

The Representation of Sovereignty

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Starting a discussion on such an extensive and complex subject like sovereignty, we must immediately proceed with the execution of a series of arguments that may be described as “post-modern” rhetoric. The first and essential argument to dismantle is that of the so-called “crisis of modernity”, namely a rhetoric that insists on the decadent character of any theory on sovereignty. Certain rhetoric of globalization – notwithstanding some rare and worthy exceptions – has in fact imposed an interpretation of sovereignty as social control bound to well-marked territorial boundaries, which goes into crisis with the appearance of phenomena of economic and political interdependence that are now situated at a supranational, hence global level. The impossibility of the individual national States to exercise their power, legitimate or illegitimate, in their own territory seems to be marked by the daily bulletins of the stock exchanges on the world’s “main financial markets”.

We must urgently go back to the roots of a ‘classical’ theory of sovereignty, at least to clarify an important point regarding the relation between sovereignty and exception. We deem it necessary because the so-called *state of exception* that characterises, as we will see, a significant portion of theories on sovereignty, is comparable to a critical state, in which the elements of exceptionality seem insurmountable by the normal *governance* of a nonetheless excellent administration of the public affairs. In short, it’s a matter to clarify what is the link between Sovereignty and Crisis, on the clear assumption that, by founding a possible political interpretation of a theory on sovereignty on the exceptionality and not on the norm, the relation between the two terms appears indissoluble and constitutive. Modern sovereignty is not based on norm, but on exception. Its own crisis is one of its constitutive elements; it seems indeed the sole answer that, for not less than five hundred years, we can give to the inevitable decline of the idea of a single political form of the world.

Therefore, on one side sovereignty is based on the necessity to guarantee the citizens against the existential *insecuritas* that, for most scholars, originates from the collapse of the old order of the *res publica christiana*, and causes all possible declinations of that *fictio juris* known as *social contract*, in its absolutist variants, like in Hobbes, or liberal variants, like in Rousseau. The problem is: what is the template to which the system of guarantees is adjusted. If it refers to a ‘normal’ situation, it must necessarily be founded on the rule of law; if it is founded on the exception case, it must refer to a foundation that is situated somewhere else, usually to the autonomy of the very concept of “political”. Autonomy from what? Autonomy from rules, hence from the normality of the juridical administration of conflicts, inside or outside the State.

In the first case, according to Schnur, the emphasis on the Norm rests on the observation by which “the definition of sovereignty that emerges from the exception case hypothesis has the merit to have highlighted [...] an aspect of reality until then disregarded by the juridical attention. However, as it is conceived “at a single level”, it has no meaning in a situation of normality. But this last situation – to use a rather fitting expression by Schmitt – is not less interesting than the case of exception. In fact, the situation of normality means that the State ensures the maintenance of the general order, hence the order reigns under the State’s cover. Such order is organized in various

spheres of competence, which specify who is called from time to time to prevent the violation of the rules – violation perpetrated against the order itself. [...] Therefore, the thought that, by denying the equivalence of the two original methods, calls against the rule, finds its counterpart in the thought oriented around the rule. The latter intends to escape the exception case because it finds anything that eludes a rule instinctively unpleasant. Therefore, it finds refuge in statements such as: “we will never reach the exception case”, or “it is necessary to treat the exception just like a normal case.” (Schnur, 1963, p. 50-51). But, Schnur continues, there are contraindications in this guarantee and security system founded on rules, and more specifically the risk of paralysis. It is a thought that draws inspiration from a risky immobility, refusing to acknowledge what are the dangers that keep on returning, thus failing to fully understand the real value of order.” (ibid.). It is the mindset of those who believe, according to Schnur, that the greatest of the guarantees is not much in the ability of a political and legal system to adjust and respond to the ever-changing fate of human events, but rather in its immobility, that is, in its ability to “keep still” the endless metamorphosis to which every complex society is subject. The highest modern political expression of this approach is in that definition that Schmitt borrows from Donoso Cortes, where the Spanish philosopher talks of the Parliament as a “clasa discutidora”, that is a class suited only for delaying in the discussion the qualifying moment of the political element, which is the decision-making moment.

Recalling the critique to political modernity already moved by Schmitt in his early work *Political Romanticism*, Schnur too brings up the “occasionalistic” element, considered as a typical element of modern politics, but somehow overturning the critique against the very decision-making system of Schmitt. Schnur writes: “If any continuity (*Dauer*) of judgment criteria goes missing, then thinking needs to stop before the occasional datum, before what happens punctually in the single instant, while the decision taken on the grounds of the concrete case, instant by instant, has more value than the appeal to mere reason. The sense of impermanence is [...] present in every generation, but now it is radically characterising every aspect of the world image. Decisions are taken from time to time according to the *occasio*, abstracting from a direct relation with the rule, from a political or juridical “regularity.”. Decisions apply to short times: if the general situation changes, a new decision is necessary; however, the ultimate direction of the entire process remains hidden, devolved upon chance (*Zu-fall*). [...]” (Id., p. 53)

Hence the interpretation of politics as a fact oriented solely to decision, which thus implies a nearly endless chain of decisions that imply and require new decisions, without the presence, at least apparently, of a *regular* connective tissue that holds together the entire mechanism. This applies unless we discover another circumstance, which is the circumstance by which “the professed denial of the rule does not mean in any way denial of *every* rule. Indeed, if it is true that on one hand the resort to certain rules is denied, on the other hand we must acknowledge how in the decision there is a secret recourse to other rules, built according to the requirements of the concrete case.” (Id., p. 54). Therefore, also in the case of the most decisionist policy, there must be some restraining element, some form of *regular* integration of the acts of government, even in the form of a systematic denial of the rules; otherwise, the risk is the same that Löwith imputed to Schmitt, which is the risk of turning into metaphysical an abstract Decision that, on the contrary, represented the most concrete requirement of applied political government (Löwith, 1967). This content, even paradoxical, of the decisive element in politics comes to attention especially in relation to the works on romantic occasionalism (Cascione, 2003), but also as general mechanism of the norm/exception structure. Regarding such paradoxical statute of the relation between rule and exception in Carl Schmitt, Agamben says: «Here, it is important not to forget that, in the exception, what is excluded by the norm it is not for this reason without relation with the law; on the contrary, the latter remains related to the exception in the form of its self-suspension. The rule applies, so to speak, to the exception, by disengaging itself and withdrawing from it» (Agamben, 2000, p. 99). We better remember this paradoxical and indissoluble mechanism, because it will become recurrent also in the following pages.

“Let no man deceive you by any means, for unless there come a revolt first, and the man of sin be revealed, the son

of perdition, 4 Who opposeth, and is lifted up above all that is called God, or that is worshipped, so that he sitteth in the temple of God, shewing himself as if he were God. 5 Remember you not, that when I was yet with you, I told you these things? 6 And now you know what withholdeth (καί νῦν τό κατέχον οἶδατε, *quid detineat*), that he may be revealed in his time. 7 For the mystery of iniquity already worketh; only that he who now holdeth, do hold (ὁ κατέχον, *qui tenet*), until he be taken out of the way. 8 And then that wicked one shall be revealed whom the Lord Jesus shall kill with the spirit of his mouth... [παρουσία is the Judgment Day]" (Paul, *Thessalonians II*, 2, 3-8). This text from Paul is the focus of the use of the *katéchon* category, not only because of the text's suggestive character, but also because of its quite mysterious and esoteric content and style. Some recent contributions to the subject have provided an alluring and original interpretation, linking the *katéchon* subject to those, equally significant, of *double* and *biopolitics*. In particular, following a study on contemporary nihilism, a group of Italian scholars tried to include the entire issue related to Paul's text within a philosophical reading of the premises and results of this category. Esposito says that "the *katéchon* holds back the evil by containing it, keeping it, and detaining within itself. It faces it – but from its insides, hosting it and welcoming it up to the point to link its necessity to its presence. It confines it. It delays it, but without defeating it: in that case, it would also defeat itself. We may even say that the *katéchon* – its constitutive legal principle – fights the absence of law by engulfing it, in some way giving it form, rule, norm. The *katéchon* antinomically assigns a *nòmos* to the anomie, holding back its catastrophic deployment. But, by acting in such a way – which is the resulting consequence, which not only Schmitt, but the entire Christian apologetics of the early Centuries was aware of –, by delaying its explosions, it delays at the same time also the final victory of the principle of good. It does indeed prevent the triumph of evil, but it hinders with its same existence, also the divine *parousia*. Its function is positive, but negatively. The *katéchon* is exactly this: the positive of a negative. The antibody that protects the Christian body from every threat. By containing iniquity, it forbids its annihilation, it saves it from the ultimate battle – it nourishes it and it is nourished by it, like the body does with the antidote necessary to its own survival." (Esposito, 2002, p. 76-77).

Integration is the mechanism that Esposito would call "of immunisation", namely that mechanism through which "to escape the extreme risk of annihilation, life seems to integrate a fragment of that nothing that threatens it from the outside. Integrating in a preventive and partial way something of what denies it." (ibid.). The paradoxical movement, which naturally Esposito clearly identifies – as it was, after all, paradoxical also the movement of endless estrangement/approach between the individual and the community (Esposito, 1998) –, reveals its tragic essence: like the apocalyptic condemnation of the *katéchon's* inadequacy in performing its role, even in this case, integration as control turns out to be the problem of all problems. Again, Esposito indeed maintains that "rather than an intrinsic, full, absolute health, it is a situation of immunity that blocks evil by means of an insurmountable limit. This means that the negative – the prohibition, the ban, the law – is not simply the contrary of the affirmative, the expansive, the vital, but rather its very condition of existence." (Ibid.). Positive and negative are totally inseparable until the ultimate ending, that of the final judgment, which man cannot loosen, but only God can. Paul's figure is a perfect representation of this ambivalence that cannot decide, paralysed by integration, convinced that evil is only the reflection of the darkest side of our historic being, a side that is absolutely impossible to overcome. "Paul is perfectly inside the contradiction opened by Christ. He doesn't choose, he doesn't cut the knot that Christ himself has tied by incarnating: he's neither Peter nor John. He's the man of antinomy: he carries on his shoulders the tragic weight of the *two-in-one* and of the *neither one-nor the other*, in the form of an unresolvable *complexio oppositorum*." (Esposito, 2002, p. 73). On this Pauline aspect it is also very interesting Alain Badiou's point of view, who acknowledges this Pauline ability to keep together personal interest (the interest expressed many times by the scattered early Christian communities that would raise doubts on every detailed aspect of their ethical behaviour) with general interest (the interest in establishing a sole and visible *Ecclesia*). Badiou says, "Actually, the Pauline caesura regards the formal conditions and the inevitable consequences of a conscience-of-truth rooted in a pure event, which is independent of any objectivist subjection to the specific laws of a world or of a society, although concretely destined to enrol in a world and in a society. What must be specifically attributed to Paul is the fact that he maintained that there is loyalty to such event only by nullifying community interests and determining a subject-of-truth that makes no distinction between the One and the "for all". Therefore, the Pauline caesura is not founded on the production of a Universal, as it happens instead in the effective truth procedures (sciences, arts, politics, love).

But in a mythical element that is inexorably reduced to only one point, one statement (Christ has resuscitated), it regards the laws of universality in general.” (Badiou, 1997, p. 166). Therefore, Badiou cites just the *mythical* form as Pauline universalism, not as a result of historic or historicized elements, but of truly general elements, that mythical form that will be politically described as *complexio oppositorum*. This *complexio oppositorum*, which obviously recalls the philosophical places of young Carl Schmitt (Schmitt, 1918), must not be interpreted, as somebody maintains, like *nostalgia* of a golden age that in reality has never existed. In *Nomos der Erde*, Schmitt does not talk of the *res publica christiana* with futile and romantic melancholia, but he underlines the importance of going through different phases in order to fulfil the historic project that inevitably leads to the *anomia* first and the *parousia* later. The problem of the political form and of the historic decision cannot be compared to that of the destiny of man, and in this inadequacy of the politician stays the tragic character of political vicissitudes.

However, the very tragic and fated character that this kind of reconstruction imposes to the political element, creates the very necessity of politics and of its autonomy. Notwithstanding its inadequacy, the Pauline politics takes on its role and becomes history, like the Christ incarnates in history. Esposito writes, “Although Paul connects it to heaven and not to earth, he too establishes an order made to last in time, defer the end, and join its members in one sole body: “For even as we have many members in one body, and all the members don’t have the same function, 12:5 so we, who are many, are one body in Christ, and individually members one of another.” (Rm, 12.4-5). Paul’s analogy between individual body and body of Christianity takes us back to our main problem. Like Christ became *flesh* for us, so us, through the Church, take part in his *body*. The direction is from multiplicity to unit, from dispersion to identity: we were many, and diverse, and we have become a sole body.” (Esposito, 2002, p. 74). This process of accomplishment that is mystic and organicistic at the same time, finds its most perfect theorisation in the change of the late-medieval concept of *corpus mysticum Ecclesiae* into the concept that maintains *l’État c’est moi!*, just as Kantorowicz returns us the analysis of the *corporation* (Kantorowicz, 1957) as it will be considered in the baroque theories on sovereignty.

So, let’s recapitulate some of the subjects that we have outlined: 1) the problem of the integration of evil as a means to stop the advent of the Antichrist; 2) the problem of the duplicity of *qui tenet*, namely of the earthly power that by itself delays the aforesaid advent; 3) the paradoxical nature of the *katéchon*, which pursues good through evil and, by slowing down the nullification mechanism, it also delays that of salvation; 4) and last, the immunisation mechanism that Esposito reads in these words of Paul’s, helped in his reading by the organicistic and corporal metaphor that we have previously discussed.

Notwithstanding the apparent similarities, however, the basic framework is not the same. Esposito’s reading is under certain aspects similar to that of Vincenzo Vitiello, as it rests on a series of assumptions that could not be other than the extension of a supposed paradigm (that of the conceptual pair “community/immunity”), which is valid only within a certain chronological period (modernity and beyond) and semantic context (a structure of the problems formulated in Paul’s text that is secularized for good). In this direction, Paul’s letter to the Thessalonians is read here similarly to that to the Romans, and it seems a letter with a ‘political’ rather than Eucharistic content. In fact, the force that holds, that prevents nihilism from reaching its historic completion immediately, is the Roman Empire, more or less hypostatized in its exponent in the most unsettling time, that Nero that will send Paul to martyrdom. Even the late epigones of the Imperial Age – which we will treat in detail in another section of this study – can be related to this interpretation, if it is true, as Esposito says, that to Carl Schmitt even the interpreters of the *jus publicum europaeum* thought of themselves as a “power *qui tenet*: Carl Schmitt calls a paragraph of *Nomos* “The Christian empire as restraining force” (*Das christliche Reich als Aufhalter*), hinting just at the bulwark role taken by the *katéchon* at the time of the *respublica christiana*.” (Esposito, 2002, p. 76-77).

The *katéchon*’s totally negative character is once more reaffirmed by Agamben. “But the fact is that Paul’s text, notwithstanding its obscurity, does not contain any positive evaluation of the *katéchon*. On the contrary, it is what must be removed for the “mystery of *anomia* to be revealed.” (Agamben, 2000, p. 104). This is the reason why the figure of the *katéchon* and that of the Antichrist (who restrains and who’s restrained) are not only two sides of the same coin (as if they were indistinguishable phenomena), but *they are the same thing*. Although the stages are

different, as we have pointed out, these two phenomena differentiate only because they are two stages of a providential process that must be accomplished through them. “Then, it is possible that *katéchon* and *anomós* [...] are not two distinct figures, but define a sole power, before and after the final revelation. The profane power – Roman Empire or other – is the guise that covers the substantial anomie of the Messianic time.” (ibid.).

But the *katéchon* would refer not much – or not only – to the Roman Empire or Nero but, in accordance with Augustine’s words in *De Civitate Dei* (XX, 19), it would allude to the possible degeneration of the *Ecclesia* itself that could be, through a behaviour not conforming to the precepts dictated by Christ, the ‘impure’ (meaning *secular*) element that restrains, but cannot save the world from the impending anomic ruin. In fact, on this point we agree with Vitiello’s observation, according to which “when we read in the place cited by *Civitate Dei* [Augustin, *De Civitate Dei*, XX, 19], that Paul’s words “only that he who now holdeth he be taken out of the way” can be interpreted as follows: “only that he who now commandeth he be taken out of the way”, we do not identify “he who now commandeth” with the Roman Empire, or even more restrictively, with Nero [M. Heidegger, *Phenomenology of Religious Life*, comment to Paul’s second epistle to the Thessalonians]. If the Antichrist is this, the exemplary figure of the tyrant, then the *katéchon* is the people of “the wicked and the hypocrite” who nestle within the Church itself – as Augustin warns, interpreting Paul’s words like those of John the Evangelist. *Ho katéchon*, *tò katéchon* is wickedness itself, *ho ànomos*, at its extreme degree: since, certainly, that or those who conceal wickedness, make it even harder to fight it. And what conceals wickedness more and better than the doctrine that maintains that the power of the State, of the Law, rests on divine foundations?” (Vitiello, 2000, p. 227).

Certainly, Paul’s passage remains one of the most mysterious of the New Testament, and all exegetes agree on this, including Augustin. So, the question is the following: what if the distinctive trait of this passage to the Thessalonians is right in its mysterious character? If a possible faithful reading of it could be possible only within an esoteric and fully prophetic scope? Far from being extravagant, we find the attempt to return the Pauline passage to its most natural bed, the prophetic one indeed, the most respondent also to the context in which it is written. In fact, we must not forget that the epistle to the Thessalonians was written to reassure the eastern followers of that region on the fact that the *parousia* was about to come, that what constitutes the matter of revelation, the prophecy, will be inevitably accomplished. It is only essential that some conditions be historically determined. In this sense, the divine plan behind this matter must not be interpreted as a historic plot that responds to political, therefore rational criteria, but like an unfathomable plan that beyond its apparent contradictory nature, must be accomplished and accepted under the prophetic aspect.

However, we do not even want to resort to a reading also important, but with a clear ‘protestant’ mark either, which would just remark the pre-destinal character of salvation. This curvature is typical of Dietrich Bonhoeffer’s reading, who maintains that “the responsible and historic action requires ignoring in the last resort the good and the evil in us and relying on grace. The one who acts following an ideology finds his justification in the idea; the one who acts responsibly remits his actions in the hands of God and lives of God’s grace and benevolence.” (Bonhoeffer, 1992, p. 197).

Hence, grace is predestination, a divine project that is unfathomable and independent of a *nomos* that yet God himself gave us, gave to the Christians through the coming of His Son. On the contrary, it seems that the Pauline ethics tries to convince us to act according to the divine rule, precisely to obtain what the Christian longs for more than anything else, salvation. When the *parousia* will be accomplished, those saved will sit at the right hand of the Lord but, most of all, will be judged according to the conformity of their actions to the divine commandments, which they know and which perfectly explain the meaning of good and evil. Especially in Paul.

Moreover, as Vitiello remarks, Bonhoeffer “turns to positive what in Paul’s is negative and evil: *tò katéchon* is to him the force of order, provided with great physical power, that stops those who are about to jump into the abyss.”. In fact, Bonhoeffer on this issue says “the restrainer” is the power that acts within history, moved by the supreme governance of God on the world to put a limit to evil. “The restrainer” is not God and is not free from guilt, but God

uses it to preserve the world from ruin. The place where God's miracle is announced is the *Church*. "The restrainer" is the force that maintains the State's order. Although essentially different from one another, Church and State get close and join forces before the threat of chaos, while the hatred of the destroying powers associate them, striking them as mortal enemies." (Bonhoeffer, 1992, p. 91).

We do have doubts on this too. It actually seems that Paul condemns in the same way both the Antichrist with his annihilating actions, and the restrainer (*qui tenet*): they are both destined to be swept away by the devastating action of eternity breaking into history, namely the *parrouisia*. We have already said that: *few people will be saved*, only those who managed to resist the temptations that the whole history causes Christians to endure. On this, see John's *Apocalypse*.

In the light of the above, whoever removes the prophetic and revealing nature of Paul's text, risks not to fully understand it and to perform an operation that, through the secularised look of modernity, withers the spiritual source of apostolic inspiration. We are not talking here of a fideistic reading, but we must at least acknowledge that the secularistic caesura of modernity is still very far from being accomplished (it would take another 1,400 years, more or less) and that the reasons of this discussion fall within the eschatological and soteriological scope typical of early Christianity, that of the martyrs and of the wait for an immediate *parrouisia*.

This interpretation seems easier if it is given together with the reading of a literature that we consider very close to this epistle of Paul's, namely the apocalyptic literature, both evangelic and apocryphal. This Pauline passage contains many subjects that will be typical of the revealing and prophetic configuration of the Christian apocalypse: Apocalypse means indeed "revelation of what is about to occur". Moreover, "what is about to occur", the prophecy mentioned both in Paul's letter and in John's Apocalypse (or in other apocryphal Apocalypses), regards the same circumstance, the same event, that is Judgement Day.

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