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BOOK REVIEW SYMPOSIUM ON *SOVEREIGNTY AND THE SACRED*

PEELING AWAY THE CELLOPHANE: POLITICAL THEOLOGY AND THE EXCEPTIONAL GOD

Sovereignty and the Sacred: Secularism and the Political Economy of Religion. By Robert A. Yelle. Chicago: University of Chicago Press, 2018. Pp. 304. $100.00 (cloth); $32.50 (paper); $32.50 (digital). ISBN: 9780226585451.

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Ludwig Wittgenstein once wrote "It is very *remarkable* that we should be inclined to think of civilization—houses, trees, cars, etc.—as separating man from his origins, from what is lofty and eternal, etc. Our civilized environment, along with its trees and plants, strikes us then as though it were cheaply wrapped in cellophane and isolated from everything great, from God, as it were. That is a remarkable picture that intrudes upon us."[1] Robert Yelle's book *Sovereignty and the Sacred: Secularism and the Political Economy of Religion* can be read as an attempt to peel away the cellophane self-applied by a certain kind of secularism that sees God as a threat, and that tries to reduce everything great and wild about human life to a set of rules that will guarantee an end to violence. These "contemporary efforts to repress the antinomian impulse and apply the same flat, rationalizing level to everything" (5), in Yelle's words, attempt to trim community down to an orderly kind of noninterference. Such efforts fail not because religion has not yet been sufficiently marginalized, but because they miss an important and necessary antinomian impulse at the heart of humans' attempts to organize themselves into societies. They miss in particular the exceptional nature of sovereignty, which refers both to the power wielded by God and to that wielded by the state.

Yelle is an important voice among those scholars trying to narrow the gap between politics and theology. Yelle is not a theologian, but neither does he buy Mark Lilla's retelling of the standard liberal narrative that writes Western history as a "Great Separation" between politics and theology. For Lilla, Westerners are those exceptional people who have learned to make peace by marginalizing theology from the organization of society.[2] Yelle is not having Lilla's argument, either historically or normatively. Yelle presents secularism more as a failed ideological attempt to repress what cannot ultimately be repressed, rather than as a project historically realized. Yelle prefers Paul Kahn's argument that the legitimacy of the contemporary Western political order—especially in the context of war—continues to rely on the dynamics of sacrifice, a putatively "religious" impulse that liberal democracy had supposedly overcome (3).[3] For Yelle, the Great Separation is neither possible nor desirable, for the antinomian impulse he associates with sovereignty is necessary both to establishing and to escaping order, and sovereignty belongs equally to the realms of politics

[1] Ludwig Wittgenstein, *Culture and Value*, trans. Peter Winch (Chicago: University of Chicago Press, 1980), 50e (italics in the original).

[2] Mark Lilla, *The Stillborn God: Religion, Politics, and the Modern West* (New York: Knopf, 2007).

[3] Yelle cites Paul Kahn, *Sacred Violence: Torture, Terror, and Sovereignty* (Ann Arbor: University of Michigan Press, 2008).

and theology. The sovereign must stand outside of the law in order to found the law. Both God and the state must therefore retain exceptional powers.

The power of Yelle's book lies in his recasting of this antinomian impulse as potentially liberating rather than simply irrational and violent. The Enlightenment attempt to banish God—or to relegate God to a deist watchmaker who does not interfere in the smooth, mechanical operations of the cosmos—was meant to free us from the weight of hierarchy and tradition (38–49), but we have become entrapped in law, bureaucracy, and debt, which have conspired to form yet more rigid hierarchies. The Enlightenment coupling of human freedom with a mechanistic universe was always a contradiction. The putatively scientific discovery of the bases of human motivation, coupled with political attempts to manage human action and an economic deference to the iron-clad "laws" of the market, could only conspire to reinforce the ever-widening gap between the managers and the managed, the lenders and the debtors. The attempt to banish sovereignty, whether divine or political, could only benefit those with a stake in the uninterruptability of the status quo. In response to this "code fetishism" or "nomolatry," to use Charles Taylor's terms,[4] Yelle proposes appreciation for the kinds of sovereignty that can return people, if only temporarily, to their condition before the law and before debt. Yelle's explorations of traditions of pardon and Jubilee are fascinating and exciting, and suggest possibilities for a more liberating politics and economics. He is especially keen to suggest that such traditions open up avenues for popular sovereignty, not a return to hierarchical sovereignties of the past, but rather a challenging of the kinds of hierarchies that code fetishism erects (184–87). Though Yelle is obviously indebted to Carl Schmitt's framing of the tension between sovereignty and law,[5] Yelle hopes that something better than Schmitt's authoritarianism can come from the vindication of sovereignty in the contemporary world.

In all of the above, I find Yelle's argument enormously generative, and the book is simply splendidly done. The research is both broad and deep, the commentary is often insightful and incisive, and despite the boldness of the proposal, Yelle is typically nuanced and recognizes the ambiguities and ambivalences in any concept of sovereignty. To give just one example, Yelle's treatment of indulgences in the late medieval period deftly shows how the practice begins as a ritualization of the exception to the economy of merit and salvation, only to degenerate and calcify into a transactional and calculable economy of grace by the time Martin Luther raised his protest against Johann Tetzel and his fellow indulgence salesmen fanning out across the Holy Roman Empire (156–70).

Within the context of my admiration for Yelle's book, I find that some areas of his argument require further clarification or modification, and in discussing these in what follows, I group my comments as historical, analytical, and theological in nature.

HISTORICAL

In Yelle's historical explorations, his emphasis is clearly on the antinomian nature of religion. This should not be surprising, given that he takes sovereignty as his topic. I wonder, however, if his

[4] "So the 'code fetishism,' or nomolatry, of modern liberal society is potentially very damaging. It tends to forget the background which makes sense of any code: the variety of goods which the rules and norms are meant to realize, and it tends to make us insensitive, even blind, to the vertical dimension. It also encourages a 'one size fits all' approach: a rule is a rule. One might even say that modern nomolatry dumbs us down, morally and spiritually." Charles Taylor, *A Secular Age* (Cambridge, MA: Harvard University Press, 2007), 707.

[5] See Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: University of Chicago Press, 2005), 5–35.

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presentation of religion, specifically the Jewish and Christian traditions, overemphasizes their antinomian nature. Yelle makes rather a lot of the binding of Isaac in Genesis 22 (23–28, 40–42), and not so much of the nearly ubiquitous emphasis in the Tanakh on the Law. Love songs were composed to the Law (see Psalm 119), and Jesus himself vows that not one stroke of a letter of the Law will be abrogated before the Kingdom is fulfilled (Matthew 5:18). Nevertheless, in the standoff between sovereignty and law, the Bible as Yelle presents it comes down firmly on the side of the former. Yelle presents the *potentia dei absoluta* of late medieval nominalism as simply a distillation of "an absolutely sovereign God . . . from biblical tradition" (66). Nominalism for Yelle is not a wrong turn within Christian tradition, as it is for countless Christian thinkers (Etienne Gilson, Hans Urs von Balthasar, and John Milbank are just a few prominent examples), but simply the logical outworking of the biblical revelation. "Rather than a thirteenth-century mistake, it is the ancient tension between Jerusalem and Athens that is expressed here. And within this dialectical tension, what the nominalist emphasis on the absolute power represented was a reassertion of the transcendent sovereignty of the God of Israel, as manifested in creation ex nihilo, miracles, and revelation" (52). The Bible and nominalists like Ockham and Scotus represent "Jerusalem" in perennial tension with "Athens."

There are several problems here. The first is with the rather tired dichotomy of Athens and Jerusalem, derived originally from Tertullian's famous rhetorical question "What hath Athens to do with Jerusalem?" The answer to Tertullian's question, from a historical point of view, is, as Dylan Pahman puts it, "Quite a lot, actually."[6] There is a whole raft of scholarship over the past few decades showing that there simply is no "biblical tradition" that arose in isolation from Greek thought and then subsequently encountered it.[7] Second Temple Judaism, the New Testament, and the patristic mediation of those traditions were all created within a Hellenistic milieu that makes separating Jerusalem from Athens often impossible. It is not simply that Jewish and Greek thought intermingled; Jewish and Christian thought developed in a Greek context and are inextricable from it.

The second problem is with Yelle's telling of the post-biblical history of Christian thought. Because Yelle regards the Athens versus Jerusalem tension as perennial, he skips over most of the Christian tradition that comes between the canonization of the Bible and late medieval thinkers like Ockham. For Yelle, Thomism and its participatory view of the universe—derived from a synthesis of biblical, Augustinian, and Aristotelian strands—is dismissed rather quickly as an "'unstable' amalgam of Jerusalem with Athens" (67). Augustinianism and Thomism, not nominalism, are the detour. Yelle acknowledges that some scholars see nominalism as the deviation from scholastic thought, but he presents the nominalists as simply being more clear-sighted about the perennial standoff between God's *potentia absoluta* and God's *potentia ordinata*. "The two horns of the dilemma thus having been sharpened by the logic of the nominalists, the room for compromise between the countervailing goods of God's absolute power and human beings' freedom and security disappeared" (50). But for the Augustinian and Thomist traditions, God's power and human

[6] Dylan Pahman, "Alive from the Dead: Asceticism between Athens and Jerusalem, Ancient and Modern, East and West," *St. Vladimir's Theological Quarterly* 60, no. 4 (2016): 489–504, at 489.

[7] See, for example, Martin Hengel, *Jews, Greeks, and Barbarians: Aspects of the Hellenization of Judaism in the Pre-Christian Period*, trans. John Bowden (Philadelphia: Fortress Press, 1980); Pieter W. van der Horst, *Hellenism—Judaism—Christianity: Essays on Their Interaction* (Kampen: Kok Pharos, 1994); Lee I. Levine, *Judaism and Hellenism in Antiquity: Conflict or Confluence?* (Seattle: University of Washington Press, 1998); Erich S. Gruen, *Heritage and Hellenism* (Berkeley: University of California Press, 1998); Troels Engberg-Pedersen, ed., *Paul beyond the Judaism/Hellenism Divide* (Louisville: Westminster John Knox Press, 2001). Pahman gives more examples in "Alive from the Dead," 489n3.

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freedom are not countervailing goods, and there is no need to compromise between them because the relationship between the two is not zero-sum. As Aquinas writes, it is precisely because God is wholly other—not a thing in the universe but the creator and sustainer of it—that God is also "innermost" in all creatures.[8] God is, as Augustine puts it, *interior intimo meo*, closer to me than I am to myself.[9] Transcendence and immanence are not opposed. For the mainstream of the Christian tradition, God is the condition of human freedom, and transcendence is the condition of immanence;[10] it is only in the nominalists that God and the human individual confront each other as two mutually alien loci of will.

In Yelle's exploration of the transfer of sovereignty from God to the earthly political sovereign, the nominalist framing of the problem also seems to be normative, so that the divine right of kings is presented as the "traditional" (2) and "classical" (164) Christian doctrine, rather than as an early modern aberration. There is no question that the king was seen as an agent of God in the early and high medieval periods, but the king was also subject to the eternal and natural laws, and his power was held in check by the power of the church. The two swords metaphor complicated the relationship between divine and human power. I am concerned that Yelle tries to shoehorn quite varied historical arrangements of power into a perennial and universal Schmittian tension between sovereignty and law. Yelle writes "Paradoxical formulations of the nature of sovereignty—for example, the medieval idea that the king has 'two bodies,' an immortal and incorruptible one in addition to the natural one—now appear to formulate a general and possibly ineradicable tension in the relationship between sovereignty and law" (18). Yelle cites Ernst Kantorowicz, but Kantorowicz's work can be read as a constitutionalist rebuke to Schmitt's decisionism. The king's immortal body provides continuity, not rupture; land belongs to the crown, and thus to all, not to the king. Similarly, Kantorowicz traces the use of the fiction of the king's immortal body to turn royal taxation in times of emergency into a routine, annual guarantor of the crown's finances. According to Richard Halpern, Kantorowicz thus "offers a kind of anti-Schmittian parable in which the sovereign's power to decide states of emergency cedes to bureaucratic regularity and continuity long before the modern era."[11]

Beyond quibbling over interpretation of Kantorowicz's influential work, the larger question I am raising is about the inevitability of the nominalist framing of sovereignty in Yelle's historical narrative. For an alternative framing, one might turn to William Bain's *Political Theology of International Order*, in which he traces the origin of two models of international relations to two medieval theological models, which he labels "immanent order" and "imposed order."[12] The former represents the Augustinian-Thomist tradition that builds on Platonic accounts of divine ideas to see an eternal order immanent to creation. The latter represents the nominalist tradition that rejects divine ideas as restricting the absolute freedom of God's will. According to Bain, mainstream international relations scholarship has come to accept the nominalist view, which posits a kind of natural anarchy among nation-states, upon which order is only imposed by the will of

[8] Thomas Aquinas, *Summa Theologiae*, I.8.1.

[9] Augustine, *Confessions*, trans. Henry Chadwick (Oxford: Oxford University Press, 1991), III.6.11, 43.

[10] On the importance of the noncompetitive Creator/creation distinction, see Robert Sokolowski, *The God of Faith and Reason: Foundations of Christian Theology* (Washington, DC: Catholic University of America Press, 1995), 21–40.

[11] Richard Halpern, "The King's Two Buckets: Kantorowicz, *Richard II*, and Fiscal *Trauerspiel*," *Representations* 106, no. 1 (2009): 67–76, at 71. For a similar reading of Kantorowicz as a constitutionalist foil to Schmitt, see Victoria Kahn, "Political Theology and Fiction in *The King's Two Bodies*," *Representations* 106, no. 1 (2009): 77–101.

[12] William Bain, *Political Theology of International Order* (Oxford: Oxford University Press, 2020).

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those nation-states. Bain thinks this is a mistake, and proposes instead the recognition of an immanent order among states, allowing for a discourse of the common good among states. Like Yelle, Bain sees the direct relationship between theology and theories of sovereignty. Unlike Yelle, Bain sees the Augustinian-Thomist model as a live option. Though Bain unfortunately also appeals to the Athens/Jerusalem trope and identifies nominalism with Jerusalem,[13] Bain sees the theory of immanent order as a fruitful marriage of Athens and Jerusalem, one that, far from being inherently unstable, is very much a serious option today and could lend stability and peace to a fractured world. Rather than see the Augustinian-Thomist tradition as the marriage of Athens and Jerusalem, a better way to make this point would be, in my judgment, to see the Augustinian-Thomist tradition as one that does not distinguish between Athens and Jerusalem, as nominalism does.

ANALYTICAL

Yelle does not simply vindicate sovereignty over against law, but recognizes their complex relationship. Order is necessary, but to establish order there must be something that goes beyond it. What is unclear to me, however, is the relationship of "religion" to sovereignty. Here is where I have questions of an analytical nature for Yelle's text. Sometimes he identifies *religion* with the interplay between sovereignty and law: "What we call 'religion' or the 'sacred' encompasses the dynamic interplay between a normative order and the drive to go beyond this order, either to escape or to legitimate it" (8). Most often, however, he identifies *religion* with the antinomian or sovereign side of the sovereignty/law duality. In the first chapter, "The Antinomian Sacred as a Political Category: Toward a Theory of Religion as Sovereignty," Yelle emphasizes the elements of departure and rupture in the stories of Christ and the Buddha, for example, and writes "That each of these paths required, finally, the abandonment of embodiment shows the potential incompatibility of transcendence with any living system whatsoever. This reinforces the fact that religion—as transcendence—can scarcely be about 'existence' or 'thinghood.' It would be truer to call it an act of pure negation" (14). At times it seems that Yelle is merely trying to correct an imbalance in the study of religion, which has emphasized order in the wake of Mary Douglas's work (13). But Yelle's persistent emphasis is on religion as rupture, and it leads him to regard nominalism as the real face of Christianity.

Part of the problem, in my judgment, is that Yelle seems intent on constructing a "general theory of religion" (13; see also 17, 118–20, 146–55). He acknowledges the genealogical work that has been done on "religion" as a modern Western category, but mischaracterizes it as supposedly claiming that "religion doesn't exist—that there is 'no thing' described by this category" (14). Such a claim is easily brushed aside, but it is not what "[t]he view, now commonly held by many scholars" (14) actually holds. Constructivist genealogies (such as those by Wilfred Cantwell Smith, Talal Asad, Timothy Fitzgerald, Daniel Dubuisson, and Brent Nongbri[14])

[13] Bain, *Political Theology*, 30, 51.

[14] Wilfred Cantwell Smith, *The Meaning and End of Religion* (New York: Macmillan, 1962); Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore: Johns Hopkins University Press, 1993); Timothy Fitzgerald, *The Ideology of Religious Studies* (New York: Oxford University Press, 2000); Daniel Dubuisson, *The Western Construction of Religion: Myths, Knowledge, and Ideology*, trans. William Sayers (Baltimore: Johns Hopkins University Press, 2003); Brent Nongbri, *Before Religion: A History of a Modern Concept* (New Haven: Yale University Press, 2015).

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recognize the existence of religion as a category constructed in and by the West, beginning with the rise of the state in the early modern era, and subsequently exported to the rest of the world through the process of colonization, in which the separation of "religion" from the rest of "secular" life served the interests of the colonizers.[15] It is not that there is no such thing as religion. The religious/secular divide now exists, but as a phenomenon constructed in different ways in different times and places by different configurations of power. It is not a general human datum that exists in all times and places about which one can construct a general theory that covers everything from tribal rituals among the Dinka to Pentecostal Christianity to Theravada Buddhism.

Despite his appreciation of nominalism in another context, Yelle ironically dismisses resistance to constructing a general theory of religion as mere "nominalism" (15–16, 192–93n30), here defined as the idea that there exist only particular things, not general categories of things. Yelle attempts to build a general theory of religion around the concept of "transcendence"; he defines religion as "the function of transcendence within a total social order" (14). So "what we have been calling 'religion' . . . often constitutes a series of exit signs from a condition that is regarded as limited, alienating, unjust, illegitimate, intolerable, or simply boring" (14). About the way he has defined "religion," Yelle remarks "If this definition is thought to exclude those systems called 'religions' that are without a notion of transcendence—if such could be shown to exist—then so be it. I will stipulate that I am not concerned with such systems" (14).

I cannot tell if Yelle denies that such systems are religions, or if they count as religions but he is not concerned with them. I am also unsure as to what counts as transcendence and what does not. Is Marxism, with its exit sign from alienation, a type of transcendence? Do forms of Buddhism with no concept of God or gods or the supernatural count as religion? Whether or not the transcendence/immanence divide makes sense at all in Buddhism is a difficult question. The distinction comes from Jewish and Christian tradition, with its distinction between a Creator God and creation. In order to apply it to Buddhism, which Yelle includes in his category of "religion," the category of transcendence must be sufficiently vague. But if it is—if it is defined as a series of exit signs—then there is no reason to exclude Marxism from the category of religion. For a general category of religion as sovereignty, what distinguishes godless Marxism from godless Buddhism is unclear. Transcendence is a malleable and complex concept. William Connolly, for example, distinguishes between belief in "radical transcendence," such as belief in God, and "mundane transcendence," which consists of experiences outside of conscious awareness or full representation that interact with actuality in fecund ways.[16] In the Christian tradition, the transcendence/immanence binary has a very specific set of uses that may or may not be helpful when applied to other contexts. The original context of the concept "immanence" in Christian thought was the inner *perichoresis* of the three persons of the divine Trinity, in which "all varieties of divine being and every divine person who is so by relating to the other, must necessarily be fully contained in the other."[17] The relationship of transcendence and immanence in Christian thought is further complicated by the Incarnation, which makes the transcendent God visible in immanent form without thereby reducing God to something

[15] For a summary of such scholarship, see William T. Cavanaugh, *The Myth of Religious Violence: Secular Ideology and the Roots of Modern Conflict* (New York: Oxford University Press, 2009), 57–122.

[16] William E. Connolly, "Belief, Spirituality, and Time," in *Varieties of Secularism in a Secular Age*, ed. Michael Warner, Jonathan VanAntwerpen, and Craig Calhoun (Cambridge, MA: Harvard University Press, 2010), 126–44, at 131.

[17] L. Oeing-Hanhoff, s.v. "Immanent, Immanenz," in *Historisches Wörterbuch der Philosophie*, vol. 4, *I–K*, ed. Joachim Ritter (Basel: Schwabe, 1995), quoted in Marc Rölli, "Immanence and Transcendence," *Bulletin de la Société Américaine de Philosophie de Langue Français* 14, no. 2 (2004): 50–74, at 71n2.

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created.[18] In Christian tradition, in other words, transcendence cannot be reduced to negation, rupture, exit.

The question of the definition of "religion" and the value of trying to construct a general theory of religion is contested, and I will not settle it here. Yelle knows the debate (192n30) and sees the dangers of essentialism (16), but he is after a "theory of religion as sovereignty" (9), and I worry that this presses him into a one-size-fits-all analysis in which some strands of complex traditions are ignored in favor of others, as in his preference for nominalism over Augustinian-Thomism as representative of "biblical tradition." In order to do political theology one needs to get into the weeds and do theology. I am afraid that a general theory of religion cuts off the possibility of theologies that wander from the controlling narrative of the perennial and worldwide conflict between sovereignty and law.

THEOLOGICAL

Theology, unfortunately, is precisely what Yelle does not seem willing to do. He prefers the term "spiritual economy" to "political theology," because "'Economy' denotes a complete, self-contained system, defined in significant measure by the mode of relation between sovereignty and legality" (35). Yelle writes of Weber's account of authority, "The dependence of his theory on a series of theological tropes renders it of dubious value for scientific purposes" (67). Yelle does not seem to regard theology as done by theologians—that is, theology as discourse about God, who exists—as a legitimate scholarly enterprise. It is only interesting insofar as it expresses dynamics in the perennial standoff between sovereignty and law that marks all social order. According to Yelle, "Transcendence assumes reality only in relation to some system, structure, or institution, which is the object of transcendence" (14). Yelle suggests that sovereignty and the sacred "could turn out to be the same as each other" (18; cf. 20), and indeed for Yelle, discourse about God is reducible to discourse about sovereign human agency: "The idea of an absolutely sovereign god or king is a projection of human agency" (124).[19] The study of religion is therefore the study of human nature (186): "what we call religion is an *anamorphosis*, a distorted image that can be seen properly only from a particular perspective, from which it reveals its true form, as sovereignty. This shift of perspective at the same time discloses an opening in the system: an exit sign" (187).

My concern is that if God is reduced to a mere projection of human agency, then any potential exit has been blocked. To reduce transcendence to a function of immanence—"Indeed,

[18] As Ola Sigurdson comments, "The doctrine of the incarnation in Christian theology thus treats the question of how transcendence and immanence may be related to each other in a way that respects both their integrity and their affinity." Ola Sigurdson, *Heavenly Bodies: Incarnation, the Gaze, and Embodiment*, trans. Carl Olsen (Grand Rapids: Eerdmans, 2016), 7.

[19] Yelle approvingly quotes Gustavo Benavides both here (124) and on page 9: "What accounts for the appearance of metaphors involving sovereign decisions is the attempt to explore the nature of human agency, an exploration which requires positing agency at its most naked—gods and rulers being the personifications of this extreme form of agency." Yelle adds one minor emendation to Benavides's quote: "such projections are designed not merely 'to explore . . . human agency,' but rather to certify or guarantee the authority that must be regarded as supporting the normative order, if that order is to have any validity" (125). Gustavo Benavides, "Holiness, State of Exception, Agency," in *Religion im kulturellen Diskurs: Festschrift für Hans G. Kippenberg zu seinem 65. Geburtstag/ Religion in Cultural Discourse: Essays in Honor of Hans G. Kippenberg on the Occasion of His 65th Birthday*, ed. Brigitte Luchesi and Kocku von Stuckrad (Berlin: De Gruyter, 2004), 61–74, at 61.

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transcendence is figurative: always virtual, never actual" (14)—is to reapply the cellophane that Yelle promises to peel away. We are stuck in an endless and ubiquitous dialectic between the law and the sovereign exception. In his analysis of exchange and the gift, religion is associated with the latter, but the game is zero-sum, and religion becomes only an attempt to escape the conditions of work in a mundane economy (118–20). *Ora et labora* is reduced to *ora aut labora*; monasticism is not a new form of economy but a departure from economy, a form of "aneconomic religious behavior" (120) based on the pursuit of sovereignty over the body, a kind of "insubordination" (124). Not only does this idea make the monastic vow of obedience incomprehensible, it also traps us into a choice between exchange "and the rejection of exchange, which aims at a condition altogether beyond economism" (182). If the choice is between embodiment and the "abandonment of embodiment" (14), then all attempts by embodied human beings to escape will ultimately fail. "There may be no possibility of a permanent deviation from the mundane economy, but only of a temporary or symbolic escape" (169). Escape is only a "liminal moment" (169). Likewise, any attempt to see violence in a polity as contingent rather than structurally necessary is, Yelle suggests, utopian and "naïve wish fulfillment" (3).

For Yelle, it seems, we are stuck in the permanent dialectic of sovereignty and law, and the gods are not really much help, in part because they are ultimately all the same. Norman Gottwald presents Israel's God as underpinning a rural experiment in egalitarianism and primitive communism, but Yelle dismisses Gottwald's argument with "not only the evidence that ancient Israelite society was less egalitarian than Gottwald maintained, but also the frequent association of high gods with urban states" (138). YHWH is just another one of the "high gods," and Yelle's global theory of religion exerts a homogenizing pressure. The notion that there could be a different God who transcends the dialectic of sovereignty and law, one who funds a radically different kind of gift economy and peaceful polity, is seemingly ruled out. The other reason the gods are not much help, of course, is that they do not exist; they are mere projections of human agency, personifications of ultimately futile human attempts at negation of the code.

I suggest that any attempt to keep us from suffocating under nomolatry will also need to remove the cellophane that protects immanence from transcendence, that is, from God, a God who is more than a human projection. For a theological challenge to the fetishism of the code, I suggest Ted A. Smith's *Weird John Brown: Divine Violence and the Limits of Ethics*.[20] Smith uses the case of abolitionist John Brown to explore Walter Benjamin's concept of "divine violence" through a Christian theological lens. Rather than approach Brown's insurrection through the filter of ethics, Smith treats the case theologically: the true question is not whether Brown's violence can be justified, but whether it can be redeemed.[21] Smith acknowledges a God beyond ethics, and, like Yelle, acknowledges the need for sovereign exceptions to the law. Carl Schmitt insists on the sovereign exception and on a clear earthly identity for the sovereign. For Smith, Schmitt was right about the former and wrong about the latter. Schmitt's transfer of sovereignty from God to the state created an idolatrous, false god. We need discernment about when exceptions are necessary and when they are not, and to have such discernment we need something higher than the political state to which to appeal. Schmitt's problem, as Benjamin saw, was that theological concepts were emptied into political concepts without remainder. This, it seems to me, is the danger in Yelle's approach as well, in which sovereignty is equated with the sacred, and there is no real difference between the sovereignty of God and the sovereignty of the state. For Benjamin, something critical of value is lost in the translation from theological to political.

[20] Ted A. Smith, *Weird John Brown: Divine Violence and the Limits of Ethics* (Stanford: Stanford University Press, 2015).

[21] Smith, *Weird John Brown*, 39.

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Though he acknowledges that Benjamin's mode of critique can be purely immanent,[22] Smith develops it in a Christian theological context in which the code is overcome by a higher law that is manifested paradoxically in the crucified King, Jesus Christ. Rather than remain within a dialectic of sovereignty versus law, Smith sketches a theological understanding of the higher law with four characteristics.[23] First, it is indicative rather than imperative. Jesus' vision of the Kingdom of God is about the way things really are, and therefore does not need enforcement any more than the law of gravity needs enforcement. Second, the law is related to the present age as negation of earthly law by a positive vision of utopia, in which the wolf lies down with the lamb (Isaiah 11:6). Smith rejects both "blueprint utopias," which license violence because the new society is known in advance, and utopias that can do nothing but negate and reject all claims of value. The peaceable Kingdom is a positive hope based in an indicative, rather than imperative, vision. Third, whereas the code commands obedience, the indicative invites a free and creative response. And fourth, the presence of God does not depend on relations of identity, where divine presence is measured by conformity to a code. "On the contrary, to say that God is gracious is to say that God remains present to creatures and institutions that are *not* identical to God."[24] Smith sketches a messianic politics that is not a theocratic attempt to impose a blueprint of God's will on society, but rather the open-ended, democratic, and nonidentical attempt to discern God's presence according to a vision of the peaceable Kingdom. This negation of earthly law is not a simple antinomianism but the fulfillment of a higher law revealed in the crucified God.

For my present purposes, the point is not to defend Smith's proposal, of which I have given only the briefest summary. The point is rather to propose the ongoing relevance of theology for political theology—theology understood, that is, as discourse about the self-revelation of God, who is irreducible to human projections. I make this proposal in the spirit of Yelle's own brilliant work. If he really wants to defend the exception, he should allow for a God who is not reducible to immanent political processes—an exceptional God, even a weird one, like the God who is tortured to death by the powers that be.

I have tried in this response to push on some of the areas where I think Yelle's work invites further thought. I want to be clear, however, that I have done so within the context of admiration for what he has accomplished in this book. Yelle's challenge to code fetishism is crucial in an increasingly coded world, where life is bounded not only by state power but by surveillance capitalism, to use Shoshana Zuboff's apt term.[25] Theology, I think, has an important role to play in finding routes of resistance and escape, and building positive alternative futures. Political theology of the kind practiced by Yelle and others does an important service in questioning politics/theology and secular/religious boundaries. Ultimately, however, undoing those dichotomies and building alternatives requires actual theology, the kind for which God has not been banished, reduced, or tamed.

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[22] Smith, 67–68.
[23] Smith, 116–21.
[24] Smith, 121.
[25] Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (London: Profile, 2019).

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