reason*), medicine (*The Birth of the Clinic*), prison practices (*Discipline and Punish*), sexuality (*The History of Sexuality*) and political economy (*The Birth of Biopolitics*), but nowhere does he address the topic of the religious phenomenon. But I think that the knowledge-power dispositive constitutes such practices in the sphere of religiosity as well, and bringing it under the techniques of management, instrumentalizing this phenomenon too by bringing it under the management techniques.

Simply, the religious sphere cannot remain unregulated, so it must be transferred into the sphere of political, public, and finally biopolitical; and as, for example, bio-power indicates that sexuality is not something that only applies to pleasure, but also to knowledge, so religiousness must also move from the exclusively intimate life, to the public, political, or more precisely, biopolitical, and regulated life. As sexuality passes from *ars erotica* to *scientia sexualis* (Foucault 1990a: 51), so too religion must turn from mysticism into a science, from the inexplicable into the explicable, to descend from the untouchable sphere of transcendence and to pass into the field of immanence. Finally, from a personal, mystical experience it must turn into an experimental frog for dissection. After all, as Hitchens confirmed us directly above, "We no longer have any need of a god to explain what is no longer mysterious" (Hitchens 2009: 34). There is nothing sacred any more, nothing mysterious.<sup>6</sup> I believe that with the attack on religiosity as the last instance of personal intimacy, which is obviously orchestrated today by the authorities in science, the power of the biopolitical is in its final stage.

All this must be seen precisely in the light of liberalism and capitalism, i.e. the economic logic as the dominant determinant of today's social relations, which does not tolerate irrationality and indeterminacy. And that is why, finally, the spirit had to become flesh and surely not in an "incarnational" sense, but rather in a secular political, the soul had to be turned into a body: the religious has to be turned into the political, since only religious phenomenon has not been demystified yet. Religious has to be

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<sup>5</sup>Probably understandable, given the fact that Foucault was a declared atheist.

<sup>6</sup> Although these are not necessarily the same thing.

demystified. Sexual satisfaction is completely demystified, brought under the techniques of manageability, so the faith remains the last shelter into which the public spotlights has not reached. The final clash with sovereignty is happening right through the battle with the religious, as it (the Sovereign) was primarily derived from the religious sphere. So, when the religious, with the tools of the science, is completely demystified, when it is thrown in to the field of the political, then it will be possible to intervene in it as in to a body, ergo, to control it.

Thus, through the religious sphere, the notion of the sovereign is destroyed completely and finally, and thus the power of economic relations is fully established. Why do I set this thesis? Capitalism, and the neo-liberal logic in general, can be equated in a certain sense to rationality; they are an expression of rationalism in its most operative variant. If we follow Schmitt and his definition of sovereignty as a state of exception, we will easily come to the conclusion. What is a miracle in religion, that is an exception in the theory of law (Schmitt 1993: 51), and the sovereign is based precisely on the right to decide on the condition of exception. Exception as the essence of the sovereign, according to Schmitt as well as Agamben (Agamben, 2005), is in that sense constitutive of the legal and social order, but in the new liberal and economized era, miracles must be thrown out, miracles must not exist. Rationalism does not tolerate exceptions, only rules. The exception violates the order and the system of each rationalistic scheme. And the religious phenomenon is based on an exception, an excess, a miracle. In that sense, the entry of the *hypostasis* in history is an exception, an event, a miracle, and it cannot be specified, classified, defined, and as such, controlled.

Therefore, in order for the capitalism to function impeccably, it must not only rationalize all relations in society, but even more, to throw out the irrational, i.e. surrational, emotional, willful, or throw these out precisely by rationalizing. It therefore requires the exclusion of the religious as being irrational, mystical, in fact, as not subject to control as it is. If, according to Foucault, the knowledge-power relationship is localized and acts primarily through the body, then what should be done in this case with the religious phenomenon is to "embody" the spirit, to transmit the religious onto the ground of the flesh where it can be "dissected" with the tools of science (knowledge) and controlled, i.e. to specify it under the relationship: knowledge-power.

The killing of God has one purpose, the final killing of the notion of sovereignty so as to obtain complete manageability and free practice of biopower. We have seen that today's management techniques require the abolition exactly of the notion of sovereignty that is actually the locus of the



political. Liberal logic is interested above all in the technical form of governance, and not at all in legitimizing of the political sovereignty. The biopolitical occurs precisely by "dissolving" so to speak, the sovereignty into the economic. This dissolution has been made possible by the increasing economization of social relations. This tendency, on which Foucault insists, was noticed by Carl Schmitt, whom Foucault probably owes much more in his theory than can be seen at first glance, or what Foucault admits. And the following lucid observation of the tendencies in society and politics by Schmitt, sounds like future Foucault with the ideas of manageability: "Today nothing is more modern than the onslaught against the political. American financiers, industrial technicians, Marxist socialists, and anarchic-syndicalist revolutionaries unite in demanding that the biased rule of politics over unbiased economic management be done away with. There must no longer be political problems, only organizational-technical and economic-sociological tasks. The kind of economic-technical thinking that prevails today is no longer capable of perceiving a political idea. The modern state seems to have actually become what Max Weber envisioned: a huge industrial plant" (Schmitt 1993: 89). Indeed, politics is dead, everything can be managed, we do not need legal procedures anymore, or in Foucault's words: "The new types of management are colonizing the legal procedures and destroying the legal system of sovereignty" (Foucault 2003: 55). In order to be manageable, the legal system founded on sovereignty must be destroyed at its base. And how else if not by destroying the transcendental condition of sovereignty - the transcendence of the sovereign. God must die. However, let me clarify this claim closely.

If we follow Schmitt, "all significant concepts of the modern theory of the state are secularized theological concepts." (Schmitt 1993: 51), we will see that development of political ideas were made according to metaphysical and theological doctrines. Both Foucault and Schmidt pinpoint the issues of sovereignty and their treatment throughout history. I will briefly summarize these thoughts. Until the XVII and XVIII centuries dominant political idea was of a single sovereign who drew his sovereignty from the theological idea of one God. The monarchist law identified the theistic God with the king who drew his sovereignty from there. With this, the ruler is God moved to the world.<sup>7</sup> The sovereign is a unique, singular and transcendent entity. But these elements slowly began to be lost in the concept of sovereignty, and

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<sup>7</sup>This is also a kind of an embodiment of the religious but in this case God still exists. God is not death yet, so the relation to the transcendence is still present.

slowly it (sovereignty) entered the field of immanence. Gradually, from theism, through deism to atheism, historically the sovereign increasingly dissolved and fragmented. From philosophical aspect, the Absolute is slowly introduced into the world and all concepts must arise from the immanence of objectivity. Finally, from the law, slowly from common will, to the will of the people, it was turned into the democratic public and the civil society. As Foucault would say, governance changed into supervision and regulation.

This is also affirmed by Schmitt when he claims that in today's age, "the concepts of transcendence will no longer be credible to most educated people who will settle for either a more or less clear immanence - pantheism or a positivist indifference toward any metaphysics" (Schmitt 1993: 70). That is why today's policy, Foucault would say, is actually biopolitics, which is a structurally different kind of realization of power, formerly concentrated in the sovereign. In today's politics, the state is not governed but managed, and therefore, as Foucault says "we have to abandon the model of Leviathan" [...] "We have to study power outside the model of Leviathan, outside the field delineated by juridical sovereignty and the institution of the State. We have to analyze it by beginning with the techniques and tactics of domination. (Foucault 2003: 34). The legal-political theory of sovereignty is dead, and now the source of the sovereign, God, must also be killed.

The transition from the sovereignty inherent in the medieval state to governmentality in modern state is obvious. Even the "notorious" Machiavelli's "*The Prince*" portrays power in its political form; despite extreme means, the main goal was still how to maintain sovereignty (Foucault 2003: 134). For Machiavelli, it is clear that the ruler stands totally apart in relation to the subject of his rule, he is a singularity and transcendence, which is not the case with the concept of governmentality which is plural and immanent, versus that transcendent singularity of the ruler - sovereign. The modern skill of governing (governmentality) does not require that transcendence. On the contrary, transcendence is an obstacle. Therefore, transcendence should be denied completely, everything needs to become immanence. In *Discipline and Punish*, Foucault analyzed how, through the practice of punishment, the soul of the delinquent was actually produced, by disciplining the body - can not the same analogy be made with faith and religion? In order to control, supervise, regulate and punish, even the last topos of transcendence must be destroyed: Faith and religion must become a body, so as to intervene in the soul through it.

In that sense, we can safely say that the last degree of biopolitics is the biopoliticalization of the religious, or rather, its economization and mercantilization through the exact sciences, its involvement in the field of

rational calculations and defeat on that terrain. If you accurately prove not only that religion is an evolutionary product, as Dawkins (and the rest of them in the *New Atheism* movement), tries to do but from scientific point of view unnecessary redundancy, and, even more so, if you prove God's non-existence<sup>8</sup>, then the principle of transcendence which is behind the concept of sovereignty, is forever dead. This is the last "micro-strategy" of power, the involvement of the religious in the field of power. As irrational, religion always slips out to power, in the sphere of transcendence power cannot do anything to it. By its rationalization, however, putting it under the scrutiny of the rational mind, the bipolarization of life is final, because the most intimate sphere of man - the relationship to transcendence - is finally brought into the public discourse and thus governmentality over it is made possible. The Sovereign is ruined in its last foundation, from which it originally arose - religion.

The destruction of the sovereign and the "colonization", as Foucault puts it, of legal procedures, means the introduction of the means of war as a political tool. If for Clausewitz the war was "a real political instrument, a continuation of political commerce, a carrying out of the same by other means" (Clausewitz 1951: 53), then for Foucault "politics is the continuation of war by other means" (Foucault 2003: 15). When the sovereign does not exist, the law does not exist, so you can intervene from any point on the globe without invoking international law. Wars against the Islamic world mean precisely that, disrespect of law, colonization of legal procedures and, finally, negation of the sovereignty of those states. Precisely because of such an episteme, which creates such a discourse, Sam Harris can freely state: "We are at war with Islam. It may not serve our immediate foreign policy objectives for our political leaders to openly acknowledge this fact, but it is unambiguously so. It is not merely that we are at war with an otherwise peaceful religion that has been "hijacked" by extremists. We are at war with precisely the vision of life that is prescribed to all Muslims in the Koran [...] A future in which Islam and the West do not stand on the brink of mutual annihilation is a future in which most Muslims have learned to ignore most of their canon, just as most Christians have learned to do. Such a transformation is by no means guaranteed to occur, however, given the tenets of Islam." (Harris 2005: 110). This is how far today's new, "scientific" atheism got - to a "scientifically substantiated" confirmation of war against Islam!?

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<sup>8</sup>Although it is really unclear how they will succeed in this!?

### **Conclusion**

The open attack on religion, especially on Islam by this movement called New Atheism, has indeed created a climate in which truth and knowledge are on the side of science, and everything that carries the scent of religion is suspicious from the aspect of that truth and that knowledge.

If in the *History of Sexuality* Foucault showed us how the truth is constructed through the truth of desire, perhaps in an unwritten *History of Religiosity* one could see how the truth is constructed through constructing the truth of faith. If sexuality is a phenomenon that was to be regulated and managed, placing it in the sphere of usefulness, then today this is definitely the phenomenon of religiosity that is so managed. If sexuality, as we have seen, with its instrumentalisation is no longer a "thing of pleasure," but a "thing of knowledge", then definitely, New Atheism, promoting an atheistic culture, does the same with religion. Finally, freedom must be destroyed in the root. And if we take into account that the freedom is not from this world, but that it is rooted in transcendence, then the blow against that transcendent root is also the final blow against freedom.

Therefore today, more than ever, philosophers are obliged not to remain silent. They must especially disagree with various beliefs of analytic philosophers that it is meaningless to speak beyond immanence. If I may paraphrase Wittgenstein, the limits of a language, however, are not limits of the whole world, there is something beyond language, even if we may or must only be silent about it. Since, unless the plan beyond language is not recognized in the sphere of the political, it will mean the end of the political. Because transcendence is actually the body of the political. In this sense, breaking up with transcendence means that the political is completely and exclusively immanent, and political speech and action should be fully and exclusively temporal. Thus, politics ceases to be a (revolutionary) activity of changing the world and it turns, as Foucault predicted, into a pure tool for managing, "governmentalizing" reality.

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