

AGAMBEN'S THEORIES OF THE STATE OF EXCEPTION

FROM POLITICAL TO ECONOMIC THEOLOGY

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He who, in this mystical alphabet, begins with A will inevitably end with Z; he who desires to worship God must harbour no childish illusions about the matter, but bravely renounce his liberty and humanity.

—Mikhail Bakunin

Giorgio Agamben's philosophy is frequently treated as continuous throughout his career. Agamben himself encourages such a reading by making explicit links between recent and earlier works. Commentators rarely question this assumption of continuity, which is odd given Agamben's long career and some statements to the contrary. The first chapter of *State of Exception* (2005), for example, is called "The State of Exception as a Paradigm of Government," while Agamben proclaims in a lecture some years later that "in order to understand the peculiar governmentality under which we live, the paradigm of the state of exception is not entirely adequate" (2014). As a result, secondary literature tends to focus either on the earlier volumes of the *Homo Sacer* project and mention the others only in passing or vice versa. I will question the assumption of continuity by examining Agamben's theory of the state of exception. I identify two approaches to the state of exception. First, I delineate how *Homo Sacer* (1998) conforms to Schmitt's politico-theological perspective of the state of exception as a secularized form of miraculous divine intervention. In *State of Exception*, there are, however, hints away from political theology and toward a view of sovereignty as an *auctoritas* that not only suspends but also legitimates the application of the law. In the third section, I show how *The Kingdom and the Glory* (2011) moves toward economic theology and

links the state of exception to providential government. The sovereign no longer intervenes directly by suspending the law but renders himself inactive to make a spontaneous self-government of the world under the law possible. In the final part, I address the question of the relation between the politico-theological and economico-theological models. Whereas Agamben himself favors the latter over the former in *The Kingdom and the Glory*, I defend the perspective from *State of Exception* where Agamben argues for the relevance of both depending on the degree of spontaneous obedience to the law. Under normal circumstances, the economico-theological authorization of the law suffices. The politico-theological suspension of the law, however, remains part of the sovereign's toolbox, but is only employed only in emergency situations.

HOMO SACER: THE STATE OF EXCEPTION AS MIRACLE

Agamben starts *Homo Sacer* with Aristotle's distinction between natural and sociopolitical life: "zoē, which expressed the simple fact of living common to all living beings . . . , and bios, which indicated the form or way of living proper to an individual or a group" (1998, 1). Communities articulate their bios via the identification of a specifically human potentiality that, if actualized, provides happiness (Whyte, 25–26; Watkin, 186). In Aristotle's polis, for instance, the cultivation of logos was deemed the utmost achievement of the good life. To actualize this potentiality, the community elaborates social rules. Agamben (1998, 20), however, agrees with Carl Schmitt (10) that the application of these rules to real-life situations is problematic. General abstract rules can be applied to particular cases only through the mediation of a decision (McLoughlin 2009, 246; Whyte, 60). The applicability of a particular law makes sense only if the decision maker can also choose not to apply the rule. The authorities can make an exception to a law by refusing to apply it in a specific case. In that instance, the case is excluded from that law but is included in the sphere of sovereign authority that decides whether this event falls under the law.

The same argument holds for the legal order as a whole, where this inclusive exclusion constitutes the state of exception (Agamben 1998, 21). The applicability of the legal order depends on the sovereign's

willingness to apply the law and thus also on his capacity to withdraw this applicability (DeCaroli, 50): “The sovereign exception . . . is the presupposition of the juridical reference in the form of its suspension” (Agamben 1998, 21). Quoting Schmitt, Agamben argues that the sovereign always retains the capacity to declare the state of exception when he deems the underlying conditions for orderly social conduct absent:

The exception appears in its absolute form when a situation in which legal prescriptions can be valid must first be brought about. Every general norm demands a normal, everyday frame of life to which it can be factually applied and which is subjected to its regulations. The norm requires a homogenous medium. . . . There exists no norm that is applicable to chaos. (Schmitt, 13, quoted in Agamben 1998, 16)

Insurrections, natural disasters, or economic emergencies render life too erratic for the law to apply. By declaring the state of exception, the sovereign assumes the unlimited authority to impose normalcy through violent means. He even possesses the right to decide over life and death (Agamben 1998, 87). Individual rights are suspended, and people are subjected to the pure authority of the sovereign without any appeal to legal protection. The law is still valid but has “*Geltung ohne Bedeutung*” (51). It remains in force but does not possess any concrete prescription or meaning for individuals (McLoughlin 2009, 251; Colebrooke & Maxwell, 54). The population is subjected to the authority of the sovereign but not to the legal order this sovereign is supposed to apply (Zartaloudis 2010, 137; Prozorov 2014, 102). Once the law is subtracted from everyday life, there remains only the bare authority of the sovereign to impose order in whatever way he sees fit. Agamben (1998, 121–22) argues that even liberal regimes possess this latent possibility for the sovereign to suspend the law and expose his subjects to extralegal violence. The sovereign ultimately determines who enjoys human rights and for whom the application of these legal protections would be unwise. One should be ‘worthy of citizenship’ (132). Life endowed with rights is thus “a two-faced being, the bearer of both subjection to sovereign power and of individual liberties” (125). That such an emergency suspension of the law is possible at all reveals the *arcantum imperii* of the Western political order (12): in moments of crisis, the law shows its true face, sovereign violence (Lechte & Newman, 108).

This approach is congruent with Schmitt's program of political theology (Whyte, 51; Prozorov 2017, 88). According to Schmitt (36), sovereignty as the power to declare the state of exception is a secularization of the theological concept of the miracle. Agamben does not explicitly mention Schmitt's reference to theology in *Homo Sacer*, but this should not stop his readers from using it as an interpretive key for Agamben's text. Schmitt argues for the link between the miracle and the state of exception on the basis of their supposed "analogy." In *The Signature of all Things* (2008, 9–32), Agamben defends his own analogical method from *Homo Sacer* in a way that vindicates Schmitt's approach of political theology.¹ Critics have argued that Agamben ontologizes sovereignty by locating the sovereign decision at the core of all Western political orders, as if all historical manifestations of sovereign rule are subsumed under a single ahistorical logic (Kalyvas; Oksala; Rancière, 93). Agamben, on the contrary, clarifies that his method in *Homo Sacer* is not ontological but analogical: "In the course of my research, I have written on certain figures such as *homo sacer*, the *Muselmann*, the state of exception, and the concentration camp. While these are all actual historical phenomena, I nonetheless treated them as paradigms whose role was to constitute and make intelligible a broader historical-problematic context" (Agamben 2008, 9). He compares his method to that of historical linguists (91–92): they study analogies between different spoken languages to subsequently posit an archaeological root in the Indo-European language. Nobody ever spoke Indo-European, and yet it functions as a hypothetical construct to disclose the principles of all the languages that supposedly derive from it. Similarities in vocabulary disclose a class of languages that can subsequently be identified as "Indo-European." The Indo-European language "represents a present and operative tendency within historical languages, which conditions and makes intelligible their development in time" (92). Likewise, Agamben's *Homo Sacer* delineates analogies between several concrete historical occurrences of sovereignty and the state of exception to subsequently disclose an underlying "logic of sovereignty." The latter is not an ahistorical "essence of political rule" but a theoretical stipulation that makes certain "analogous" historical phenomena legible (Watkin, 10; Abbott 2017, 39). So obviously the authority of the Roman *pater familias* is not identical to the violence of the Nazi regime, but Agamben can designate the former as a paradigm for the

latter in order to construct a proverbial “Indo-European of politics” on the basis of their analogy. Instead of regarding “sovereignty” as designating a class of particular entities sharing identical general characteristics, Agamben uses the concept to connect singular, yet analogous entities. He takes one particular instance as a paradigm to disclose a whole class of entities that share some similarities with it.

Agamben (2008, 76–77) proposes to interpret Schmitt’s statement about the analogies between theology and political theory in the same way. Schmitt’s program of political theology would thereby designate medieval theology as a resource for paradigms that elucidate modern political thought. One could hence use the theology of the miracle as a paradigm to throw light on the state of exception, even if Agamben did not explicitly do so in *Homo Sacer*. Agamben himself does not present his logic of sovereignty as a political theology, but that does not prevent the latter from still providing a fitting strategy to render modern politics legible. As long as the theological paradigm of the miracle aids in stipulating an interpretive key to the state of exception, it conforms to Agamben’s own methodological precepts. In medieval theological terminology, the miracle pertains to God’s *potentia extraordinaria* (Courtenay, 93).² God determines the order of the world *de potentia ordinata* but can decide in extraordinary circumstances to interrupt this order and demand immediate obedience from creatures to a particular command. God, for example, prohibited murder in general but suspended that prohibition to demand Abraham’s complete obedience to kill Isaac. The notion of an extraordinary potentiality that suspends the laws of nature constitutes a helpful paradigm to render sovereignty legible. The political sovereign is analogously an absolute authority that can interrupt governmental laws in extraordinary situations to impose particular commands. By declaring a state of exception, the sovereign suspends the legal system and directly imposes the social order he desires by immediate command.

Schmitt’s program of political theology is, however, less helpful in describing the side of the power relation opposite to the sovereign’s. It does not illuminate the effects of the state of exception on the population subjected to sovereign command. According to Agamben, “the production of a biopolitical body is the original activity of sovereign power” (1998, 6). Referencing Walter Benjamin, Agamben (1998, 65) calls this life subjected to sovereign power “bare life” (Salzani). It

“designates a life shorn of all qualifications and conceived of independent of its traditional attributes. . . . Bare life is not an initial state so much as what becomes visible through a stripping away of all predicates and attributes” (de la Durantaye, 203). The sustenance of *bios* presupposes the possibility of a bare life exposed to sovereign violence, where it loses all means to identify as a socially recognized subject. When the state of exception suspends the cultivation of *bios* and exposes people to the sovereign decision over life and death, it is not nothing that remains but a residue of living substance qualified by nothing else than its submission to sovereignty. Bare life appears as a *bios* from which all positive characteristics binding it to a social existence have been subtracted (Prozorov 2009, 341).

To contextualize Agamben’s understanding of bare life, one could invoke Benjamin’s original use of the concept. He coins the term “*blosses Leben*” around the same time as Schmitt formulates his political theology (Agamben 1998, 64). He agrees with Schmitt that every legal order relies on a form of violence that he calls “mythic” and explains this through the Greek myth of Niobe (A. Benjamin, 129; Ahmadi). Niobe, the mother of fourteen children, who hubristically boasted that she was a better mother than the goddess Leto. The latter was so enraged that she sent out Apollo and Artemis to kill all fourteen children and condemn Niobe to a life of guilt and sorrow. “Although [mythic violence] brings a cruel death to Niobe’s children, it stops short of the life of their mother, whom it leaves behind, guiltier than before through the death of the children, both as an eternally mute bearer of guilt and as a boundary stone on the frontier between men and gods” (Benjamin 1986, 295). Whenever a social order is upset by the hubris of its subjects, the enraged superiors install a hierarchy that imposes guilt upon the inferiors (A. Benjamin, 99; Birnbaum, 91).³ This puts human beings under a permanent threat of punishment (Ross, 113; Birnbaum, 94). Niobe could have known only afterwards whether she had committed hubris. There were no pre-established rules determining when the gods would become enraged. Her guilt is only retroactively confirmed. This guilt refers not to the transgression of any kind of predetermined law but to Niobe’s pure subjection to the gods, who sovereignly decide on the applicability of the law. Divine anger instigates a groundless decision to suspend the rules of everyday life and show Niobe her subordinate position.

Agamben applies Benjamin's observation about Niobe's retroactive guilt in his description of the state of exception. "Guilt refers not to transgression, that is, to the determination of the licit and the illicit, but to the pure force of law, to the law's simple reference to something. This is the ultimate ground of the juridical maxim . . . according to which ignorance of the rule does not eliminate guilt" (Agamben 1998, 27). Whether one knows one is trespassing a rule is irrelevant, since, in the state of exception, the sovereign alone decides *ex nihilo* what forms of conduct are acceptable. "The most innocent gesture or the smallest forgetfulness can have the most extreme consequences" (52). Whenever the sovereign spots a gesture or comportment that seems to undermine his authority, he can suspend the law and expose people to discretionary violence. Whoever offends the sovereign will always already have been guilty by decree. People's guilt is retroactively read into their behavior (Rasch, 105; Zartaloudis 2010, 161). The aim is however—as with Niobe—not to kill bare life but to reveal its subjection to sovereign authority. Subjects are included in the sovereign's sphere of authority but excluded from the application of the law. The sovereign *can* kill bare life at any moment and thereby reduces people to mere survival machines, but, in order to disclose subjects' subordination to his will, he does not have to exert his power to its deadly end. Only by retaining the capacity to reduce people to bare life does the sovereign guarantee the cultivation of *bios* (DeCaroli, 54; Kotsko 2015a, 42).

The state of exception is hence a *dispositif* that combines sovereignty and biopolitics by capturing life into the law's orbit through the decision over bare life (Whyte, 29; McLoughlin 2016, 510). The latter is manifested in the state of exception—when the application of the law is suspended and nothing but this naked submission to sovereignty remains—but is latent in ordinary life. Every legal order presupposes the possibility that the sovereign may decide not to apply the law and to use extralegal violence. "At the heart of any normative system there resides the ineradicable potentiality of its self-suspension, whereby the rights 'given' to the sovereign (as well as rights given by him to the subjects) are suspended" (Prozorov 2009, 336). *Homo Sacer* traces the history of this underlying violence from the Greek *polis* and Roman law to the Nazi concentration camps and contemporary human rights regimes. Throughout these historical analogies, one can make

sense of Agamben's theory of the state of exception in *Homo Sacer* via Schmitt's politico-theological paradigm of the miracle. The cultivation of *bios* requires a normal situation guaranteed by a biopolitical sovereign power over bare life (Prozorov 2014, 106). Whenever the normal situation is disturbed, the sovereign interrupts *de potentia extraordinaria* the usual ordering of things, suspends the legal order, and reveals the subjection of bare life to the sovereign decision. Just as God suspends the laws of nature to reveal his unmediated omnipotence to the world, the sovereign pulls the veil from the law to reveal a hidden power over life and death.

STATE OF EXCEPTION: FROM THE MIRACLE TO CATASTROPHE

In *Homo Sacer*, Agamben generally follows Schmitt's argumentation on the state of exception (Prozorov 2017, 88). On first sight, *State of Exception* formulates a similar position. It primarily reflects Agamben's success at predicting the excesses of the War on Terror in *Homo Sacer* (Butler, 60–68; Scheuermann; Minca). Guantanamo and Abu Ghraib arguably show how vulnerable people are to sovereign power, even in liberal democracies, once the legal order is suspended. The book, however, also supplements *Homo Sacer* in a way crucial to the development of Agamben's thought about the economico-theological approach in *The Kingdom and the Glory*. Agamben had deepened his understanding of the messianic potential of bare life in books immediately following the publication of *Homo Sacer*, such as *The Time That Remains* and *The Open*, arguing that there is an essential inoperativity in human life that is able to surpass the law (Wetters, 43; Zartaloudis 2015, 174; Prozorov 2014, 34). Since human beings lack an essential vocation, they can always subvert the contingent vocations assigned to them in a particular *bios*. Life can always exceed the normal situation Schmitt's sovereign is supposed to guarantee. Apart from the sovereign, his subjects have the capacity to suspend the law. Agamben (2005, 72) subsequently pleads for a *real* state of exception (de la Durantaye, 344–45; Zartaloudis 2010, 130; Whyte, 47; McLoughlin 2016, 511). This contrasts considerably with the emphasis on the sovereign's agency in *Homo Sacer*, with the possibility for a real state of exception mentioned

only vaguely and in passing (Agamben 1998, 54–55).⁴ In Agamben's later works, human beings' essential inoperativity empowers them to deactivate and subvert the law: "One day humanity will play with law as children play with disused objects, not in order to restore them to their canonical use, but to free them from it for good" (Agamben 2005, 64). Agamben (71–73) observes this capacity in, for instance, anomic feasts like the Roman Saturnalia or the modern Carnival. These are periodic celebrations where *bios's* usual social and legal hierarchies are temporarily suspended. Humankind's essential lack of vocation is then momentarily given free reign; people's usual social roles are suspended so that they can subvert and reinvent their identities instead of enacting their supposed vocations. By suspending *bios's* laws, these feasts perform a state of exception, but without exposing subjects to any sovereign violence. They let loose a kind of anarchy from below that evades the sovereign's aim to include life within the law. "The anomic feasts point toward a zone in which life's maximum subjection to the law is reversed into freedom and license. . . . They celebrate and parodically replicate the anomie through which the law applies itself to chaos and to life" (72–73).

Humankind's capacity for enacting a real state of exception seriously undermines sovereign power. The latter's hold over life is not guaranteed (Whyte, 48).

If it is possible to attempt to halt the machine, to show its central fiction, this is because between violence and law, between life and norm, there is no substantial articulation. Alongside the movement that seeks to keep them in relation at all costs, there is a countermovement that, working in an inverse direction in law and in life, always seeks to loosen what has been artificially and violently linked. (Agamben 2005, 87)

This loosening of the relation between law and life induces Agamben to reformulate his theory of the state of exception: "It no longer appears as the threshold that guarantees the articulation between an inside and an outside, or between anomie and the juridical context, by virtue of a law that is in force in its suspension" (57). Instead of citing Schmitt's description of sovereignty, as in *Homo Sacer*, Agamben (55) sides with Benjamin's *Trauerspielbuch* critique of Schmitt.⁵ W. Benjamin (2009, 65) argues that the baroque sovereign is not he who *declares* the state of exception but he who attempts to *avert* it. In this view, the state of exception is not the sovereign's extraordinary potential to impose

social order but a tendency within the populace itself toward its catastrophic dissolution from below, as implied in the anomic feast. The sovereign, in response, attempts to gather as much power as possible in order to withhold this tendency. “The paradigm of the state of exception is no longer the miracle, as in *Political Theology*, but the catastrophe” (Agamben 2005, 56). The sovereign’s declaration of the state of exception takes on a different character. In *Homo Sacer*, life is captured in the legal order because the suspension of the law reveals life’s guilt in terms of its total submission to the sovereign decision. In *State of Exception*, life has the agency to escape the law, and thus it has to be “tricked” into accepting its own guilt (Whyte, 48; Martel, 189; McLoughlin 2016, 523–24). The sovereign must uphold the fiction of his authority over life.

The state of exception is the device that must ultimately articulate and hold together the two aspects of the juridico-political machine by instituting a threshold of undecidability between anomie and *nomos*, between life and law. . . . It is founded on the essential fiction according to which anomie . . . is still related to the juridical order and the power to suspend the norm has an immediate hold on life. (Agamben 2005, 86)

By explicitly declaring the law inapplicable at specific times, the sovereign implicitly suggests that the law *could* be completely applicable and that it was applicable before he declared the state of exception. He makes it seem *as if* there previously were a full applicability of the law that is lost during these extraordinary circumstances, although, in reality, life was never fully subsumable under the law. The sovereign state of exception makes people forgo their capacity to perform a real state of exception. The grandiosity of sovereign violence is hence less about imposing social order, as Agamben believed in *Homo Sacer*, and more about concealing and compensating for the ultimate powerlessness of the law with regard to life.

The focus of Agamben’s theory of sovereignty consequently moves from the concern for immediate violence and the decision over life and death to the theatrics that must convince people of their subordination to the sovereign in order to avert a real state of exception (Watkin, 212).⁶ By the end of *State of Exception*, sovereignty is less about actually suspending the law *de potentia extraordinaria* than about preventing the need for such emergency measures through elaborate optical illusions,

such as the personal charisma of totalitarian leaders (Agamben 2005, 83–85). It produces the legitimacy for a legal order so that no extraordinary interventions are required, because people voluntarily submit to the law. In the final chapter, Agamben develops this intuition into a theory of sovereignty based on the distinction between *auctoritas* and *potestas* from Roman law (Dean 2013, 123–24; Watkin, 209–11; Kotsko 2015d, 189). In ancient Rome, some legal actions could become operative only with the authorization of a superior figure. For example, a *persona alieni iuris* could successfully complete a legal action only once she got approval from her *pater familias* (Agamben 2005, 76). One person has the capacity to act (*potestas*) but lacks authorization, and the other has the capacity to ratify actions (*auctoritas*) but remains inactive. In Roman law, the sovereignty of the emperor eventually came to be regarded as a supreme *auctoritas* under Augustus (81). The emperor did not act but authorized his bureaucrats to govern in his name. His approval granted legitimacy to their actions. Ultimately, the social order was governed by stand-in *potestates* of the imperial *auctoritas*, which itself remained idle but validated the whole governmental system.

The juridical system of the West appears as a double structure, formed by two heterogeneous yet coordinated elements: one that is normative and juridical in the strict sense (which we can for convenience inscribe under the rubric *potestas*) and one that is anomic and metajuridical (which we can call by the name *auctoritas*). The normative element needs the anomic element in order to be applied, but, on the other hand, *auctoritas* can assert itself only in the validation or suspension of *potestas*. (85–86)

The aim of sovereign authority is to capture living beings within the sphere of the law. The sovereign is still above the law in a realm of exception, but he suspends the law only in limited events. Mostly he “validates” the measures of *potestates*, that is, the official functionaries of the legal system who apply laws to concrete citizens, but sometimes he suspends the law in a sovereign state of exception in order to intimidate the populace into obedience. The theory of the state of exception from *Homo Sacer* is hence not completely rejected but is incorporated in a more comprehensive philosophy that also concerns politics in normal times.

THE KINGDOM AND THE GLORY: THE STATE OF EXCEPTION AS PROVIDENTIAL GOVERNMENT

The Kingdom and the Glory posits two paradigms for sovereignty: the miracle and the divine economy:

One of the theses that we shall try to demonstrate is that two broadly speaking political paradigms, antinomical but functionally related to one another, derive from Christian theology: political theology, which founds the transcendence of sovereign power on the single God, and economic theology, which replaces this transcendence with the idea of an *oikonomia*, conceived as an immanent ordering—domestic and not political in a strict sense—of both divine and human life. Political philosophy and the modern theory of sovereignty derive from the first paradigm; modern biopolitics up to the current triumph of economy and government over every other aspect of social life derive from the second paradigm. (Agamben 2011, 1)

This approach supplements the Schmittian interruption of immanent government by a transcendent sovereign who violently imposes order, with a permanent suspension of transcendent commands to allow for the flexible self-governance of spontaneous immanent order.⁷ The latter constitutes the realm not of political, but of economic theology.

In 1922, Carl Schmitt encapsulated the theological-political paradigm in a lapidary thesis: “All significant concepts of the modern theory of the state are secularized theological concepts” (Schmitt 2005, p. 36). If our hypothesis about the existence of a double paradigm is correct, this statement should be supplemented in a way that would extend its validity well beyond the boundaries of public law, extending up to the fundamental concepts of the economy and the very idea of the reproductive life of human societies. (2–3)

The crucial event in the elaboration of economic theology takes place, for Agamben (31–44), in the second and third centuries among the Church Fathers.⁸ They were confronted with the enigma of how God could both be one sovereign entity and be divided into the three persons of the Trinity. Theologians such as Irenaeus, Tertullian, and Hippolytus used the term “*oikonomia*” to solve this debate (35). They posited a caesura in God, arguing that he is one qua being but triple qua praxis. The latter is purportedly harmoniously coordinated via an internal ‘*oikonomia*’ (53). This secured Trinitarian monotheism by restricting the Trinity to God’s activity in the world. The Father might

have created the world, but he has begotten a Son and the Holy Spirit to administer it toward redemption (58; McLoughlin 2015, 61). The meaning of the term *'oikonomia'* shifted accordingly from the internal organization of the godhead to the providential government of the world toward salvation (Bussolini, 114; Agamben 2011, 51–52).

Agamben interprets this providential theology with the *auctoritas/potestas* distinction (Agamben 2011, xi): “the governmental machine functions like an incessant theodicy, in which the Kingdom of providence [*auctoritas*] legitimates and founds the Government of fate [*potestas*], and the latter guarantees the order that the former has established and renders it operative” (129). If God would simply impose his plan of redemption directly unto reality, he would annul worldly freedom (118–19). His omnipotence is too great to bear for finite creatures and thus requires mediation via *potestates* that enact his will.⁹ God hence remains idle after six days of creation and only authorizes the government of the world conducted by his Son, angels, priests, and so on, who together administer his will on Earth. His principal role is that of validating the actions of his functionaries.

To understand God's role in providential government, theologians distinguish between God's *potentia absoluta* and *potentia ordinata* (Courtenay, 122; Agamben 2011, 104–6; Ojakangas, 509). In absolute terms, God has the power to actualize all possible worlds, even the most absurd ones, and he has the capacity to govern these worlds down to the minutest detail (*providentia specialis*). To render the world free, however, God has chosen to restrict his omnipotence to its ordained potentiality. He primarily establishes general laws of nature to govern the world (*providentia generalis*) but refrains from directly interfering in the spontaneous interactions of creatures according to these laws (Agamben 2011, 113; Zartaloudis 2010, 75; Montag & Hill, 253). It is the self-withdrawal of absolute potentiality that reconciles worldly freedom with its governability (Zartaloudis 2010, 72–73). Only God's choice not to act makes a governmentality based on creaturely freedom possible (Courtenay, 153; Dean 2012, 151; Watkin, 231). God himself still roams in a sphere of exception, exempted from the laws of nature, but he does not use this transcendence to directly impose his will on creation.

God does not simply leave his creatures to the mercy of entropy and chaos, however. He has, on the contrary, planned the world so that his direct intervention would be superfluous. He has created it

in such a way that, if all creatures enact their natural inclinations, they will spontaneously bring about redemption (Agamben 2011, 97; Dean 2013, 186; Watkin, 212–13): “The government of the world occurs neither by means of the tyrannical imposition of an external general will, nor by accident, but through the knowing anticipation of the collateral effects that arise from the very nature of things” (Agamben 2011, 118). Creatures operate as stand-ins for God, effectuating his will on Earth unbeknownst to themselves (138). Worldly beings immanently self-coordinate according to God’s plan of redemption, even though he does not have to impose this plan himself. “God set up certain broad rules . . . within which moral agents can act with real freedom . . . and yet their free actions wind up moving toward the direction God is taking history” (Kotsko 2015b, 116). God has not explicitly willed every single effect of every single action, but he authorizes them as part of his *providentia generalis*. The suspension of sovereign intervention allows for an immanent worldly freedom that spontaneously evolves toward salvation because all creatures act as *potestates* enacting God’s will on Earth. Providential theology rationalizes the possibility of the immanent self-government of free subjects, with a God as an absolute potentiality that restrains his own power in order to authorize the free self-ordering effects of creaturely interactions (Courtenay, 71; Heron, 162; Watkin, 226).

Agamben understands the providential machine as a state of exception. “The paradigm of government and of the state of exception coincide in the idea of an *oikonomia*, an administrative praxis that governs the course of things, adapting at each turn, in its salvific intent, to the nature of the concrete situation against which it has to measure itself” (Agamben 2011, 50). God subtracts himself from the providential laws of nature in the sense that his absolute potentiality is not subjected to the realm of ordained potentiality. He stands resolutely above the laws of nature. Instead of acting on this supralegal competence however—as in miraculous interruptions—God only authorizes an immanent government that does not need the imposition of commands from above. Social normalcy is achieved by suspending all interventions and letting things govern themselves.

In such an economico-theological state of exception, the intersection of sovereignty and biopolitics also transforms. No longer does it concern the production of bare life via a miraculous suspension of the

law and mythic violence; instead, it takes the form of a nexus between *auctoritas* and *potestas*. The sovereign withdraws his full power and limits his role to authorizing the biopolitical government of creatures in relation to one another. His will is not a terrifying presence but a mysterious absence alluded to in creaturely actions (Agamben 2011, 139). Instead of directly imposing his commandments on creatures, God reveals his plan of redemption only via elusive signs in providential history. "Reading history amounts to deciphering a mystery that involves us in an essential way; [this mystery concerns] an 'economy' that freely arranges creatures and events, leaving to them their contingent character and even their freedom and their inclinations" (45). Every creaturely action is not only the simple enactment of an individual want, but also a small piece in a gigantic providential machine spanning Earth's history (Watkin, 221). It serves as a sign for the will of God (Dean, 175; Kotsko 2015c, 148). For human beings, God moves in mysterious ways. They only know that whatever happens, it will have been God's will. 'God' functions as an 'empty master signifier' (Kotsko 2015c, 141) justifying all historical events and rendering them legible as signifiers in a grand salvific narrative to which people have no epistemic access. They cannot know what fate is in store for them, but only that this fate will have been a necessary side effect of God's providential economy.

Economic theology also reveals a new kind of bare life, less spectacular than life exposed to mythic violence but still a reduction of human *bios* to mere survival. Agamben (2011, 119) calls this alternative form of bare life "collateral damage." It is inclusively excluded not because it is subjected to a sovereign authority while being excluded from the legal protections that sovereign is supposed to guarantee but because it is subject to a providential government while being excluded from the salvific effects that government promises. Although divine providence will eventually deliver redemption, some collateral damage along the way is unavoidable (Zartaloudis 2010, 76). God has, for instance, not specifically commanded any concrete individual to die from an animal attack, but by creating humans and animals as they are, God accepts the individual hardships their interactions produce on the road to salvation. God leaves providential government to the free and spontaneous interactions of creatures and authorizes their collateral effects only in general, not with regard to every specific event.

This generates unintended side effects that have to be accepted in the name of God's plan of redemption. Individual suffering is conferred a meaning in the grand scheme of things (Agamben 2011, 114). Such "providential waste" (Montag & Hill, 257) is necessary to imagine the best of all possible worlds without the annulment of worldly freedom by God's direct intervention. All creatures are consequently exposed to the risk of becoming collateral damage. Living beings are reduced to cogs in a volatile providential machine. "Thus, the disorders and catastrophes of human history are but means to the ends of God's will, which even the most cruel and destructive human actions cannot fail to help bring about" (Montag & Hill, 255). The victims should simply accept the immanent government of the world on faith, because it is God who authorized it.

QUO VADIS, STATUS EXCEPTIONIS?

Throughout the *Homo Sacer* project, two models of the state of exception emerge. In *Homo Sacer*, the model predominantly conforms to politico-theological standards: the theology of the miracle as God's suspension of the laws of nature in favor of immediate intervention in the world *de potentia extraordinaria* functions as an excellent paradigm to understand Agamben's argument about the sovereign declaring a state of exception to immediately impose social order by exposing bare life to the decision over life and death. In *The Kingdom and the Glory*, the model is economico-theological: God authorizes *de potentia ordinata* the providential government of the world by his creatures. This leaves creatures free to enact their own inclinations but mobilizes these actions in a more encompassing salvific plan unbeknownst to them. This system produces collateral damage in the form of individual suffering that must be accepted as a necessary side effect of the immanent self-ordering of the world. The question is consequently how these two models relate to each other. Did Agamben reject the politico-theological narrative from *Homo Sacer*, or does *The Kingdom and the Glory* only supplement his previous work?

One will look in vain in *The Kingdom and the Glory* for an explicit answer, particularly because Agamben mostly abstains from moving from medieval theology to modern political thought. In the appendix,

however, Agamben suggests a primacy of economic theology over political theology (Watkin, 215): “The paradigm of providential government is not the miracle but the law; not the particular will but the general” (Agamben 2011, 264). Especially in the first section, Agamben maintains that the tradition of providential theology has gradually superseded the idea of miraculous divine intervention. Modern theologians such as Nicolas Malebranche discount divine intervention *de potentia extraordinaria* because this would disgrace God’s omnipotence. It would seem like God had to relentlessly repair glitches in his creation. “If God, as the possessor of sovereignty, acted from start to finish according to particular wills, infinitely multiplying his miraculous interventions, there would be neither government nor order but only chaos and what one might call a pandemonium of miracles” (269). Instead of explaining apparent miracles as outcomes of the suspension of the laws of nature, as Schmitt assumed, modern theologians, according to Agamben, subsume miracles under God’s *potentia ordinata*. God supposedly establishes a general law that confers the power on his angels to enact his plan of redemption in apparent contradiction to the laws of nature (Dean 2013, 190–91). It might thus seem that the laws of nature are suspended, but they are, in effect, only overruled by other, general laws.

So-called miracles are the consequence of a general law with which God has given to his angelic ministers the power to act in apparent violation of another general law. . . . The exception is, in other words, not a miracle (a particular will outside the system of general laws), but the effect of a general law that confers on the angels a special power of government. (Agamben 2011, 267)

Agamben (268) subsequently suggests, *contra* Schmitt, that not the miracle but the authorization of angelic action constitutes the paradigm of the state of exception. If one goes along with Agamben in this regard, the economic theology of providential government eclipses the political theology of miraculous intervention as the exemplary figure of the state of exception. Sovereignty would subsequently be reduced to the role of authorizing governmental action instead of directly imposing social order through the suspension of the law. Even the state of exception would not constitute an interruption of the general laws of nature but allegedly would manifest the sovereign’s role of validating the actions of his functionaries.

Agamben doubles down on this perspective in the second section of the appendix on Adam Smith's "invisible hand" metaphor (Dean 2013, 185; Kotsko 2015b, 116–17). Smith derives his claim of self-regulating markets from providential theology, as the "invisible hand" metaphor previously designated God's providential *oikonomia*. Just as God's creatures are expected to enact their natural inclinations to bring about redemption, Smith believes the immanent interactions of self-interested individuals will inevitably produce the common good. Although Smith does not explicitly ascribe this fortuitous occurrence to divine foresight, his theory conforms, for Agamben, to the structure of an economico-theological state of exception.¹⁰

The divine government of the world is so absolute and it penetrates creatures so deeply, that the divine will is annulled in the freedom of men. . . . At this point, theology can resolve itself into atheism, and providentialism into democracy, because God has made the world just as if it were without God and governs it as though it governed itself. (Agamben 2011, 286)

The necessity of any intervention *de potentia extraordinaria* is regarded as superfluous and even harmful. The most efficacious way, according to Smithian liberalism, to achieve the common good is by letting individuals pursue their self-interest without outside interference. The invisible hand guarantees that this will deliver the best results. Economic subjects figure as agents of the market within a self-regulating immanent order that no one explicitly planned but that still generates prosperity via collateral effects. The spontaneous enactment of barter brings about general welfare without outside intrusion, which would only hinder self-propelling growth (Foucault, 118). Individuals function as instruments of providence in a grand coordination machine under "the market" as new *auctoritas*. "The market" is never present as such, but it is a necessary master signifier that renders all market transactions legible as part of a grand providential order (Kotsko 2015d, 186). It validates all these seemingly disparate events as part of a single beneficial economy. Economic agents' actions are not simply expressions of individual preferences but also enactments of the will of the market bound to generate the common good (Cornelissen, 8). Market sovereignty consequently does not entail any direct intervention from "the market" as such or from the state but is a transcendent legitimation of the orderliness of the economy.

Taking the development of Agamben's thought into account, we do not have to accept the suggested primacy of economic over political theology. This view is not consistent with his previous writings. In *State of Exception*, he proposes another way of relating political and economic theology: "*auctoritas* can assert itself only in the validation or suspension of *potestas*" (Agamben 2005, 86). Sovereignty is, in other words, the power that can either grant legitimacy to or suspend the law (80). There is no need to choose between political and economic theology, because the sovereign can resort to either option depending on what suits him best. In *State of Exception*, Agamben suggests that whenever the populace voluntarily submits to its role as the governed, the sovereign can suffice with authorizing the law, but when the people threatens to subvert the law and initiate a real state of exception, the sovereign suspension of the law is in order. Usually *auctoritas* is a power that grants legitimacy, but "under extreme conditions . . . *auctoritas* seems to act as a force that suspends *potestas*" (79). The politico-theological state of exception can hence be regarded as a limit event that backs up the double articulation of *auctoritas* and *potestas* in emergency situations.

This combination of political and economic theology has the advantage of corresponding more faithfully to the theological tradition from which Agamben derives his paradigms.

If God is the sovereign, the creator of the world in a moment of decision, who from time to time is compelled to declare the state of exception to the laws of nature so as to restore order to a restive world, he is also an administrator (the *oikonomos*) who through the regular and predictable operations of his laws manages and governs the world in accordance with the purposes for which it was created. (Montag & Hill, 251)

God originally possesses a *potentia absoluta* to create any world he can imagine (Courtenay, 13–14), but he restricts his omnipotence *de potentia ordinata* in accordance with the laws of nature and subsequently authorizes the immanent self-government of the world. This operation provides the paradigm for economic theology. This, however, does not hinder God from overruling the laws of nature in limited cases where creatures do not spontaneously act according to his will (Zartaloudis 2010, 35). Abraham did not, for example, spontaneously want to kill Isaac, so a direct intervention of God *de potentia extraordinaria* was required to suspend the prohibition against homicide. Government

by ordained potentiality is hence the norm, but exceptions of extraordinary potentiality are still possible (Ojakangas, 510). Both pertain to the same absolute potentiality and are equally foreseen by God at the time of creation. Miraculous interruptions of immanent providence *de potentia extraordinaria* are, however, necessary only in limited cases when regular government does not suffice for the maintenance of that government.

Montag and Hill demonstrate the usefulness of this double articulation of the politico-theological and the economico-theological models in their interpretation of Adam Smith's economic thought. They agree with Agamben's analysis of the invisible hand of the market but suggest that a hidden political theology is required to keep the populace in line whenever it revolts against the disadvantages of the free market. Smith observes that, in times of dearth, the masses revolt against the free-market policies (Montag & Hill, 270). They make demands, such as price ceilings, export prohibitions, and forced grain sales, that are incompatible with the commandments of the invisible hand of the market. Such measures would annul the right to private property and the spontaneous order generated from self-interested barter. Smith's solution is to call upon the visible hand of the armed forces to suppress popular insurrections (304). Violent suspensions of legal rights are justified to suppress popular insurrections in times of famine (307). When mobs threaten to disrupt the spontaneous self-coordination of the market by plundering the silos of rich farmers, the state should use extralegal means to restore obedience to the market order. Once a state of emergency is installed, the police can purportedly legitimately use violence to secure the market order. In other words, the sovereign of political theology responsible for defending the social order in times of unrest surreptitiously reappears in liberal governmentality to back up the economic theology of the free market when the latter lacks popular support. Agamben neglects this security measure in his commentary on Smith because of his emphasis on economic theology, but Montag and Hill's assessment of Smith combines political and economic theology to greater effect. Smith's economic theology is not entirely detached from a political theology: the sovereign state of exception still is the guarantor of last resort to keep the population obedient to the market order. When the population refuses to humbly submit to the providential order of the

free market, the state uses its *potentia extraordinaria* to coerce it into compliance.

CONCLUSION

Agamben's theory of the state of exception has evolved from a politico-theological to an economico-theological approach. The former can be understood via the theological paradigm of the miracle as a suspension of the legal order to make room for a transcendent sovereign to interrupt normal everyday life and expose bare life to mythic violence. Bare life is included in the legal sphere because it is subjected to sovereign authority, but it is also excluded because the rights the sovereign is supposed to guarantee are withheld. In *State of Exception*, Agamben posits a double articulation of power through *auctoritas* and *potestas* that does not fit perfectly with his previous findings. *Auctoritas* is involved not only in the suspension of the law in emergency situations but also in its validation under normal circumstances. Agamben subsequently develops, in *The Kingdom and the Glory*, an economico-theological theory of the state of exception modeled after the providential *gubernatio mundi*. The latter focuses on the sovereign as a figure who establishes the law and afterwards authorizes the self-government of the world under these laws. This entails a self-limitation of absolute potentiality so that God functions only as a transcendent master signifier authorizing the immanent self-government of agents effectuating his will without actively intervening in that order. Bare life is reconfigured as the collateral damage this spontaneous self-coordination produces and that has to be accepted in order to receive the ultimate salvation the providential order promises. It is included in the governmental order as life subjected to the impersonal forces of providence, but it is excluded from the beneficial effects that subjection is supposed to offer. Both forms of the state of exception can be in force simultaneously. As Montag and Hill show in their reading of Adam Smith's *Wealth of Nations*, the sovereign can authorize the immanent self-organization of a social order, such as the market, as long as people voluntarily submit to its laws. Whenever the people, however, rebel against the free market, a suspension of the law *de potentia extraordinaria* is required to violently impose obedience.

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Notes

1. *The Signature of all Things* dates from around the same period as *The Kingdom and the Glory*, but here it is safer to assume continuity in Agamben's oeuvre. His remarks on analogies and paradigms are considerably consistent throughout his career. See for instance 1992, 9–11; 1998, 21–22; 2011, 3–4.

2. Ojakangas (511–12) misnames this extraordinary potential "*potentia obedientialis*." According to Courtenay (87)—Ojakangas's main source—*potentia extraordinaria* is God's capacity to suspend the natural order and perform a miracle, whereas *potentia obedientialis* is the potential of creatures to obey God's immediate commands.

3. In contrast to Schmitt's state of exception, Benjamin's mythic violence is not purposive (Jacobson, 215; Lauwaert, 802). The aim of Schmitt's sovereign violence is to ward off social chaos, whereas mythic violence is a mere outburst of aimless rage, of which the installation of subjection to the law is a merely accidental effect.

4. In *Homo Sacer*, Agamben describes the real state of exception and resistance mainly as a symmetrical, reactive inversion of the law's tendency to abandon life. Living beings can escape the law by mimicking the latter's self-withdrawal. The Auschwitz *Muselmann* is a "mute manifestation of resistance" (Agamben 1998, 185) insofar as his isolation renders him immune to the hold of sovereignty. If the sovereign denies the Jew entrance into the law, the Jew can supposedly reciprocate this exclusion by closing himself off from sovereign violence.

5. For the Schmitt/Benjamin-debate and Agamben's reception of it, see Koenpnick; Weber, 176–94; De Wilde, 41–90; Zartaloudis, 137–43.

6. In *The Kingdom and the Glory*, this focus on theatrics culminates in Agamben's archaeology of glory and acclamation (Zartaloudis 2010, 85–93; Dean 2013, 199–211; Watkin, 227–31). This archaeology unearths how liturgical rites and ornamental ceremonies convince people of the grandeur of God, even if in reality the "throne of power is empty" (Agamben 2011, xiii). "The center of the machine is

empty, and glory is nothing but the splendor that emanates from this emptiness" (Agamben 2011, 211). For an application to contemporary political rituals, see Dean 2017.

7. Agamben announces his move away from Schmitt's original program of political theology by taking into account Erik Peterson's criticisms of Schmitt in "Monotheism as a Political Problem" (68–105) (Bussolini, 111; Dean 2012, 152–57; Dean 2013, 167–72; McLoughlin 2016). According to Peterson, the link between political sovereignty and divine monarchy comes from Pagan and Jewish influences, not from Christianity itself: the aim of the Christian *ekklēsia* lies in a Divine Kingdom that is *not* of this world and the Christian God is not a unitary being but a Trinity (Hoelzl & Ward, 9). Agamben, however, does not fully go along with Peterson's complete rejection of political theology. He sees a point in Schmitt's counter-argument that the complete disarticulation of the godhead into three persons runs the risk of an internal civil war in God (Agamben 2011, 12). It is divine monarchy, embodied in the divine will, that keeps the different persons together in a coherent *oikonomia* (50–51).

8. For the semantic history of "economy," see Mondzain, 18–68; Agamben 2011, 17–51; Zartaloudis 2010, 56–64; Leshem, 25–44.

9. Only miracles are limit events where God suspends providential laws and reveals his will immediately through a violent display of *potentia extraordinaria* (see *infra*). Normalizing government by miracle would, however, amount to an eradication of freedom.

10. Scholars debate whether Smith's economics should be interpreted as part of a natural theology. Some interpreters read the reference to the invisible hand as a secularization of providence (Vogl, 25) or even as rupture with theology (Alvey; Laval, 213–27; Foucault, 278–86). Others give an unambiguously religious connotation to Smith's economics (Viner; Hill; Harrison, 2011; Oslington).

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