Agency and Theology in the Construction and Critique of the Modern State

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Introduction

Remarking upon the seemingly unbreakable cycle between the various forms of government that characterize the modern era, where power and agency are exchanged and reexchanged between the opposite poles of momentary anarchy and prolonged despotism or oligarchy, the eighteenth-century French Enlightenment philosopher Denis Diderot offers the following analysis:

Under despotism the people, embittered by their lengthy sorrows, will miss no opportunity to reappropriate their rights. But since there is neither goal nor plan, slavery relapses in an instant into anarchy. Within the heart of this general tumult there can be heard but one cry: "Freedom!" But how can this valuable thing be secured? Nobody knows. And soon the people are divided into various factions, eaten up with contradictory interests... After a short while there are only two factions within the state; they distinguish themselves by two names, under which all necessarily have to include themselves: "Royalist" and "Antiroyalist." This is the moment of violent commotion. The moment of plotting and conspiracy... In this, royalism serves as a subterfuge as much as antiroyalism. Both are masks for ambition and covetousness. The nation now is merely an entity dependent upon a collection of criminals and corrupt persons. In this situation only one man and a suitable moment are needed for an entirely unexpected result to emerge. If the moment comes, the man emerges... He speaks to the people, who until this moment believe themselves all: You are nothing. And they say: We are nothing. And he speaks to them: I am the Lord. And they speak as if out of one mouth: You are the Lord. And he says to them: Here are the conditions according to which I am prepared to subject you. And they say: We accept them... What will succeed this revolution? No one knows.¹

Diderot's sobering commentary here raises a number of questions concerning the governance of the modern state, questions that have attracted the attention of countless political theorists and philosophers, and that, over two hundred years after

Diderot’s time, have yet to be answered: how are we, as citizens of the modern state, to break from this cycle? What is the proper source of agency in the governance of the state? Is political stability possible within a democracy? Are we inevitably drawn back to the model of the divine prince as a means of unifying the state, a model of despotism that theorists like Giorgio Agamben believe most characterizes the modern state today, in spite of the loss of personal agency this entails, and then, inevitably, back to anarchy again?

Within the following analysis, I will explore these questions by examining how they are answered, or not answered, by some of the most renowned and influential political theorists and philosophers of the “modern age.” My argument will largely focus on the debate concerning the proper site of agency in the governance of the state. It is my assertion that wherever this site is deemed to be, whether within the mind and body of the fully liberated anarchist or the singular will of the divine prince, it has, perhaps unsurprisingly, characteristically corresponded to where the majority of theorists also “find their God.”

Borrowing a term from contemporary anthropologist Webb Keane, I will discuss how the “semiotic ideologies” of these theorists help to inform their choices for and against the proper site of agency concerning the rule of the modern state. As Keane defines it, a semiotic ideology consists of a set of assumptions that determine the proper use of signs within social discourse. In other words, a semiotic ideology delineates a set of imperatives concerning what things and words can and cannot do (or should and should not do) according to the cosmological understanding of the individual. Obviously, then, one’s semiotic ideology is something that has a significant impact on one’s conceptions of agency and where it should and should not be allowed to flourish.

Within his book, Christian Moderns, Keane describes a clash of semiotic ideologies between Catholics and Protestants, formally beginning with the Protestant Reformation and continuing into the present, which is extremely informative for our purposes here. In the case of Catholics, we find a semiotic ideology that allows for the enhanced agency of the Pope in matters such as granting indulgences, for priests in blessings, exorcisms, and the granting of efficacy to the Eucharist, and for saints in their ability to influence the lives of worshippers in a variety of ways. Many Protestants, on the other hand, especially the Calvinist strain that Keane focuses on, see such practices as fraudulent attempts toward the willful

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2 The conception of the modern state, as it appears in this essay, refers to the originally Western phenomenon, beginning especially through the work of British theorists Thomas Hobbes and John Locke, which entails the highly centralized political and economic control of a well-defined territory as well as a monopoly and legitimatization of “rational,” legal violence through this central authority, as discussed by Max Weber. More specifically, this essay is largely concerned with the construction of the democratic state and the issues that various theorists have taken with democracy in particular.

3 This label is heavily problematized and historicized by a number of theorists, including Reinhart Kosselleck, Hans Blumenberg, and others.

4 A standard definition of agency consists of the ability to exert power, as well as the state of doing so.


6 Ibid., 50.
usurpation of the power of God.\textsuperscript{7} In other words, not only do they see such acts as depending upon improper sources of agency (Pope, priest, saint, etc.), but also they take a moral stance in their denial of the Catholic semiotic ideology.\textsuperscript{8} According to this quintessential Protestant semiotic ideology, the proper source of agency belongs to humanity and God alone.\textsuperscript{9} The individual, then, is seen as the only proper site for agency on earth, and it becomes the moral imperative of this semiotic ideology to maximize personal agency as much as possible. It is this imperative, according to Keane, that drives the "purification" efforts of the colonial and postcolonial ages, wherein the conversion of the global community to this semiotic ideology is seen as the moral obligation of the modern state.\textsuperscript{10}

In this paper, I will argue that the phenomenon of the modern state betrays a confusion concerning the actual source of agency and what is seen as the proper source of agency in its governance and that this confusion reflects the fact that agency is, in spite of its claims, shared between a variety of sources. Furthermore, it is my contention that this state of affairs is viewed inherently as anathema to the semiotic ideologies that correspond to both the Protestant strain, where personal agency is maximized, as well as to the Catholic strain, where the inflated agency of the ruler is accepted and even glorified as a necessity. I will also show how the concept of the religious applies to these ideologies, wherein the perceived place of proper agency is often assigned a theological legitimacy, or is at least described in religious terms.

As I discuss the various theorists in my argument, the concept of the proper site of agency, then, will be the guiding principle of analysis. I will begin my essay with a discussion of how the dominant semiotic ideology of secular liberalism has been constructed within the modern secular state, focusing on the works of Thomas Hobbes, John Locke, Immanuel Kant, and the French historian Jules Michelet. I will then include a discussion of the advent of the modern state itself, as well as its claims of maximizing personal agency, and will follow this with an analysis of the commentaries of theorists such as Talal Asad, Reinhart Koselleck, Wendy Brown, and Hans Blumenberg, who have seriously problematized these claims. Moving on from this foundation, I will then describe the arguments of those who propose solutions to the problem of agency in the modern state, based around an opposition delineated by their respective semiotic ideologies.\textsuperscript{11}

\textsuperscript{7} Ibid.
\textsuperscript{8} Ibid.
\textsuperscript{9} It should be noted that as I refer to Protestantism in this essay, I am referring to denominational forms similar to Calvinism and unlike Pentecostalism and other charismatic sects that do allow for the agency of material objects, such as words.
\textsuperscript{10} In terms of the following argument, it is not necessary to prove whether or not the views of the following theorists are inherited directly from Catholicism or Protestantism, even though there are some very strong arguments that they are. For my argument, the importance of the above discussion of semiotic ideologies rests on the fact that they can be used to aptly describe the views concerning the proper sites of agency for these theorists, as well as the moral claims within their theories.

\textsuperscript{11} This simplistic positing of a polar distinction between these theorists is, of course, somewhat artificial. For the purposes of this paper, however, I have found it useful to treat them as such. Some examples that betray a more complicated relationship between these theorists include the fact that some critics have identified what they believe to be a valorization of fascism in Benjamin’s formulation of "divine law," as well as the fact that Agamben relies heavily upon Schmitt’s own conceptions of the political and juridical in his analyses.
On one side of this opposition, I will posit the views of Claude Lefort and, especially, Carl Schmitt, as supporting a semiotic ideology wherein agency must reside within the singular sovereign in order for the state to maintain its integrity. On the other side, I will discuss primarily the views of Walter Benjamin and Giorgio Agamben, as advocates of a semiotic ideology that asserts that the only proper site for agency is within the personal sphere. These differences aside, I will also show how both sides of this debate utilize theological terms and tropes in order to legitimize their arguments, wedding the force of the religious to their claims as a means of rhetorical empowerment.

The Advent of the Modern State and the Birth of Freedom

Within Reinhart Koselleck's book, *Critique and Crisis*, and John Locke's "A Letter Concerning Toleration," we are witness to a brief history of the birth of certain conceptions of personal agency as they would come to form in the modern state, depicted through the political models of seventeenth-century philosophers John Locke and Thomas Hobbes. Beginning with Hobbes, his understanding of the proper source of agency was that it should unequivocally rest within the state. His stern semiotic ideology, which called for the absolute minimization of personal agency at all costs, although still infused with a strong sense of morality, cannot be understood without some historical context. According to Koselleck, "Hobbes' doctrine of the State grew out of the historical situation of civil war. For Hobbes, who had experienced the formation of the Absolutist State in France, having been there when Henri IV was assassinated, and again when La Rochelle surrendered to the troops of Richelieu—for Hobbes, there could be no other goal than to prevent the civil war he saw impending in England. . . ."

Hobbes' solution to the problem of staving off civil war, then, was that agency should be reserved for the state alone and that citizens of the state, having made a contractual agreement to devote their loyalty to it in return for physical security, were to bow to the state in every instance and to keep all personal opinion to themselves.

Morality, then, for Hobbes, is to recognize the moral imperative to align one's own opinions with those of the state, if for no other reason than to guarantee its security and to stave off civil strife. In spite of this unyielding view of agency, however, the seeds of the semiotic ideology of the Enlightenment that had been sown during the Reformation continued to flourish even in Hobbes' model, due to the fact that the contractual agreement made by the citizen, whereupon the citizen was to forfeit their rights to the state, was based upon their rational understanding that such a contract was in their own best interests. Divorced from the historical context of civil war, however, such reasoning had little effect and the birth of the modern liberal state seemed inevitable. As Koselleck explains, "for Hobbes, man's rationally derived destiny of rational self-emancipation could not be his historical destiny simply because Hobbes had experienced history as the history of civil wars. Not until the State had suppressed and neutralized religious conflict could progressive reason unfold in the newly vacated space."

Echoing the words of Diderot made at the beginning of this paper, although about a century earlier, to Hobbes, according to Koselleck, "history was a continuous alternation from civil..."  

13 Ibid., 34
war to the State and from the State to
civil war." And for Hobbes, the solution
to this revolution was to submit to
despotism, yet refrain from embitterment
due to fear of civil strife. This fear,
however, would soon be outweighed
again by the will to freedom.

It would not be long before the power
of private opinion and censure, which
had previously been denigrated by
Hobbes as the greatest cause of civil
war and strife, was encouraged to
increase again and to become a power
in its own right. For the Enlightenment
philosopher John Locke, this was largely
to be embodied by the considerable,
albeit indirect, power of the amassed
body of private sentiment as a whole.
For Locke, the immense variation of
public opinion was not a danger, as
Hobbes understood it, but a necessary
and inevitable part of the human animal
in general, something that, from the
standpoint of governance, must be dealt
with no matter what. Even more
significant than this indirect power,
however, was that Locke's model went
as far as to advocate a burgeoning form
of civil disobedience concerning certain
forms of religious oppression. For
example, he explicitly stated in his work,
*A Letter Concerning Toleration*, that "if
the law, indeed, be concerning things
that lie not within the verge of the
magistrate's authority (as for example,
that the people, or any party amongst
them, should be compelled to embrace
a strange religion, and join in the
worship and ceremonies of another
Church) men are not in these cases
obliged by that law, against their
consciences." In this way, we can see
that, in Locke's model, the power of the
realm of private opinion took a more
direct manifestation, which was
accompanied by a burgeoning sense of
agency for the individual, in the form of
civil disobedience in cases where the
state was understood as overstepping
its boundaries. Although Hobbes' model
of the state did allow for the exercise of
personal agency on the most basic
level, as we find in statements
throughout his seminal *Leviathan*
wherein he asserts that no law is to
force an individual to disregard his own
physical safety, Locke goes
considerably further than this in allowing
for opposition to the state concerning
matters of religious practice. Locke's
justification for this was that the
authority of God stands above the
authority of the state and that the health
of one's eternal soul is more important
than one's corporeal health. Civil
disobedience in matters where one is
faced with the order to violate one's own
conscience is clearly justified in this
light.

One of the most salient issues raised
by Locke's theories of the state, for my
argument here at least, was the integral
role that religion played in the growth of
personal agency. It was because people
were understood to have had a personal
right to pursue spiritual salvation that
they were afforded the ability to act out
against the state if this right was
violated. And it was because one's
immaterial soul was considered to be
more important than one's material body
that one was imbued with a sense of
agency that, when it clashed with the
agency of the state head on,
transcended the latter. And so, as will
be seen as a common theme for many
theorists, it is this theological element
that gave legitimacy to the concept of
agency in Locke's model, wherein
personal agency was to take
precedence over the state in the issue
that, for Locke, mattered most.

Not long after Locke's time, in the
mid-eighteenth century, the perception
of an inseparable link between personal

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14 Ibid.
agency and theology was made perhaps even more explicitly in the writings of Enlightenment philosopher Immanuel Kant. In his work, *Religion Within the Limits of Reason Alone*, Kant advocates a semiotic ideology that is quintessentially Protestant when he explains that only Christianity could be considered a truly moral religion precisely because it required agency on the part of the practitioner. According to Kant, "in the moral religion (and of all the public religions which have ever existed, the Christian alone is moral) it is a basic principle that each must do as much as lies in his power to become a better man, and that only when he has not buried his inborn talent (Luke XIX, 12-16) but has made use of his original predisposition to do good in order to become a better man, can he hope that what is not within his power will be supplied through cooperation from above." For Kant, because all other religions promise agency beyond the personal sphere, they are to be seen as "mere worship" and are classified simply as "endeavors to win favor" of God in such a way that requires no effort on the part of the individual. According to Kant, such religions are inimical to personal growth as their reliance on agency outside of the self is not only foolhardy, it is damaging in that it encourages a delusional state of mind.

It is easy to identify a similar semiotic ideology between Kant and Locke, wherein the development of personal agency is seen as a necessary prerequisite for one to live a proper spiritual and moral life. By the time of Kant's death in 1804, however, both the American and French revolutions had taken place and these theories, which mutually reflected both a Protestant and Enlightenment view of enhanced personal agency, had politically reached their logical conclusions. Like the Enlightenment philosophers before them, the leaders of the newly formed modern democratic states would emphasize personal liberty above all else. No longer was there to be agency for King, Church, or priest within the public sphere, as religious groups were to be assembled solely on a volunteer basis and political power was to be wielded by the collective will of the populace. Whereas previous generations had found comfort in the security and unity of the Absolutist state, where the state's opinion was seen as the only relevant opinion, the fear of civil war that had undergirded this system now had become a distant memory. Instead, the merits of the theologically justified semiotic ideology that had informed the Reformation now had become the foundational values of proper citizenship.

As Claude Lefort recounts the writings of nineteenth-century French historian Jules Michelet in his work, *The French Revolution*, Michelet reflects the modernist, Protestant view of agency when he "completely divorces right and justice from the name of the king and the priest who are now seen as concealing them in order to stifle them." He also explicitly refers to the new political order in theological terms when he states that, "the moral world found its
Word in Christ... and France will explain the Word to the social world."\(^{19}\) Clearly, here is an example of a theorist who finds his God in the very same place as his conception of the proper site of agency. Michelet expresses this classic Protestant semiotic ideology even more explicitly, and again in clear theological terms, when he states that in the past, "a human God, a God made of flesh, was required to unite Church and State. Humanity was still weak, and placed its union under the sign, the visible sign, of a man, an individual. From now on, unity will be purer, and will be freed from this material condition; it will lie in the union of hearts in the community of the spirit, in the profound marriage of feeling that joins each to all."\(^{20}\) Although Michelet was a historian and did not participate in the French revolution directly, he was, as Lefort points out, alive when it was still a very recent memory. His sentiments here, sentiments that make clear claims about what does and does not consist of a proper site for agency, envision a modern state with a legitimacy that is at once based on theological claims and a semiotic ideology where personal sovereignty is held as the underlying, and ultimately divine, principle of governance. Again, we see another example where religion and notions of legitimate agency share the same space.

**The Failure of Freedom**

Although the battle for the modern state was certainly hard fought and seemingly based on good intentions, especially concerning notions of the political liberation of the individual, there are many theorists who believe that, if such liberty was ever actually enjoyed at such a level, it certainly no longer exists as such. For example, according to anthropologist Talal Asad, the idea that the modern state is a direct access society, where all citizens are able to influence the government both equally and effectively, is now nothing more than a myth aimed at legitimizing and masking what is actually a deeply corrupted system of government. This form of government, as Asad depicts it, seems highly reminiscent of Diderot's description of the two party system that exists before the populace becomes highly dissatisfied and the state returns again to a totalitarian form of sovereignty. As Asad explains, the idea that the state actually depends to some degree on the self-enforcement of the populace and upon public participation is simply part of the "statecraft" of the modern state, where such notions are used "as elements of political strategy."\(^{21}\) Instead of being located within the individual, real political agency is now, according to Asad, largely wielded by pressure groups and lobbyists whose influence on the government is "more often than not far greater than is warranted by the proportion of the electorate whose interests they directly promote."\(^{22}\) Furthermore, as Asad explains, the political sentiment of the public is largely mediated by a corrupt and increasingly conglomerate-owned and state supported mass media while the government itself is able to stay ahead of public censure by its ability to stay informed with the help of public opinion polls.\(^{23}\) So, as Asad sees it, enhanced personal agency in the modern state has largely become no more than a myth that functions most effectively in its

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20 Ibid., 174.  
22 Ibid., 4.  
23 Ibid.
ability to play into the semiotic ideology of the citizens who believe in it.

Aside from these harsh critiques of the modern state and its claims of popular sovereignty, a number of theorists have questioned the viability of the modern state's promise of enhanced agency on even more fundamental levels. Hans Blumenberg, for example, gives a damning account of the sense of progress that is so fundamental to modernity. In terms of the concept of the process of secularization as a transformation of religious concepts, as argued by theorists such as Carl Schmitt, Blumenberg is not interested in the idea of secularization as a process of substantial transformation but as a "reoccupation" of inherited theological questions in the modern world. What this means for Blumenberg is that, if secularization does exist, it exists in the form of the carrying over of fundamental questions, questions which are not universal but are culturally mediated, when one cultural system is suddenly forced to give way to another. The carrying over of questions that he describes refers to the fact that the conceptual framework of an era, even after having endured a seemingly fundamental change in perspective, is defined by the conceptual framework that preceded it. Thus, when the premodern, religious conceptions of time gave way to modern, progressive time, one result was that the modern world was forced to answer to the concept of the infinite spiritual progress that would come with the End of Days, but had to reinterpret it in worldly terms. This meant that worldly progress itself had to be infinite, the plausibility of which had been heralded by philosophers such as Rene Descartes, but, as Blumenberg explains, this task was something that modern philosophy could not logically accomplish, and the overextension of reason demanded by these questions had had its consequences in the harsh disappointment caused by the failure of the ideal of infinite progress.

In addition to these critiques of modernity, which, if taken seriously, cast a serious doubt over the modern secular state's claims of advancing personal agency, many critics have identified further a hegemonic aspect in the modern discourse of personal liberation in the form of the project of "purification." This term, attributed to Bruno Latour, refers to the modernist agenda of converting, sometimes forcibly, other peoples to the modern, Protestant informed semiotic ideology that has been the subject of this essay. Examples of purification are numerous, especially throughout the colonial period, and continue even to this day, such as in the example of the modern secular world's conflict with Islam. As Asad explains, secularism can perhaps best be understood as a project, a project that aims at the claims of the ideal presentation of modernity, regardless of how far it comes from reaching such goals. In his own words, "liberal politics is based on cultural consensus and aims at human progress. It is the product of rational discourse as well as its precondition. It must dominate the unredeemed world—if not by reason then, alas, by force—in order to survive." In the case of Islam, for example, those who share the semiotic ideology of the modern world often view Muslims as having limited agency in that they are depicted as blindly following the words of the Qur'an

25 Ibid., 86.
27 Asad, Formations of the Secular, 13.
28 Ibid., 61.
and are therefore seen as in need of liberation. And as Webb Keane has demonstrated, any culture whose views of agency are seen as different are understood as anachronistic and enslaved by ignorant superstitions. Such peoples are seen as being in need of modernizing so that they can realize the level of personal agency and responsibly that is seen as necessary for participation in the modern world. Furthermore, as Wendy Brown has pointed out, the equal rights discourse that is so characteristic of modernity may have a hegemonic quality to it as well in that, when it is administered in a society that is unequally stratified, has a tendency to further entrench such stratification and thereby may help to foster even greater inequality. In this light, then, it would appear that, from certain perspectives at least, modernity is perhaps best characterized by the limits it sets on the rights of others as opposed to its ability to enhance the personal agency of even its own citizens. If this claim is to be accepted, what, then, can we possibly turn to as a solution? The following section includes the theories of a number of individuals who have attempted to deal with these questions.

Solutions

Among the most prominent theorists who have attempted to provide an answer to some of the difficulties presented above, there are very few who see the modern state as a viable entity, at least in the form that it has existed in over the last century. Their solutions, however, vary by a wide margin and betray semiotic ideologies that are often antithetical to each other. On one side of this debate, I will posit the views of Claude Lefort and, especially, Carl Schmitt, for whom the proper source of agency must be located within the individual sovereign if the state is to maintain any sense of coherency or security. On the other side of this debate, I will include the views of Walter Benjamin and Giorgio Agamben, who believe that political agency should be reserved for individual citizens alone.

The first group that I will discuss consists of those who emphasize the importance of the individual sovereign in unifying the state and coordinating its efforts. According to their semiotic ideology, not only can agency exist outside of the personal realm, but also it is an imperative that it does so. It may also be interesting to note that Carl Schmitt was a Catholic who almost became a priest and also that he relies heavily on the arguments made by Catholic counterrevolutionaries to add weight to his arguments in his famous work, Political Theology. Schmitt's argument here focuses on the role and the power of the sovereign, and his stance is similar to political thinkers such as Hobbes, Locke, and the Catholic counterrevolutionaries whom he discusses in his book. The empowered sovereign, for Schmitt, is not only necessary for the political unity and stability that is created when he or she is granted absolute power, but also for the sovereign's singular ability to make direct, competent decisions during times of crisis, during times of the "exception" to the rule, when normative jurisprudence is caught off guard.

In terms of how Schmitt legitimizes his view of the state, he explains that "all significant concepts of the modern theory of the state are secularized theological concepts." According to Schmitt, not only have certain

29 Ibid., 11.
31 Carl Schmitt, Political Theology (Chicago: University of Chicago Press, 2006), xii.
32 Ibid., 36.
theological concepts simply transferred to the theory of the state historically, such as the transfer from an omnipotent God to an omnipotent lawgiver, but also the systematic structure of theology has been inherited as well. In defense of this latter assertion, Schmitt explains that the "exception" in legal terms parallels the concept of the miracle in theology and also that the state often behaves as God does, intervening to protect its subjects during times of crisis. Again, we find in Schmitt's model a clear example of notions of God and proper agency sharing the same space. Claude Lefort ascribes agency and theology to the same phenomenon in a very similar way when he discusses agency in the political structure of the modern state. Lefort, like almost all of the other theorists we will discuss, finds a sense of the divine wherever he thinks agency should be attributed. For example, he refers to communism as the "sanctification of the proletariat" and fascism as the "sanctification of the nation." As for the modern democratic structure, however, he finds that agency is assigned to an "empty place," which "reveals that power belongs to no one; that those who exercise do not possess it; that they do not, indeed, embody it." and that the state is based upon an understanding of popular sovereignty that, "at the very moment when people are supposed to express their will, transforms them into a pure diversity of individuals...into a plurality of atoms or, to be more precise, into statistics. In short, the ultimate reference to the identity of the people, to the instituting subject, provokes to mask the enigmatic arbitration of number." Furthermore, there can be no theological justification for a state based on the people, for Lefort, as it does not make sense to refer to the people in a unified manner as such because, echoing Hobbes, of their inherently divisive nature. Instead, Lefort identifies what he sees as a proper source of agency, and also where he sees fit to attribute a theological legitimacy, during times of crisis, when he asks if "despite all the changes that have occurred, the religious survives in the guise of new beliefs and new representations, and that it can therefore return to the surface, in either traditional or novel forms, when conflicts become so acute as to produce cracks in the edifice of the state?" In my reading, such a statement, even if it is phrased as a question, seems to refer to the role of the sovereign in a very similar manner that Schmitt refers to it. Lefort's assertion seems to be that, when a state of emergency is identified, the power of the individual sovereign (here referred to as "the religious") is revealed once again as a necessity, to effectively right wrongs and protect the state. It is needed to make an appearance yet again, as the divine prince, in all of its divine glory.

On the other side of this debate are those theorists who believe that the proper source of agency reflects a more Protestant, modernist semiotic ideology, although with an even greater emphasis on personal agency. Although Schmitt emphasized the importance of the sovereign as the one who enacts the law, as the law cannot enact itself, these theorists view the mere concept of such enactment as anathema to the "divine right" of personal liberty. Here too we find the theological aligned with the perception of the proper source of agency, although in such a way that the only truly divine, and therefore legitimate, source of agency exists within the individual and the individual alone. This greatly extended sense of

33 Lefort, "The Permanence of the Theological Political." 167.
34 Ibid., 159.
35 Ibid., 161.
36 Ibid., 150.
personal agency is perhaps best exemplified by Walter Benjamin, whose theories explicitly support an anarchist form of government, and also by Giorgio Agamben, whose proposed solutions lean in a similar direction.

Unlike the majority of theorists whom we have discussed so far, who allow for the existence of a state as long as it provides corporeal protection for the populace, Benjamin demands more, and he demands something that he believes the state cannot supply: true justice in its means of operation and in the validation of its power.\footnote{Walter Benjamin, \textit{Walter Benjamin: Selected Writings, Volume 1, 1913-1926}, edited by Marcus Bullock and Michael W. Jennings (Cambridge: Harvard University Press, 1996), 238.} According to Benjamin, in his essay, "Critique of Violence," because the law cannot truly justify the power of the state, as it is only able to initiate and preserve such power, legality is not a justifiable means for rule.\footnote{Ibid., 248.} For Benjamin, the law is merely a means of exercising the power of the state and does nothing to justify such power. More than this, however, the modern state's concept of agency is not only improperly placed, in his view, but also it is divinely opposed. Even if the use of violence is not exercised but only implied, as in the establishment of a law that is not transgressed, the law is still dependent on the threat of violence and is therefore inherently bound to the use of violence. Benjamin's solution here is the destruction of all laws, of all patterned and generalized modes of repetitive violent coercion. Justice, to Benjamin, is only properly administered by the divine, which inevitably acts in diametrical opposition to such generalizations and justifications.\footnote{Ibid., 249.}

For Benjamin, there are no absolute laws. Even the commandments themselves only serve as guidelines for action and do not dictate such action directly or enforce it by threat of violence.\footnote{Ibid., 250.} Here we see evidence of a semiotic ideology where even God's law is not enacted, where agency, as a moral imperative, is always maximized at the personal level, and no source outside of the individual can lay claim to any real sense of legitimacy. "Thou shalt not kill," in this understanding, means not to kill unless extraordinary circumstances demand the necessary use of such (non-legal) violence. For Benjamin, the imposition of the legal apparatus of the state is entirely discredited as a means of just rule, as its law-based operation is seen as just as problematic and inherently violent as a state that consciously caters to the privileged and ignores the downtrodden.

Aside from his "Critique of Violence," one of Benjamin's most salient arguments, however, may be his attack on the modernist teleology of progress, in which he argues that it has created an impotence of action and a kind of melancholic spiritual bourgeois fetishism in the left and a justification for fascism in the right. But even more than this, his chief critique of the progressive narrative of history seems to be that it is inherently limiting, almost to the point of suffocation, to the latent political possibilities inherent in each moment of time. In response to this, Benjamin offers a means for liberating political consciousness from the constraints of this progressive narrative through embracing what he calls the "Messianic" power of the "Now," where revolution exists as an unbridled source of potential power in any and every given moment of time. Although this argument may seem extremely reminiscent of Koselleck and Blumenberg's attacks on...
the modern teleology of progress, Benjamin stands out in his attempt to offer a solution, wherein the historical actor is to exert his or her agency upon this teleology in order to achieve an emancipation of consciousness that offers brand new possibilities. Benjamin calls this a theological act in that it allows for such a "Messianic" redemption of time itself on the part of the historian and/or historical actor. In this way, for Benjamin, the production of history is an inherently religious, political, and subjective process, where the acute expression of personal agency and divine legitimacy go hand in hand.

Continuing on a similar line of critique, in his works, Homo Sacer and State of Exception, Giorgio Agamben argues that the modern state has more or less lost its connection to the law even as it continues to function under the pretense of this connection. His reasoning behind this depends upon his assertion that the modern state exists in a perpetual "state of exception," or state of emergency, where the sovereign's obligatory recourse to the law is suspended in order to respond to a perceived, or purposely imagined, crisis that threatens the very foundations of the state. Agamben describes this perpetual state of exception as an essential feature of the modern state, a feature whose popularity was largely born in WWI and had become the norm by the mid-twentieth century. The implications of this perpetual state of exception are numerous and, according to Agamben, reveal a fatal flaw within the modern state that threatens to engulf the world in civil war.

As far as a solution to what Agamben perceives to be the illegitimately inflated agency of the state over the individual, he argues for the dissolution of the violence of the law altogether, that is, for the dissolution of its enforcement. Agamben explains, "Politics has suffered a lasting eclipse because it has been contaminated by law" and advocates the emergence of a "new law," a "pure" law, that operates without recourse to violence. Agamben speaks to this ambiguous solution twice in the text and refers back to Benjamin each time, wording his statements with a familiar apocalyptic zeal that seems highly reminiscent of Benjamin's writing. He equates his "pure" law with Benjamin's divinely "pure" violence, and states his goal by paraphrasing Benjamin: "a state of the world in which the world appears as a good that absolutely cannot be appropriated or made juridical." Although this liberation from the law seems a somewhat ambiguous solution to the problem of the modern state, it seems that Agamben has very successfully problematized it from this perspective, whether or not he provides a viable or coherent solution to it.

Conclusion

Between these two perspectives, between those expressed especially by Lefort and Schmitt on one side and Benjamin and Agamben on the other, a number of extremely insightful critiques concerning the source of agency in the modern state are made. On the one hand, Schmitt and Lefort are no doubt correct when they point to the lack of unity within the state and the absence of a sense of social cohesion and the potential danger that comes with this.


42 Ibid., 88.
43 Ibid., 64 and 88.
44 Ibid., 64.
45 It should be noted that other works by Agamben, such as The Coming Community and some of his more recent essays, offer more assertive attempts to address these problems.
On the other, Benjamin and Agamben clearly point to a problem of legitimacy concerning the agency of the state, wherein the very nature of the enforcement of law is seen as an inherently arbitrary form of violence. And although both sides afford a sense of divine legitimacy to the sources of agency that they see as appropriate, they do so in such a way as to reflect semiotic ideologies that are almost diametrically opposed to one another. And although it might be argued that the modern state presently reflects neither of these extremes and is instead more representative of the "violent commotion" that exists between them, a number of theorists, such as Asad and Brown, have argued that we seem to be moving closer to a more despotic form of governance, whereas Agamben has asserted that we are already there. Perhaps this time around, the state will be able to elude the censure of the masses through the means elucidated by Asad, through public opinion polls and the mass media. Regardless, there can be no doubt that the modern state now faces a crisis of legitimacy as the actual sources of agency appear to be located less and less with the populace and more with private interests, whose locus of power seems to be progressively centralized within the role of the individual sovereign.
Works Cited