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BEYOND CARL SCHMITT (AND GIORGIO AGAMBEN). THE DEMOCRATIC POLITICAL THEOLOGY OF MIGUEL VATTER

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ABSTRACT
This article provides a review of Miguel Vatter's book *Divine Democracy*. Vatter's book is an erudite analysis of the democratic credentials of post-Schmittian political theology, a subject which has received relatively little attention in the Anglophone scholarly literature. *Divine Democracy* covers a vast array of different thinkers across different traditions and shows an impressive erudition and a thorough knowledge of authors (for example Eric Voegelin and Ernst Kantorowicz) who have not been widely read by political theorists. The book also forces us to reconsider some mainstream ideas about the relationship between secularization and modernity. This article raises some questions on three themes that are examined in Vatter's book: 1) The significance and definition of political theology, 2) Vatter's interpretation of Carl Schmitt, and 3) the maning of representation.

KEYWORDS
Political theology, political religion, Carl Schmitt, Representation, Miguel Vatter

Is it still possible to talk about political theology after Nietzsche's bold proclamation of the death of God? There are two possible positive answers to this question. One, which has been championed especially by Carl Schmitt, holds that political theology is alive and that it is the best way to construct a language of the political as an alternative to some of the key philosophical vocabulary that triumphed in political modernity: secularization, democracy, and liberalism. A second possible answer goes beyond Schmitt and claims that political theology must continue to exist as an attempt to shed better light on modern democracy and liberalism, by re-adapting what might seem like an outdated language to the modern, and post-modern, age. Miguel Vatter's book *Divine Democracy* decidedly sides with this latter stream of democratic political theology. In his book, Vatter investigates several important thinkers (Eric Voegelin, Ernst Kantorowicz, Jacques

Maritan, Jürgen Habermas, among others) who came after Schmitt, critically engaged with his work and democratically reinterpreted his authoritarian and decisionist political theological ideas.

Vatter's book is an erudite analysis of the democratic credentials of post-Schmittian political theology, a subject which has received relatively little attention in the Anglophone scholarly literature. Two aspects are likely to make *Divine Democracy* a milestone in any future reflection on contemporary political theology. First, his analyses of a vast array of different thinkers across different traditions shows an impressive erudition and a thorough knowledge of authors who very often (except for Habermas and, to a certain extent, Maritain) are not widely read by political theorists. The number of primary and secondary sources that Vatter has covered makes his study one of the deepest and most comprehensive attempts to make usually overlooked authors and traditions available to political philosophers, political theorists and scholars of political theology. Additionally, the conceptual links that he has been able to establish in the book among such different thinkers as Voegelin and Maritain, on one hand, and Laclau and Badiou, on the other hand, are particularly significant, as they afford the possibility of connecting better-known figures to lesser-known anticipators and inspirational sources of these figures.

Second, Vatter's book also forces us to reconsider some mainstream ideas about the relationship between secularization and modernity. Even if he declares that his book is not meant to provide an answer to the question of whether or not liberal democracy requires a politico-theological foundation,[1] he explicitly argues that legitimacy is a politico-theological construction. This is precisely what leads him to explore political theology as a form of democratic discourse. But, if this is the case, then the liberal idea that democratic legitimacy is just a legal and value-free process that does not bear theological and/or metaphysical significance might need to be partially revised. Of course, this does not mean that the languages of metaphysics and theology help to ground democratic legitimacy but rather, that these languages can help us shed better light on the meaning and functioning of the very structures of democratic legitimacy and discourse by unveiling aspects that would otherwise remain hidden.

However, like all great books, Vatter's also raises several questions. The first concerns the very meaning of political theology that he employs throughout the book. At times, the reader has the impression that the concept of 'political theology' is so overstretched as to include very different meanings that are often at odds with each other. Vatter argues that he is trying "to explain the interest and pertinence of political theology as a discursive regularity in contemporary political theory,"[2] and that his focus on Christian political theology is "a jurisprudential discourse first, and

[1] Miguel Vatter, *Divine Democracy* (Oxford: Oxford University Press, 2021), 4

[2] Vatter, 2n5.

a theological discourse only secondarily" because he is mainly interested in analysing the 'productive' exchanges between political theory and political theology.[3] In fact, as Vatter himself suggests in these sentences, it would seem that he is using, at least methodologically, a wholly Schmittian interpretive lens through which to understand political theology to detect the structural analogies between theology and law (or the definition of the State) and not as an attempt to find a theological foundation of politics or, more simply, to apply theology to politics.[4] Yet, can this Schmittian definition of political theology be a helpful methodological toolbox to understand all the authors that Vatter is analysing?

Take the case of Eric Voegelin and Jacques Maritain. Voegelin is known for his concept of political religion, or the idea that modern totalitarian regimes draw on quasi-religious narratives of the representation of power that date back to times in which religions and metaphysics played a central role in human affairs. At the same time, Voegelin does use the phrase 'political theology' repeatedly, especially in his later work *The Science of Politics*.[5] As Vatter correctly points out, however, Voegelin never refers to Schmitt directly in this case, and for obvious reasons. Certainly, there are important parallels between Voegelin's and Schmitt's uses of religious and theological concepts to analyse legal and political problems. Moreover, Voegelin's attempt to put representation centre-stage in his idea of political religion echoes the central role that Schmitt ascribes to representation in political theology. For Voegelin, every society understands itself through the representation of a higher order or idea, which helps understand its own proper existential reality.[6] This representation of society, which is needed for a society to exist, is also valid in Christian political theology where the Augustinian solution needs to be re-established to fight the Gnostic appropriation. However, the models that Voegelin references for his representational analysis of modern democratic discourse can be found in Ancient Egypt, Babylon, Assyria or Persia[7] and refer to a symbolic, quasi-Lefortian, understanding of political theology rather than Schmittian political theology which rests on a structural analogy between legal-political and religious discourses. This seems to put Voegelin's understanding of

[3] Vatter, 3n7.

[4] On how to interpret the concept of political theology in Schmitt there is disagreement among scholars. Among others see Heinrich Meier, *The Lesson of Carl Schmitt. Four Chapters on the Distinction Between Political Theology and Political Philosophy* (Chicago: University of Chicago Press, 1998); Carlo Galli, *Genealogia della politica carl schmitt e la crisi del pensiero politico moderno* (Bologna: Il Mulino, 1996); Gavin Rae, "The Theology of Carl Schmitt's Political Theology," *Political Theology* 17, no. 6 (2016): 555–72.

[5] For example, among others, see Eric Voegelin, *The New Science of Politics. An introduction* (Chicago: The University of Chicago Press, 1995) 56, 102 (see n76 referring to Peterson), 106.

[6] Among others, see Voegelin, 27-76.

[7] Voegelin, 52 and following.

political theology much closer to those of Lefort (and Kantorowicz), than to Schmitt, which of course—and on this, Vatter is right—constitutes the main target of Voegelin's critique.

As for Maritain, Vatter rightly stresses that his reflection on political theology is also a response to Schmitt's idea of political theology. In fact, as Vatter notes, Maritain had his own critical interpretation of Schmitt's controversial idea of political theology.[8] However, I am not entirely convinced that the interpretation of political theology that Maritain endorses (very often based on the distinction between the German term *Politische Theologie* and the French term *théologie politique*) easily fits with Vatter's methodologically Schmittian understanding of the term. For Maritain, political theology is not so much—or perhaps, not only—an approach that examines structural analogies between theological and legal/political concepts, but also a way to trace politics back to the primacy of moral and spiritual values that are rooted in a supernatural order of revelation.[9] This means that for Maritain, the very Schmittian idea of political theology as a structural analogy between legal/political and theological concepts is a very specific, but certainly not the most exhaustive, meaning of political theology. Vatter is aware of these aspects by which Schmitt's and Maritain's ideas of political theology differ and in fact, he briefly mentions Maritain's non-Schmittian, neo-Thomist understanding of political theology (for example, when criticizing McCormick).[10] Following recent scholarly interpretations of this author in the literature, he also claims that Maritain's conception of human rights can be interpreted as a rupture from previous, more orthodox Christian ideas of political theology. According to Vatter, while Maritain rejects Schmitt's anti-liberal critique of human rights (and this makes Maritain profoundly anti-Schmittian), he embraces a notion of political theology that, at the same time, echoes Schmitt's study of the analogical structures between legal-political and theological concepts. In fact, Maritain's political theology allows him to establish a basis for connecting democracy with universal human rights. However, I think that more is needed to prove the irrelevance of Maritain's critique of the German programme of *Politische Theologie* (in which he also includes Schmitt) in order to understand his reflection on the intrinsic connection between human rights and democracy. One still has the impression that Schmitt and Maritain are not simply opposed to each other because the first is a self-proclaimed anti-democrat and the latter an advocate of human rights but also because they look at political theology as an interpretive framework in two very different ways that hardly overlap.

[8] See Jacques Maritain, *Integral humanism; temporal and spiritual problems of a new Christendom* (Notre Dame: University of Notre Dame Press, 1973).

[9] Maritain, 100. If we accept an interpretation of Schmitt's notion of political theology along confessional lines (see, for example, Meier, *The Lesson*)—something that, I agree with Vatter is quite problematic—then it becomes perhaps a bit easier to trace a parallel between Maritain and Schmitt.

[10] Vatter, *Divine Democracy*, 102n20.

Besides this, Vatter's engagement with Schmitt's ideas on political theology also raises some more specific questions about his interpretation of Schmitt. Vatter indeed says that Schmitt's political theology is based on the idea of sovereignty and that representation is an important component of Schmitt's sovereigntist political agenda. However, I wonder to what extent this reading does justice to the complexities of Schmitt's notion of representation and its democratic potentials, as these evolve from his early works and *Römischer Katholizismus und politische Form* (*Roman Catholicism and Political Form*), into the later *Verfassungslehre* (*Constitutional Theory*) and then finally *Politische Theologie II* (*Political Theology II*). In fact, while it is true that in *Römischer Katholizismus und politische Form* and in some of his previous works from the late 10s, Schmitt very much thinks of political representation as the incarnation of a higher form of authority which rejects the political theories of modernity and liberalism, his understanding is far more complex in his 1928 work *Verfassungslehre* (*Constitutional Theory*).

In this latter work especially, the *leitmotiv* of his view—this time, more explicitly taken from Hobbes—remains that representation always entails a form of political unity in the decision (as he says, "the political unity as a whole is represented")[11], and that the absolute principle is also the sole representative of the political unity of the people. However, Schmitt reflects on the problem of political representation by also adding another conceptual element that is not explained in depth in his 1923 *Römischer Katholizismus und politische Form*.[12] In *Constitutional Theory*, Schmitt claims that "representation is not a normative event, a process, and a procedure. It is, rather, something existential."[13] This claim aims to underpin the specific character of representation as something that incarnates a higher form of political unity but, at the same time, reflects the existential character of the political. This element of "existentialism," which echoes a certain existential concreteness found in Heidegger and Kierkegaard,[14] was underdeveloped in his 1923 text. Interestingly, Schmitt also uses the word 'existentialism' (*existentiel*) when referring to the concept of the political. He says that the concept of the political has an existential, and not a normative, nature, which means two things. First, it means that the enemy, the core of the concept of the political, always has a public dimension; it does not have a normative, physical or symbolic meaning but always results from the concrete possibility that someone belonging to a political group can fight me and kill me insofar as I belong to another partisan group. In this sense, Schmitt's concept of the political resembles Hobbes' definition of war as the permanent

[11] Carl Schmitt, *Constitutional Theory* (Durham and London: Duke University Press, 2008), 245.

[12] Schmitt's analysis of political representation in his 1928 work somehow abandons the political theological language that he uses in his previous works on representation from 1917 and 1923.

[13] Schmitt, 243.

[14] For more on this, see Michelle Nicoletti, *Trascendenza e Poetere: La Teologia Politica di Carl Schmitt* (Brescia: Morcelliana, 1990).

possibility of fighting. For this reason, Schmitt claims that war is "the existential negation of the enemy."[15] Secondly, it means that the political is existential in nature because it refers to one's way of life and the possibility of its being destroyed by someone else. For Schmitt, the concreteness of this possibility affords the concept of the political with an "existential," and not a normative, dimension.

Vatter remembers that in his *Constitutional Theory*, Schmitt opposes democracy and representation, claiming that while the first entails an unmediated self-identity of the people as a political unity, the second refers to a process that can "make an invisible being visible and present through a publicly present one."[16] However, he does not delve into Schmitt's idea that some degree of representation (here meant more as a form of *Darstellung*) is always necessary for the completion of the people's democratic self-identity. Schmitt also stresses the importance of the function of representative mechanisms in the self-constitution of the people as a given identity. I do not want to downplay the essential role that Schmitt's theory of representation plays in structuring an authoritarian political agenda. However, I do want to suggest that there are some ways in which Schmitt's theory of existential representation prepares the ground for an anti-authoritarian, and potentially democratic, reading of political theology (something that Vatter hints at but immediately dismisses).[17] These pathways can best be observed in Schmitt's characterisation of representation as an "existential" concept. Even if Schmitt does not systematically develop this notion in his *Political Theology II* (as Vatter rightly points out),[18] it remains an important component of his reflection on representation as a political theological concept. In fact, the word "existential" does not appear at all in Vatter's characterisations of Schmitt's ideas of political theology and representation. The point here is that Vatter seems to characterise Schmitt's theory of existential representation very much as Schmitt's adversaries had done to challenge the authoritarian components of Schmitt's political theology. Yet, some more credit must be given to the fact that the story about Schmitt's notion of political representation is more complex than reducing it to its decisionist and authoritarian aspects. It is a story that already prepares the ground, with its unintended consequences, for a "democratic" political theology.

This leads me to another point, concerning the meaning that Vatter ascribes to the very notion of representation as such. At times, it was unclear to me what Vatter

[15] Carl Schmitt, *The Concept of the Political*, (Chicago: University of Chicago Press, 2008), 33.

[16] Schmitt, *Constitutional Theory*, 243. The whole treatment of the relationship between representation and democracy is at 239-242.

[17] Vatter, *Divine Democracy*, 11. This aspect has also been noted by some of the radical democratic interpreters of Schmitt after all. See, among others, Andreas Kalyvas, *Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt and Hannah Arendt* (New York: Cambridge University Press, 2009), who is also mentioned by Vatter (*Divine Democracy*, 24, 76).

[18] Vatter, 24-25.

means by representation throughout his book. Sometimes in *Divine Democracy*, he talks about an idea of representation which is hierarchical and decisionistic and which supports Schmitt's theory of sovereignty. At other times, I had the impression that Vatter also thinks that representation is necessary for conceiving the very idea of the people; in other words, that he is embracing the main insights of the recent representative turn, in which representation is presented as a concept that is not opposed to, but presupposed in, participation and democracy. To stick to political theology, it might be worth pointing out, as stressed by Peterson (and then also reinstated by Giorgio Agamben), that the very idea of representation as developed in the Christian political theology of origins, included aspects of participation and pluralism that predate similar uses of representation in the democratic discourse of political modernity.[19] Therefore, as I have shown elsewhere, a political-theological interpretation of the concept of representation clearly confirms the main idea, which has become popular in the recent representative turn in political theory, that representation is not the opposite of democracy or participation but its very precondition. However, I am not sure how a political-theological reading of representation like this figures in Vatter's reconstruction of the role of representation in post-Schmittian democratic political theology.

Perhaps, greater attention to Hasso Hofmann, another post-Schmittian theorist of representation that Vatter mentions but does not discuss in depth, could help clarify this aspect. The whole point of Hofmann's conceptual history of representation is to show the variety and complexity of different meanings of the word *repraesentatio* throughout its whole history.[20] Hofmann shows that representation is a polysemic concept and that its different meanings can be situated in the juridical-political worlds (for example, as either *Repräsentation* or *Stellvertretung* in canon and civil law) but at the same time, can also be situated within the worlds of aesthetics and symbolism (where representation means

[19] As I have shown elsewhere (Alessandro Mulieri, "Representation as a Political-Theological Concept: A Critique of Carl Schmitt," *Philosophy & Social Criticism* 44, no. 5 (2018): 507-527), Tertullian, probably the first Christian thinker to systematically employ the idea of representation, clearly claims that representation is not the opposite of, but the complement of, the idea of participation. If the concept of representation also refers to a political idea that entails pluralism, then has been part of the idea from the very beginning in Christian political theology. Peterson hints at this aspect of the problem when he says that the Patristic literature associates the language of pluralism to the problem of the Trinity. Agamben has drawn on this idea extensively as well. As for Peterson see, for example, Erik Peterson, *Theological Tractates* (Stanford: Stanford University Press, 2011), 81-86, 93, 95.

[20] Hasso Hofmann, *Repräsentation: Studien zur Wort- und Begriffsgeschichte von der Antike bis ins 19. Jahrhundert* (Berlin: Duncker & Humblot, 1974), translated into Italian as *Rappresentanza-rappresentazione, Parola e concetto dall'antichità a oggi*, trans. Claudio Tommasi (Torino: Giuffrè, 2003). On this see Yves Sintomer, 'Les sens de la representation politique: usages et mésusages d'une notion', *Raisons politiques* no. 2 (2013): 13-34; and Alessandro Mulieri, "Hasso Hofmann and the polysemy of representation," *Redescriptions* 19, no. 2 (2016).

something more like *Darstellung*). One way to interpret Hofmann's study of representation, almost unknown among Anglophone scholars as his text remains untranslated, is to understand it as an attempt to contrast Schmitt's univocal idea of representation and to pluralize the semantic and conceptual meanings of representation, by adapting the semantic polysemy of this concept to its uses in modern democratic discourse as well. This leads me to wonder: can an analysis of the different meanings of representation in politics be relevant for a new discourse on representation in a post-Schmittian democratic political theology?

A final question concerns the political stakes of Vatter's discourse on political theology. The author talks about the importance of defending a democratic political theology, especially in his Conclusion. Yet, he is not always explicit about the political normative implications of his "democratic" political theology. Sometimes, it seems as though he treats democratic political theology as an analytical perspective that explains some key legal and institutional components of democratic discourse through political-theological conceptual frameworks. This analytical or descriptive lens is, once again, profoundly Schmittian insofar as it seems to employ political theology as a conceptual toolbox that aims to examine the structural analogy between legal/political and theological concepts. Yet at other times, one has the impression that behind Vatter's rehabilitation of democratic political theology, he also intends to advance a specific republican theory, which is based on his political theological discourse. But if this is the case, what is the relationship between political theology as a descriptive framework and a more normative, or we could even say politically militant, democratic political theology?

Additionally, one might find it unusual to legitimize democracy by using a language that has historically been opposed to democracy—a language rooted in theology—and has been tied to pre-modern anti-democratic discourses such as monarchy or aristocracy. Vatter himself acknowledges the anti-democratic risks of his operation, when he says that a "democratic turn" in political theology, "although in principle intended to prevent the worship of human political leaders as gods, also harbours within it another, contrary dynamic that favours the continued emergence of 'new despotisms' and 'aspirational fascism.'"[21] If this is the case—and it is indeed plausible since much discourse from the new populist right draws heavily on political theology by rehabilitating confessional ideals and proving their relevance in democratic discourse (think of the role of religion in new discourses on illiberal democracies)—how can we prevent this from happening? How can we make sure that political theology can become democratic in a liberal, and not illiberal, democratic sense of the word? One could think that as much as religion, political theology is effectively another name for ideology and, like it, can become a useful

[21] Vatter, *Divine Democracy*, 246.

instrument for defending ideas that have very little to do with liberal democratic discourse.

The questions that arise in reading Vatter's book raise do not in any way diminish the importance and interest in it. *Divine Democracy* is a brilliant study that is going to change the way many scholars think of the relationship between democracy and political theology in the coming years. If for this reason alone, anyone who is interested in political theory should be sure to read it.

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