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POLITICAL SUBLIME  
AND THE DAEMONOLOGICAL ORIGIN OF MODERNITY.  
*SAYING ADIEU TO POLITICAL THEOLOGY  
AND ITS MODERN EPIGONES*

*Pier Giuseppe Monateri*

VISIONI A 'OCCHI CHIUSI':  
SGUARDI SUL PROBLEMA PENALE TRA IMMAGINAZIONE,  
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*Abstract*

The aim of this paper is to show the demonological origin of modernity, which entails a "sublime" aspect of the political exceeding the words by which we try to capture its nature.

As such this paper is an attempt to overcome both the Weberian approach to the *disenchantment* of modernity, and the Schmitt's theory of Political Theology, purported in many ways by his contemporary epigones (Agamben, Esposito and others).

My paper proceeds analysing the parallel between King James I and Jean Bodin. Both authors developed the modern conceptions of political sovereignty and both were engaged in witch-trials, writing extensive treatises on the matter. This parallel locates the question of heterodoxy/orthodoxy in the very threshold of modernity.

My tentative conclusion is the possibility of a link between the politicization of the magic world and the genealogy of modernity, reversing, in a way, the standard approach of political theology in favour of a demonological archeology of modern (and *exotic*) European concepts of law and politics.

## 1. INTRODUCTION: THE POLITICAL SUBLIME

The aim of this paper is to analyse the strange interconnections between the rise of the modern concept of sovereignty and the political, and the Jurisdiction over the magic and witchcraft, especially in two different but parallel figures as king James I of England and Jean Bodin in France.

Both authors have indeed written extensively on witchcraft, the former in his Demonologie<sup>1</sup> and the latter in his Demonomanie,<sup>2</sup> and both, as it is well known, have crafted, by practice and in theory,<sup>3</sup> key features of the modern purely political concept of sovereignty.

As such this work is part of an ongoing project of re-thinking the origin of modernity and its genealogy pointing at the sublime and daemonological aspects of the political. From this standpoint this is a direct critique of Schmitt's theory of political theology. It is an attempt to reverse Schmitt upside down: the modern sovereign is not such because he's representing God on Earth; rather the modern sovereign emerged from a *normative inversion*. Whereas the Holy Roman Emperor *was* a representation of God in his governance of the world, the medieval prince transformed itself into the newer modern sovereign, because *he* was able to rule the devils. In this way the "device" of legitimacy changed completely, producing something which remained at the hidden foundation of modern politics as its undiscovered archeology, and *this* is explaining why, in Hobbes, the symbol of the Ancient Serpent, the symbol of the Devil, could become the Icon of the Saviour, of the King to which we owe the salvation of our bodies, and the safeness of our lives. A total reverse which underpin every attempt to revitalize conceptions resting upon the survival of the theological into the decayed forms of the political.

According to this point of view, here I use the term political as the English translation of the German term "Das Politisch", to designate the concept of what

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<sup>1</sup> James I (1597)(1966).

<sup>2</sup> See Bodin (1580); Bodin, Scott et alii (1995); and Bodin (1593); Bodin and Franklin (1992).

<sup>3</sup> Bourdin and Pickford (2010); Franklin (2006).

is political<sup>4</sup> beyond the standard reference denoted by words as politics or policies.

Secondly for "sublime" I mean to make reference to those features of human sensibility re-discovered by Edmund Burke,<sup>5</sup> pointing to what is "beyond words" and probably beyond explicit and clear thought. So everything which is at the same time terrific but attractive, hazardous but seducing, too large or too huge but unescapable, is "sublime". To capture the idea it is enough for the moment to remember that from the standpoint of Burke's aesthetics the sunny mediterranean in daylight is a piece of beauty, but the stormy north sea swaddled in darkness is sublime. It is also enough to remember how much this idea owes a lot to the newer and revolutionary depiction of the devil that we find in Milton.

My investigation is then about the dark side of the genealogy of the modern political which happened to be denied by the rationalism of the Weberian approach, and to fall into latency, but that is not either reductable to the schemes of Political Theology, as a persistence, a remnant, a residue, even if, daemonologically, it is exceeding our capacity to verbalise thoroughly what politics is at national and international level.<sup>6</sup>

What, then does it lie at the heart of our political conceptions? What is exactly defeating rationalism in the domain of politics ? What is the existential nature of political decisions ? Which kind of ghosts are still dominating a globalized world, and isn't the West, after all, one of the most exotic places in this world today ?

Of course, having to do with witchcraft and the romantic sublime my theory copes with the place of heterodoxy within the transformations which moulded the surface of European rationalism, as a standard for global orthodoxy, in the scientific appraisal of the political and legal domain. At the same time my approach, to be developed further in future writings, departs completely to the "nostalgia" for Theology which lies at the heart of the Schmittian approach,

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<sup>4</sup> Morgenthau et alii (2012).

<sup>5</sup> Burke (1796).

<sup>6</sup> Santner (2011); Kahn (2011).

including the parallel he traced between miracles and the state of exception, upon which his modern epigones have built quite entirely their actual theories.

My radical point is that they are simply wrong, because they didn't perceive the *normative inversion* which took place with the rise of modernity, including the transformation of the seven deadly sins (*avaritia, curiositas, etc.*) into the modern virtues of economy and science.

I would like to stress the use of the categories of Horthodoxy and Heterodoxy, instead of the more common divide between rationalism and irrationalism. Those who had to do with witches, those who thought to have commerce with spirits, weren't irrationalist at all, they simply had a social ontology different from ours, whereas it is true that many of them, as Bodin, have been condemned as heterodox by the Church.

Also Burke was certainly not an irrational politician, but a very thoughtful and practical one, even if romanticism and its aesthetics raised as a form of heterodoxy in the field of aesthetics and in definition of beauty.

Having to do with witchcraft and the sublime my research tries also to supersede the theory of political theology as an historical account on the genealogy of modernity following the plot of the fall: once there were theological concepts moulding our understanding of the world and the law; these concepts decayed into pure political and legal conceptions, and, as a consequence, modern political orders are but broken pieces of a fallen theology, haunted by its memory.

According to me, these accounts, as long as they follow this plot, are themselves a form of self-improving theological understanding of our political tradition, implying a sense of nostalgia for the pre-political world. From this standpoint they can be labeled as "orthodox" as they still believe in a lost paradise of theological ontology surviving under the surface of modernity. On the contrary I think that the birth of the political represented a major fracture in the history of the West, and that its origins were much more heterodox than expected.

My main claim is, indeed, that of a demonological origin of modernity, which lies also at the heart of the romantic aesthetics of the sublime, reversing Schmitt's paradigm, as long as it entails a condemnation of political



romanticism<sup>7</sup>, seeing it as a form of eternal discussion avoiding the central point of decision.

At the opposite my project is to show how the pure political element in Western thought emerged from the heterodoxy of magic, and that its "ineffable" dimension was a major concern of romantic aesthetics. In this way my project, following what has recently be labeled as an "aesthetic turn in political thought"<sup>8</sup>, will be developed here only in its premises, and, henceforth, my present attempt will focus only on just two main works: James's Demonologie and Bodin's Demonomanie.

Following this path, in the second paragraph I shall present the evolution of the English legislation on magic, to see how it started, at the threshold of modernity, transforming witchcraft into a felony, a political crime of high treason, performing a strong politicization of it. In the third paragraph I shall discuss King James's conceptions about witchcraft and the arcana imperii, the mysteries of prerogative royal. Then in the fourth paragraph I shall cope with the book of Jean Bodin on the Demonomanie and his reflections on the Republic, which led him to his famous definition of sovereignty. My main point will be to remember that the Church condemned the books of Bodin as heterodox, precisely because they offered a political theory of magic.

On this basis I shall formulate my first tentative conclusions in the fifth paragraph, linking, as I said, demonology, heterodoxy and the aesthetics of the sublime.

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<sup>7</sup> Schmitt (1926) and Schmitt (1986).

<sup>8</sup> Kompridis (2014).

## 2. THE LEGISLATION ON MAGIC AND THE SECULARISATION OF THE WEST

In the first paragraph I introduced the idea of a central importance of magic at the emergence of the modern political. One of the main aspect of this idea, that I would try to develop in this second paragraph is precisely the inclusion of such a supernatural element into the legislative body of England as a political crime.

From this standpoint we consider here the capture of the magic element within legislation and its evolution over time.

The first striking point to be noticed is that it was at the very threshold of modernity that Henry VIII's Act on Witchcraft of 1542 (33 Hen. VIII c. 8) defined it as a felony, that's to say as a political crime, relocating the matter within the political realm. A crime punishable by death and the forfeiture of the convicted felon's goods and chattels. In particular it was forbidden to:

" ... use devise practise or exercise, or cause to be devysed [sic] practised or exercised, any Invoacons or cojuracons [sic] of Sprites witchcraftes enchauntementes or sorceries to thentent [sic?] to fynde [sic] money or treasure or to waste consume or destroy any persone [sic] in his bodie membres, or to pvoke [provoke] any persone to unlawfull love, or for any other unlawfull intente or purpose ... or for dispite of Cryste, or for lucre of money, dygge up or pull downe any Crosse or Crosses or by such Invoacons or cojuracons of Sprites witchcraftes enchauntementes [sic] or sorceries or any of them take upon them to tell or declare where goodes stollen [sic?] or lost shall become .."

Especially the Act also removed a right known as benefit of clergy from those convicted of witchcraft, a legal device that spared anyone from hanging who was able to read a passage from the Bible. A fact flagging the passage from religion to politics. Anyway this statute was repealed by Henry's son, Edward VI, in 1547.

Another Act Against Conjurations, Enchantments and Witchcrafts (5 Eliz. I c. 16) was passed early in the reign of Elizabeth I. It was in some respects more merciful towards those found guilty of witchcraft than its predecessor, demanding the death penalty only where harm had been caused; lesser offences were punishable by a term of imprisonment. The Act provided that anyone who should "use, practise, or exercise any Witchcraft, Enchantment, Charm, or Sorcery, whereby any person shall happen to be killed or destroyed", was guilty of a felony without benefit of clergy, and was to be put to death.

It was in 1604, the year following James' accession to the English throne, that the Elizabethan Act was broadened to bring the penalty of death without benefit of clergy to any one who invoked evil spirits or communed with familiar spirits. The Act's full title was An Act against Conjuracion, Witchcraft and dealing with evil and wicked spirits, (2 Ja. I c. 12).

The Acts of Elizabeth and James changed the law of witchcraft definitely by making it a felony, thus removing the accused from the jurisdiction of the ecclesiastical courts to the courts of common law. This provided, at least, that the accused witches theoretically enjoyed the benefits of ordinary criminal procedure, but indeed it represents a point of emergence of the modern political, and its capacity to expand over religious and spiritual matters, capturing the magic within an attempt to create the "modern" - and I claim, peculiarly exotic - creature which has been the European State, later developed into a general concept of the political theory to be applied all over the world as a false global concept.

Anyway burning at the stake was eliminated except in cases of witchcraft that were also petty treason; most convicted were hanged instead. Any witch who had committed a minor witchcraft offence (punishable by one year in prison) and was accused and found guilty a second time was sentenced to death.

It is to underline the strict parallel that was created between magic and treason, as this crime is the political crime par excellence.

It is, then, of relevance to remember also the attitudes of Elizabeth I and James toward the prerogatives Royal as a key point of the English constitution. If

we follow on this point the account made by Blackstone, which have been of peculiar relevance for the shaping of the American presidential prerogatives<sup>9</sup>, we could remind what follows:

"[The matter of prerogatives Royal] It was ranked among the arcana imperii; and, like the mysteries of the bona dea, was not suffered to be pried into by any but such as were initiated in it's service ....The glorious Queen Elizabeth herself made no scruple to direct her parliaments to abstain from discoursing of matters of state ...even that august assembly "ought not to deal, to judge or to meddle to her majesty's prerogative royal"

King James went further, and in a perfect statement of what has become the theory of political theology he declared that:

"As it is atheism and blasphemy in a creature to dispute what the deity may do, so it is presumption and sedition in a subject to dispute what a king may do in the height of his power: good christians, he adds, will be content with God's will, revealed in his word; and good subjects will rest in the king's will, revealed in his law."

Sovereignty rests upon a mystery and it is blasphemy, therefore a felony, and a sedition, even to have a conversation about the prerogatives royal. Here we face a hyperbole of the human prince becoming (ontologically) a mortal god on earth suffused with mysteries that require an initiation to be coped with. Thus it is not absurd that this (mortal) god must have jurisdiction over the spiritual and the magic, and that the use of witchcraft can be deemed to be a crime of felony. More than a fall from the theological to the political, here we witness the rise of the pure political to the sublime sphere of the theological through the control of the commerce with the evil spirits.

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<sup>9</sup> Blackstone (2010) chap. 7. Fatovic (2009).

If this is what happened at the origin of modernity, and its peculiar institutions, we may perceive how much later rationalism took a different stance considering the newer Act that came into force in 1735 when the intellectual landscape had already changed.

The Witchcraft Act of 1735 (9 Geo. 2 c. 5) marked a complete reversal in attitudes. Penalties for the practice of witchcraft as traditionally constituted, which by that time was considered by many influential figures to be an impossible crime, were replaced by penalties for the pretence of witchcraft. A person who claimed to have the power to call up spirits, or foretell the future, or cast spells, or discover the whereabouts of stolen goods, was to be punished as a vagrant and a con artist, subject to fines and imprisonment. The Act applied to the whole of Great Britain, repealing both the 1563 Scottish Act and the 1604 English Act.

Here the matter is no longer the reality of witchcraft and its capture within the political domain, but it is its falsehood. Magic is not something true, and pretending to use it becomes punishable as such, not for its possible use in political struggles and conjurations, but for its deception of public. A change of ontology, and the loss of ontological status of magic imported its loss of political relevance.

This Witchcraft Act of 1735 remained in force in Britain well into the 20th century, until its eventual repeal with the enactment of the Fraudulent Mediums Act of 1951, where the shift from the use of magic toward the more "private" question of fraud is more than apparent.

As a matter of fact The Fraudulent Mediums Act 1951 was repealed on 26 May 2008 by the new Consumer Protection Regulations following an EU directive targeting unfair sales and marketing practices.

Whatever we may think of the theory of secularisation of Western societies this legislative history is displaying it in its purest form: from the relevance of magical practices as real conjurations with evil spirit, from which sprang its political relevance and its inclusion in the law in the form of felony, we arrived to its irrelevance and henceforth toward its exclusion from public law to the domain of mere private law as a matter of consumer protection, that's to say as a matter

of market regulation to prevent fraud and protect prospective contractors. But I want to stress the fact that this secularisation more than involving God is concerning the devil. It is especially the devil who has been secularised and pushed toward the substantial irrelevance of private law.

### 3. JAMES'S DAEMONOLOGIE

In the previous paragraph we have seen how modernity on this point emerged as a hyperbole of the human prince raised to the level of a divine instantiation within the political realm to the point of attracting in his mystical powers even the jurisdiction on witchcraft to the detriment of the ecclesiastical courts. Now we should consider the intellectual construct that accompanied this origin of modern political power in Europe in an attempt of its exoticization. I mean an attempt to unveil the local and un-rational, instead of universal and rational, nature of its institutions.

We have indeed the possibility to grasp the direct sources of king James's conceptions in his own book on witchcraft: the Demonologie.

This book is conceived as a typical allegorical and baroque dialogue between one Philomates and his friend Epistemon. In the preface to the reader the royal author is stating its point:

" The fearefull aboundinge at this time in this countrie, of these detestable slaues of the Deuill, the Witches or enchaunters, hath moved me (beloued reader) to dispatch in post, this following treatise of mine ....

...to resolute the doubting harts of many; both that such assaultes of Sathan are most certainly practized, & that the instrumentes thereof, merits most severly to be punished ... against the damnable opinions of two principally in our age, wherof the one called SCOT an Englishman, deny, that ther can be such a thing as Witch-craft: and so mainteines the old error of the Sadducees, in denying of spirits. The other called VVIERVS, a German Phisition, sets out a publick

apologie for al these craftes-folkes, whereby, procuring for their impunitie, he plainely bewrayes himselfe to haue bene one of that profession."

What is striking here is the reaffirmation by a political authority of the reality of magic against those rationalist thinkers like the German Johan Weyer (VVIERVUS) who wrote an elaborate dissertation, and, it is important to notice, was also the target of the French author we shall have to consider in the next section of this work: Jean Bodin. So we have here a perfect parallel between two of the most outstanding authors of modern theories and practices of sovereignty, James and Bodin, in their standing together against the same rational thinking of Weyer. A fact which is raising the suspect that there is more than a mere coincidence between the new concept of sovereign power and the struggle about witchcraft and its ontological-political status.

King James is dividing his book into three parts: the first speaking of "Magie" in general, and Necromancie in special. The second of sorcerie and withccraft, and "...the thirde, conteines a discourse of all these kindes of spirits, & Spectres that appeares & trobles persones".

This partition is of a certain importance if we remind the first part of Hamlet, as it has been written in those years of James's ascension and contains the long and detailed discussion with Horace, in the first act, about the nature of spirits and ghosts, and the possibility of having a commerce with them, which is precisely what Hamlet finally did, and, maybe, in the conception of the time, a possible cause of his malaise,<sup>10</sup> and in particular of his melancholy.

All along his book king James is making explicit reference as an authority to Jean Bodin:

"BODINVS Dæmonomanie, collected with greater diligence, [pg xv] then written with judgement, together with their confessions, that haue bene at this time apprehened. And if he woulde knowe what are the particuler rites, &

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<sup>10</sup> See also Schmitt (1956).

curiosities of these black arts (which is both vnecessary and perilous,) he will finde it in the fourth book of CORNELIVS Agrippa"

Here Bodin is paralleled even to Cornelius Agrippa to be ranked, according to Yates<sup>11</sup>, among the principal inspirers of the Elizabethian occult philophy which crafted her cult in the form of the Fairie Queene<sup>12</sup>, and once again reference is made to melancholy :

"For as the humor of Melancholie in the selfe is blacke, heauie and terrene, so are the symptomes thereof, in any persones that are subject therevnto, leannes, palenes, desire of solitude: and if they come to the highest degree therof, mere folie and Manie"

Without plunging into too many further details, the legal conclusion deserves to be looked at, since it is precisely that which we have seen in dealing with the English legislation.

"Philomates: Then to make an ende of our conference, since I see it drawes late, what forme of punishment thinke ye merites these Magicians and Witches? For I see that ye account them to be all alike guiltie?"

Epistemon: They ought to be put to death according to the Law of God, the ciuill and imperial law, and municipall law of all Christian nations."

To state it in our present terms the conclusion is derived from a comparative law perspective: on the point there is a concordance of the laws of God, of the Empire and of all other positive laws of Christian nations, but this argument becomes immediately theological-political in equating a treason toward God to a felony toward the sovereign:

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<sup>11</sup> Yates (1979).

<sup>12</sup> Alpers (1967).



"The assise must serue for interpretour of our law in that respect. But in my opinion, since in a mater of treason against the Prince, barnes or wiues, or neuer so diffamed persons, may of our law serue for sufficient witnesses and proofes. I thinke surely that by a far greater reason, such witnesses may be sufficient in matters of high treason against God"

The passage from an earthly feudal authority to the newer figure of the political sovereign to emerge from this steps of early modernity is here achieved by means of a previous unexpected equation between the king and God. Whatever we may think of Schmitt's theory, and of its uses, we find here at work in the most direct way that typical device of political-theology that he discovered, or better, uncovered from its oblivion.

The political-theological construct entered a phase of latency which maintained it through the ages thanks to its apparent dissolution. But what I want to underline here is its genealogy from the jurisdiction over the devils. After all the matter of witchcraft is ontologically, and then politically relevant as long as devils do exist and operate in the kingdom. Otherwise it becomes only a question of consumer protection. But it is, then, just the reality of the Devil, and its capacity to operate through human beings which is furnishing a base for the king's pretension to be politically able to act like a god on earth. In James's theories the mysterious prerogatives royal are there to protect the subjects first of all against the Devil's powers.

My own suspicion is, thus, that there is more a demonological than a pure theological origin of modern sovereignty; or, to better state it, that the political-theological device is in its own turn the by-product of a deeper political-demonological complex.

In a way what I try to maintain is opposite to the pure Schmitt's theory: it is not the king assuming the function of a katechon<sup>13</sup> because of its theologization; rather it is his own political capacity to produce protection that implies, via the

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<sup>13</sup> Schmitt (2003) 59-60.

ontological-rhetorical experience of its hyperbole, its own newer and modern (non medieval) status of Sovereign, implying its jurisdiction over the devils, its power over them, to the point of judging them for felony and high treason, becoming the political counter-figure of the Christ of the Mark's Gospel<sup>14</sup>

In this way the original device of demonology is the same political apparatus of protection and allegiance. It is because the king can protect us by his laws, even against the devils, that we owe him allegiance, as the devils owe it to him, or otherwise they commit a treason against him.

And so we are really transformed in parts of his body as he is assuming, as a Christ, a mystical body which is a body politic. The king, after all, being their judge, can command the spirits. Willingly or not he becomes at the same time a kind of Baal-Zebub.

At least I believe that this is the outcome of the parallel traced by James between his political conception of witchcraft and his mystical conception of prerogative royal.

#### 4. BODIN'S SOVEREIGNTY AND MELANCHOLY

If we, now, reconsider Bodin's Book on witchcraft it becomes apparent the striking unnoticed contrast with the work of James. This latter entitled his book Daemonologie, the former selected as title Daemonomanie, with a strong emphasis on the aspect on the malaise which afflicted the witches.

Bodin's starting point is worth noticing as it derives from his own experience as a trial judge, innovating also the iconography of the devil in respect to his medieval portrait.

"The conclusion of the proceedings against a witch, to which I was summoned on the last day of April, 1578, gave mi occasion to take up my pen in

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<sup>14</sup> On the literary relevance of Mark see Bloom (2005).

order to throw some light on the subject of witches, which seems marvelously strange to everyone and unbelievable to many. This witch was named Jeanne Harviller ... who was accused of having caused the death of many people and animals. She confessed without torture although at first she stubbornly denied it and changed her story several times. She also confessed that her mother had presented her at twelve years old to the Devil, who was in the guise of an unusually tall, dark man dressed in black."

This account of Bodin is rather peculiar as it represents one of the first instances of the transformation of the Devil, from a medieval monster into a really "romantic" and seductive tall and dark man dressed in black, and this mutation is reported as a direct eye-witness.

Anyway in a rather "rational" attitude Bodin goes on discussing alternative theories and especially that of Dr. Houllier:

"...A doctor, mocking the theologians said at the outset that it was a disease of melancholy ... And because there were some who found the case strange and almost unbelievable, I decided to write this treatise which I have entitled The Demon-Mania of Witches, on account of the madness which makes them chase after devils ...."

This is, of course, a rather intriguing turning point operated by Bodin. It is not only that the Devil seduces his victims. It is that they suffer a malaise, melancholy, bringing them to long for dark and lonely places when they can eventually meet the Devil and be seduced by him. If you think of Chapman's "On the Shadow of Night" and then to Chipman Gray's "Elegy Written in a Country Churchyard" you can easily grasp the astonishing aesthetic link between pieces of Elizabethian poetry, at the time new and heterodox, and early romanticism.

In this Bodin's theory of the malaise of melancholy it is also rather easy to see at work that other complex of European modernity that has been described by Foucault as the "birth of the clinic<sup>15</sup>".

Witches become witches because they are sick. They must be cured, even if many times, to avoid contagion the best thing to do is to cut off the sick body.

What is the most peculiar to Bodin is that his conclusion is absolutely parallel to that of James: namely that it is necessary to establish a special civil jurisdiction over the witches at the detriment of the ecclesiastical courts.

"...It is necessary to establish special magistrates for that purpose, at least one or two in each province. But I do not mean, however, that authority be removed from regular judges to exercise jurisdiction, either from bias or rivalry, but rather that they will lend mutual assistance....In earlier times ecclesiastical judges had this authority to the exclusion of lay judges. There is extant a decree of Parliament issued in the proceedings against the bishop of Paris in 1282. But later, authority was granted to civil magistrates while excluding churchmen, by decree of the same Parlement in 1390"

He is relying on such an old decree of the Parlement to reaffirm the necessity of a civil, namely royal, jurisdiction over witches. But, of course, as the parallel with James is striking, also the difference is to be noticed. Here the matter becomes immediately bio-political. The purpose of politics is to cure; the witches are afflicted from a malaise, and then it is a political matter to administer the political body in order to keep it sane.

Once again, we find this "sublime" original mixture of European modernity made up of political sovereignty, magic, spirits, and the ineffable state of a manie.

This insistence on the maniac aspect of magic is absolutely important to understand the condemnation by the Church of Bodin's book, though so much

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<sup>15</sup> Foucault (1973).

inspired by the pious desire of fighting against witchcraft, to the point that not only the *Démonomanie* but also his "Six livres sur la République" were inscribed into the list of forbidden books.

The two main accusation against Bodin, brought by one jesuit, Antonio Possevino, were mainly that he was too pro-semite and a politique.

According to the words of one Cardinal Maffa,<sup>16</sup> Bodin

"in vece de' Santi Dottori seguita sempre, o quasi sempre certi Rabinacci"

[Instead of following the doctrine of the Church, he is always, or most of the time, following the teachings of some evil Rabbis]

Anyway the principal accusation, was the he were ....a politique.

Indeed for Bodin the witches are committing not only a sin but a real public crime against the King's peace. For him witchcraft was different from heresy, to be labelled just as a matter of interpretation of the true content of Christian religion. Witchcraft, even if due to a malaise, was a threat to the State, more than to the Church. So the matter was precisely the same as in James: the political jurisdiction as high treason over witches and devils at detriment of the spiritual power of the Church.

It is hard to underscore the clash that flagged the rise of the modern pure political in European culture and that here is perfectly represented. As a matter of fact his definition of sovereignty, which is the one we are still using, represents a total displacement of the ecclesiastical power, and it is important to report it here, including the often omitted in modern accounts reference he made not only to Roman and Greek terms but also to Hebrew terminology in forging it:

"Sovereignty is the absolute and perpetual power of a commonwealth which the Latins call maiestas; the Greeks akra exousia, kurion arch, and kurion politeuma; and the Italians signoria, a word they use for private persons as well

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<sup>16</sup> For all references see Quaglioni (2004).

as for those who have full control of the state, while the Hebrews call it tomech Shévet - that is, the highest power of command. We must now formulate a definition of sovereignty because no jurist or political philosopher has defined it, even though it is the chief point, and the one that needs most to be explained, in a treatise on the commonwealth. "

Tomech Shévet or supreme command. It is quite crystal clear that from the intricancies of this philosemitism, Christian Cabbala, speculations about saturninian humor, and struggle on jurisdiction over magic, emerged a pure political conception of sovereignty, and especially of its location in a single authority which dismantled all previous medieval theories of power and its dislocation at different levels and areas of authority. No more lords, sub-tenants, kings, bishops, emperors and popes sharing different powers at different levels but one political locus of being overall sovereign as the locus of supreme command, of decision, and especially of decision over treason, as the internal equivalent of the international decision over war and peace.

Thus everything which is so peculiarly contemporary and Schmittian is already contained in Bodin's theory (as it is in James's):

"For he is absolutely sovereign who recognizes nothing, after God, that is greater than himself. I say, however, that power of the sovereign. Thus declaring war or making peace is one of the most important points of majesty, since it often entails the ruin or the preservation of a state."

To a large extent the "Concept of the Political"<sup>17</sup> appears to be an intricate gloss to the ideas that Bodin developed also as trial judge in witchcraft cases. And it is a climax of irony that this concept can, at least in part, be traced back to a kind of prosemitism that brought his author to be condemned as

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<sup>17</sup> Schmitt (1976).

heterodox in the very moment he was establishing the modern political orthodoxy of the West.

## 5. CONCLUSIONS: THE HETERODOX AND DEMONOLOGICAL ORIGINS OF MODERNITY

In the first paragraph I introduced two main ideas. First that there could be a link between the heterodoxy of magic and the rise of the pure political element. Second that there is something "ineffable" in the modern political itself that can be captured by the aesthetics of the sublime.

The second paragraph has displayed the evolution of the English legislation about magic, showing a parable from the consideration of witchcraft as a felony to its fall into the categories of the Consumer Protection Act. In my view this parable is parallel to the European history of the rise and fall of the political element, and its actual possible dissolution into the concept of a pure "legal order".<sup>18</sup> When the political was strong, as under Henry VIII, Elizabeth I and James I, the use of magic was a felony. Now that the political is feeble the use of magic is a matter of market regulation.

In the third paragraph we have seen to what extent king James was concerned about witchcraft and at the same time he developed a mystic of the prerogative royal hyperbolising the nature of the King as the devil's judge.

The fourth paragraph has developed the parallel between king James and Jean Bodin. This latter gave the modern definition of sovereignty and in his own turn defined witchcraft as a political crime. Both theories brought him to be condemned by the Church as an heterodox. My main point is, then, that the politicisation of the magic lies at the threshold of modernity, producing the sovereign as a kind of lord of the flies, who can command and judge the devils, and humans having commerce with them.

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<sup>18</sup> Which is the actual definition of Europe given by Art. 1 of the EU Treaty.

The tentative conclusion to be drawn from these previous paragraphs is henceforth twofold.

One is the demonological, and as such exotic and heterodox, more than theological and rational origin of the modern Western political. The other, to be further developed in this final section, is the sublime nature of this conception, opposite to Schmitt's condemnation of political romanticism as mere "endless discussion".

The link between magic and romantic aesthetics is to be found in that element of melancholy which characterised the occult philosophy of Agrippa and Chapman, the theory of Bodin about the malaise of witches, and to a large extent the romantic quest for the wistful and the ineffable.

This aesthetic element of astonishment, personal initiation and attraction for darkness is what we find in Burke's aesthetics and in its political consequences about the democratic French revolution.

Burke is indeed a cornerstone in this reconstruction. Burke, the author of the aesthetics of the Sublime, was also a political thinker, and it was him who invented the theory<sup>19</sup> denying a parallel between the English Glorious Revolution of 1687 and the French revolution of 1789.

Before him all the English liberals were sharing the idea that the two revolutions were similar and that the French were doing, 100 years later what the British have done in advance, but it was him, who also was a liberal, in favour of the poor Irish and even of the American colonists, to be able to convince the British audience that the two revolutions were at the opposite.

This was so precisely because the French Revolution was an "abuse of reason", trying to reform society from the scratch, whereas the Glorious Revolution was made to restore the Ancient, and one may suppose sublime, Constitution. There is, for him, something sublime in the unwritten laws of England, which the French cannot cope with, reducing the unworldly law to the brute fact of a pocket book of legislation called The Code.

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<sup>19</sup> Burke (1797).



English Law, and the English Constitution are always "beyond words". They are a mystery to be administered by oracles, they rely on "mystery and awe" (Kahn, 2011, chap. 1) and, henceforth, they are sublime.

The same is true for the arcana imperii of James I, and the melancholy of the witches of Bodin.

What we find in Burke is the same love for the unspeakable: the uncanny presence of the oral law in comparison with the vulgarity of the legislation, and the ineffable dimension of an unwritten political in respect of a completely constituted power as it was attempted under the French constitution in order to "capture" the sovereign within the laws of the nations.<sup>20</sup> English constitution is sublime because it cannot be exhausted by language. French terrorism is simply horrific because it is the product of reason.

These are but fragments which need a much longer and elaborated research and argument. But one thing must finally be added, and it is the englishness of the tremendous transformation of the major of devils into the emblem of the modern state: the Leviathan.

If something can establish the demonological origin of the modern political it is certainly the transfiguration of the Leviathan.

In Bodin, few years before Hobbes, it is still and purely the greatest of daemons and it is the emblem of the "evil" sovereignty: that of Egypt.

"Commentators agree that "Leviathan", "Pharaoh" and "Behemoth" mean this great Enemy of the human race, and that the Kingdom of Egypt represente the flesh and covetousness, and by the river was meant the torren of fluid nature which always flows on to corruption, sich is characteristic of the Destroyer..."

In Bodin the Leviathan is the symbol of the Pharaoh as the type of political tyrant that a Republic should avoid to have as her sovereign.

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<sup>20</sup> Indeed it has been the genius of the French revolutionaries to capture also the state of exception within the legal order. Under this respect both Schmitt and Agamben look to me as glossators of Robespierre.

By our analysis we have, then, reached the point of a "signatura" of the political modernity, as it can be represented by the metamorphosis of its most influential icon: the Leviathan. What in our appraisal can emerge is, of course, its possible reversal of it to its purely demoniac aspect. Leviathan is a devil, and it is a matter of mystery how this symbol of Satan could emerge as the emblem of the new rising state in a paradigm where the state is a saviour. It is he who is protecting and saving our lives from the chaos of a lawless state of nature; but how can the devil be transformed into the Saviour ?

What is really amazing is then the sudden transformation that involved it in few years this figure, as if, and I underline this as if, it could have been captured and, just because of its acquaintance with the daemons, it has been transfigured into the guardian of the kingdom, able, for its very demoniac nature, to contrast his brethren from retaking the earth.

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