

What Christians need no longer defend: The political stakes of considering antinomianism as central to the practice and history of theology

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Abstract:

Through a brief history of antinomian thought within the modern period, and the inspection of two contemporary responses to the 'antinomian impulse', I refocus the antinomian debate as being, not necessarily a heretical endeavor, but rather a dialectic between history and memory, structure and experience. Rather than portray antinomianism as a threat to the system which needs to be removed, perhaps we can learn to perceive it as a 'weak messianic force' moving through all constituted (religious) identities, not, then, as the end of 'Christianity' as an organized religion, but its original proclamation, ever in need of greater reformation.

Keywords:

antinomianism, heresy, Michel Foucault, Martin Heidegger, Giorgio Agamben, Reinhard Hütter

Introduction

There are a number of ways in which heresy has been labeled over the years. One of the more popular versions is that of 'antinomianism,' which has reappeared throughout the centuries since the Reformation with an increased and intriguing frequency. It has crept up again and again as a major, defining political force of reform and has sparked some of the fiercest theological debates the western world has ever known. My thesis in this essay is that we often misunderstand what the 'antinomian impulse' is really about, how it actually plays an essential role in giving shape to the Christian faith. I will contend that unless we can learn to appreciate this 'antinomian impulse' for what it is—an inherent and constituent part of identity itself—we will repeatedly run the risk of de-emphasizing one of the most significant internal dynamics of a political theological discourse.

I will explore, first, an all-too-brief history of antinomian thought within the modern period, from the Reformation to the present day, in the hope that such a rereading will offer a foundation from which to view what is really at stake in the oft-recurring antinomian impulses I will later pick up and analyze. Second, I will utilize the insights of both Michel Foucault and Martin Heidegger to help us ascertain why both theology *and* philosophy are central disciplines needed to comprehend the stakes of any recurring antinomian controversy. In particular, I want to refocus the antinomian debate as being not so much a heretical endeavor, but

rather a practical exercise that takes place as a dialectic between history and memory, or structure and experience. Finally, I will point to sites within both western theology and philosophy in order to try to isolate and identify contemporary antinomian impulses within two more recent positions taken with respect to it, in their more or less 'conservative' and 'liberal' guises, while trying to understand the significance of antinomianism for the practice of political theology today.

In all of this, the conclusion I am gesturing toward, though perhaps not here arriving at completely, emphasizes a new way of relating to antinomianism, and to heresy itself—a perspective willing to embrace its (doctrinally) radical 'other' in order to gain a better understanding of itself. What I am sketching is certainly a hermeneutical, dialectical position through and through. What I am claiming as well is that this repositioning of antinomian thought as what lies at the heart of theological history is in fact a political issue above all else, one that helps us to see why the consequences of this debate are not only heavily political, legal and ethical, but also philosophical in that they reveal latent core dynamics underneath the constitution of identity itself. It has not been a surprise to me, then, that so many philosophers have recently been attracted to the terrain of political theology, since it is precisely on these intersecting grounds that these issues have come most clearly to light. My belief is that such an inclusive position as I try to advance here will be a significant aid to theological and philosophical practice.

A brief history of modern 'antinomian' theologies

A curiously recurrent feature of antinomianism within the history of modern Christianity became noticeably prominent when one of Martin Luther's fellow theologians, Johann Agricola, appeared to mistake Luther's opposed stance to the Catholic Church's hierarchy and rules, as well as his firm dependence upon scripture alone, to mean that all true Christians should turn away from the rule of law entirely. In this first modern 'Antinomian controversy'—to be followed century upon century by other such controversies within the Church—Agricola and Luther went head-to-head in a series of disputations all designed to demonstrate, from Luther's standpoint, the actual necessity of the law for social order, and its therefore immutable and inevitable presence in our world. These were points he was certainly not willing to concede,

not if his movement of reform was to have any real political force.¹ Law, it would seem, is not something entirely replaceable by grace; it is something merely *dis*-placed, subject to certain temporal qualifications, such as the political 'office' one must also at times fill. For Luther, there is grace for the believer, but there must also be the sword for the 'unbelieving' masses.

As Reinhard Hütter has recently pointed out, Luther's response to Agricola and the other antinomians was intended to promote a genuine, Christian sense of freedom, one wherein the law and the Gospel might work together in order to defeat sin.² Since we are fallen creatures, the narrative goes, we must rely upon both the law *and* the Gospel in order to receive God's unfolding plan of salvation for us. The law, or the 'sword,' in Luther's parlance, may not be absolutely necessary for Christians, but it *is* necessary for the 'unbelievers' and the average Christian's relationship to them. Christians, Luther advised, should consequently feel no qualms about being involved in the governing of the state, even if that means fulfilling the duties of the 'hangman.'³ Though Hütter, whose analysis of Luther on this point I will address in more detail in the final section, does not note the significance of this link between the necessity for the law and the Christian's role in society—one that is complicit at certain points with justified violent actions and exclusions—we would do well, at least, to draw attention to how the connection between Luther's propensity to maintain order through violent means and his stress on the law is not simply a passing coincidence.

To some, Luther's approach to the necessity of law was in fact a capitulation to his impatient desire for reform and his tendency toward the violent means needed, in his eyes, to attain it—an account altogether missing from Hütter's more purely 'theological' descriptions of Luther's notion of freedom taken up by Hütter in conjunction with natural law. The critique I am suggesting is essentially the assessment offered by the Catholic theologian Yves Congar in his survey of the true and false reforms both present within the Church, a project which finds him, for more than one reason, evaluating Erasmus more favorably than Luther. In Congar's eyes,

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1 Luther 2008.

2 Hütter 2001, 142.

3 Luther 1962, 374.

What is striking about the reformers who went into schism is their radicalism. Luther himself was violent and irritable. He knew this about himself, but he thought that it was helping his mission and that without it he would not have achieved the work he had to do. That is not only because he would not have dared to do it, but because too moderate an approach, like that of Erasmus, would fail to achieve anything effective.⁴

In other words, to have any traction as politically ‘effective’, Luther’s position had to be one that worked with the law (or state, in this instance) and which could not be characterized as antinomian, even though he might have appeared to some, in his heavy critiques of Roman hierarchies, canon law and religious regulations, to be promoting such an agenda.

Despite the fact that Agricola eventually rescinded his own antinomian position, the original impetus that drove Luther to vigorously condemn the antinomian viewpoint as a misreading of Christ’s mission entirely, and which was part of his own quest to distinguish between the true and the false Church,⁵ began to accumulate a historical currency that did not fade over time, but actually became a routinely utilized concept invoked in order to vilify or slander those Christians who strayed too far from an ‘orthodox’ acceptance of some level of law as functional within *both* society and the church. There are, no doubt, reasons of contested authority behind such demonstrable tensions (Luther vs. the Catholic hierarchy of his day, as only one such example), but these tensions, we should note, are often portrayed as *theologically* secondary to the larger doctrinal claims made by both sides—a perhaps misplaced priority that I am here contesting.

What I would like to draw our attention to, at this point, is the implicit manner in which the various charges of antinomianism that spring from the Reformation’s political challenge to Catholic authority became henceforth insolubly connected to those very same political struggles that typify contesting political theologies *within* the Church. What was really being offered as a response to the challenges of the Reformation to the Catholic hierarchy, I am suggesting, was the Reformation’s own internal challenge to itself, embodied in Agricola’s challenge to Luther—a further, ongoing critique of *all* ecclesial

4 Congar 2011, 324.

5 See Edwards 1975, 156-179.

structures and authorities—the quest to locate and live out a grace apart from all law. By identifying this perpetual Reformation for what it truly is, we might begin to understand anew why antinomianism became, and still *becomes* in many ways, a type of religious, and yet also always, political movement which “had haunted the respectable magisterial Reformation from its earliest days.”⁶

Manifesting itself throughout the centuries following the Reformation in a variety of guises, from the call to perfection, to an effort to embrace an experience of Christ beyond all religious structures, for example, charges of antinomian tendencies or its explicitly embodied position were anything but few and far between. In many ways, this fundamental accusation of theological heresy often carried with it the subtle underpinnings of a genuinely antinomian sentiment—something we would do well to investigate much further than I am able to sketch here within the long history of modern theology.

As the Church historian and chronicler of Christian doctrine Jaroslav Pelikan has pointed out, even John Wesley, the eventual founder of Methodism, accused Nicolaus Zinzendorf, the once Moravian bishop, of being antinomian due to his call toward ‘perfectionism’ combined with his ecumenical zeal in advocating the love of Christ beyond any steadfast institutional affiliations—the real, structural, authoritative critique that may have won him the title of antinomian. What is revealing in Wesley’s accusation—and this is the point that Pelikan rightly draws our attention to—is that Wesley himself critiqued such ‘antinomian’ stances while maintaining a fervent tendency himself toward moral perfectionism, an embodied tension that, in reality, mirrored the Bible’s paradoxical treatment of the subject, for, as Pelikan observed, “no one born of God commits sin (1 John 3.9),” and yet there is “another law” within us “making us captive to the law of sin (Romans 7.23).”⁷

Providing us with mounting evidence that the charge of antinomianism was often a *political* charge made within the sphere of a scriptural or doctrinal point of undecidability, Wesley’s struggle to articulate the nature of sin in relation to ecclesial structures was more than paralleled by the ‘Antinomian Controversy’ of the Massachusetts Bay Colony some years earlier. Within this early American colony, the

6 MacCulloch 2009, 653.

7 Pelikan, 1989, 148. For a more detailed account of Wesley’s views on antinomian thought, see Gunter 1989.

charge of antinomianism was actually centered on specific challenges made by individuals within the settlement to a collective sense of religious authority, embodied, mainly, in certain cries for a more fluid sense of identity and less doctrinal rigidity.⁸ Colonists such as John Cotton advocated a ‘free grace theology’ that seemed to other, more conservative members, to be a deviation from the rule of the colony and an assault upon its values and governing norms. Here, the conclusions drawn by some of the ‘antinomian’ participants such as Cotton were merely that society should be more tolerant of those who diverged from normative (religious) identities, in many ways, the *real* issue that brought about the desires for and charges of antinomianism. With this general tendency of antinomian thought in mind, we witness this particular movement’s propensity toward ecumenical undertakings, such as in Rhode Island where the persecuted Anne Hutchinson—the main figure in this particular controversy besides Cotton—sought refuge under the guidance of a man who was tolerant of all religions, Roger Williams.⁹

What such cases demonstrate is that antinomianism, in large measure as perceived throughout the 17th Century, was understood as an almost entirely polemical construct, that which was synonymous with whatever “provoked fears of authority undermined.”¹⁰ Though the doctrinal issues with its ‘adherents’ were often framed as being involved with—once again as is typical within the Christian tradition—the theological (or perhaps more accurately, *theoretical*) tension between grace and works, the political implications of such tensions were where the real issues were more often to be found.

What is interesting to consider on this point, and what I am trying to center this essay on, is the manner in which antinomianism, or simply a desire to be free of certain rigid structures within Christendom, doctrine or perhaps even religion itself, in reality appears as a position determined within very specific historical and contextual political configurations that are in ever greater need of being comprehended as political challenges to rival authorities. That is, I am trying to establish antinomianism as revolutionary or reform-oriented movements arising from within a given normative framework. These are movements,

8 Breen 2001, 55.

9 See MacCulloch 2009, 722-723. For more on the context of antinomianism in the early English-American Puritan colonial scene, see also Stoeber 1978; Winship 2002; as well as, in an English context, Cooper 2001; and Huehns 1951.

10 Cooper 2001, 36.

moreover, that occur with some frequency within Christian theology, whether we label them as fundamentally antinomian impulses or not. Such a reworking of the standard theological definition of antinomianism¹¹ might enable us, therefore, to discern why the opposition to antinomianism—a movement characteristically ascribed in the Nineteenth Century, for example, to certain groups of Reformers, particularly Calvinists, who sought justification by faith alone—was itself often fervent, something even John Henry Newman admired in one’s theological position.¹²

We might pause to consider as well, and as would later become pronounced in a Danish context, the Lutheran theologian Søren Kierkegaard’s efforts to become contemporary with Christ (*contra* history, *contra* Hegel) through faith alone, which, ultimately, became an essential feature of his critique of the structures of Christendom that grounded Europe in his day. It was as if, for Kierkegaard, to mount such a large scale attack upon the seductive allegiance of Church and state, and its ‘rule’ of accepting all citizens as automatically Christian, he was required to restore Luther’s simplified vision of a faith that moved beyond certain authoritative structures of faith.¹³ As such, and though he may not have been labeled as an antinomian during his time¹⁴, his theological position, I would claim, reflected the same fundamental essence of protest as earlier antinomians—something that will occur again and again in other theologian’s efforts as we will see. Indeed, the very notion that one would be able to ‘suspend’ ethical normativity at all, as he famously claimed in his reading of Abraham’s near sacrifice of his son Isaac, calls to mind just such a possibility.¹⁵

11 From the late Nineteenth Century’s *Century Dictionary*, here quoted in the ‘Introduction by the Editor’ to Adams 1894), 12-13: the Antinomian is [...] one who maintains that Christians are freed from the moral law, as set forth in the Old Testament, by the new dispensation of grace as set forth in the gospel; an opponent of legalism in morals. Antinomianism has existed in three forms: in the early church, as a species of Gnosticism, in the doctrine that sin is an incident of the body, and that a regenerate soul cannot sin; later, in the Reformation, as a reaction against the doctrine of good works in the Roman Catholic Church, in the antagonistic doctrine that man is saved by faith alone, regardless of his obedience to or disobedience of the moral law as a rule of life; finally, as a phase of extreme Calvinism, in English Puritan theology, in the doctrine that the sins of the elect are so transferred to Christ that they become his transgressions, and cease to be the transgressions of the actual sinner.

12 Newman 1994, 26.

13 See, among other writings, Kierkegaard 1968.

14 I will, however, note here how Paul Martens has referred to Kierkegaard’s ‘Lutheran and antinomian roots,’ in Martens 2010, 94.

15 See Kierkegaard 1983.

This same impulse to suspend the mechanisms of normativity (i.e. law, structure, institution) was present, I would also argue, when the Lutheran pastor Dietrich Bonhoeffer sought to oppose the National Socialist movement in his Germany of the early Twentieth Century. He too strove to detach his faith in Christ from the structures of institutionalized Christianity, offering instead both a strong critique of those Christians who hope to receive grace from some form of legalistic thinking (“cheap grace”¹⁶) and his eventual hope in a “religionless” Christianity whose shape and contours he could not quite yet make out, but which he believed to be essential to the liberation of the human being from the worldly, political confines that held it.¹⁷ It is little surprise that his critique of religion was paralleled by those of both Karl Barth and Simone Weil, two thinkers whose own experiences of the early Twentieth Century in Europe were also marked by the rise of institutional authorities, both political and ecclesial, that gave them cause to rethink their relationships with religion and Church. My point here is not to suggest that these authors were all antinomian, but to stress that their theologies bore traces of this anti-structural, anti-institutional impulse that is hard to disentangle from ‘antinomian’ thought in general, whatever such a thing, in reality, actually is.¹⁸

In a sense, what these writers, among others, have been gravitating toward, I am claiming, is the original Lutheran intuition taken to its inevitable conclusion by its internal (read or *mis*-read as based in the Reformation) antinomian impulses, which were really, in many ways, the original Pauline vision of a faith in Christ that de-stabilizes but does not entirely do away with the institutionalized structures of the religious body out of which these desires spring. For Paul, of course, and we would do well to recall this here, the desire to be apart from the law was one that rendered *all* normative identities as void (e.g. Galatians 3:28), but which also allowed Paul, for one, to live within such normative cultural and religious divisions ‘as if’ they were not (1 Corinthians

16 Bonhoeffer 2003.

17 See Bonhoeffer 2010.

18 One can also perhaps see something similar in those many persons today who claim to be ‘spiritual but not religious’, and who are looking for a way to find harmony with the ‘sacred’ while breaking free of the ‘old’ trappings of what is often perceived as mere religious authority. Such formed sentiments speak immediately—that is, *without mediation*, as Luther might once have put it—to many people who are searching for an alternate way to transcend their situation, and whose hopes are captured in the title of Diana Butler Bass’ more recent, and popular book *Christianity After Religion: The End of the Church and the Birth of a New Spiritual Awakening*. Bass 2012.

7:17-24). In many ways, this tension is still one that we are trying to comprehend and live out today in theological, political and philosophical terms, though we often fail to do just that; it is a project committed to the difficult, but necessary task of living “[...] a love that accomplishes what the law cannot: justice that endures for each and all.”¹⁹ This is a point to which I will return in a moment when I look at Heidegger’s reading of the foundational claims of Christianity.

What these modern and even Pauline examples suggest to us is that the same ‘antinomian’ impulse that once ignited the righteous vigor of Johann Agricola was probably something latent within Luther’s own objections to the Roman Catholic Church of his time, but which was, for Luther himself, something that necessarily needed to be tempered with structure and law in order for the Reformation to have any traction as an institutional movement in its own right. This would explain, on the one hand, why Luther had to resist such impulses, yet, on the other, why his own reforming tendencies were potentially mistaken as antinomian, why the antinomian impulse still refuses to go away and yet why it also cannot be embodied as a free-standing ecclesiastical structure. In this case, it would seem as if Hannah Arendt’s maxim that the real trick with a revolutionary movement is finding the right *institution* in which to place it could be here reread in its antinomian version: the real trick with an antinomian movement is realizing that there is no institution in which to place it, because it *already* exists *within every* institution.²⁰ If this strikes us as revealing the heart of deconstructive thought and its forever spectral messianism, I would only suggest that this is no coincidence at all, and that Derrida’s reluctance to take on any permanent label, including that of the Jew or the Christian, resides in such an understanding of the resonance between antinomian thought and deconstructivist thought.²¹

To illustrate the depths to which contemporary thought has been interwoven with antinomianism, I want to turn in the next section to the treatment of the topic in the works of both Michel Foucault and Martin Heidegger. Though my analysis will be frustratingly brief, what I hope to evidence is the resonance which both thinkers had with antinomianism, and how such a placement of their thought within the history I have

19 Jennings 2013, 214.

20 See the conclusions drawn in Arendt 1963.

21 See, among others, Jennings 2005.

already sketched above might further illuminate the contours of antinomian thinking within the West.

On Foucault, Heidegger, historicity and the potential uniqueness of Christianity

Perhaps one way to try to understand the position of those who feel inclined to defend an orthodox vision of the faith against its antinomian or nihilist threats is to reflect upon the ways in which their own efforts are more than simply mirrored by general national and military defenses of society. They, in fact, rest upon the same premises, ones that often go undisclosed as substantially the same in their foundational principles. It might prove very helpful in this respect to look to the analysis offered in Michel Foucault's 1975-1976 lectures, titled as "*Society Must Be Defended*," for it is in these lectures on the nature of power in society that Foucault was able to isolate a number of significant principles that undergird the defense of society: authority, law, antagonism and war, among others.²² His analysis of these general, but foundational terms, all of which are similarly functional within the analysis of antinomianism in the present essay, quickly leads us to confront the major dynamics of the Reformation with an ear tuned toward how such interactions continue to shape the fields of politics, theology and philosophy today.

The doctrine of faith, as the Reformers soon discovered, and as Foucault places under evaluation in this context, was directly rooted in their relationship to the sole authority of the Bible. The principle of *sola scriptura* functioned thereby at times as much as a political ideology as it was a religious belief in revelation. As Foucault reminds us, "[...] it must not be forgotten that, at least from the second half of the Middle Ages onward, the Bible was the great form for the articulation of the religious, moral, and political protests against the power of kings and the despotism of the church [...];" as such, he continued, "The Bible was the weapon of poverty and insurrection; it was the world that made men rise up against the law and against glory, against the unjust law of kings and beautiful glory of the Church."²³ What the sole authority of the biblical text offered its believers was an apparently unmediated access to the divine that circumvented the hierarchical authority of an

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22 Foucault 2003.

23 *Ibid.*, 71.

institutionalized world, politically and ecclesiastically, what has also motivated, as we have already seen, a good deal of its 'antinomian' flavor.

With the Reformation, as it were, a new way of recording history was conceived, one more capable of utilizing ambiguous historical accounts in order to provide a 'counter-history' to the more or less 'official' history as written by those in power, a counter-history that would often appear in its new spectral form as an antinomian impulse, as I have been contending throughout. Christianity, in Foucault's estimation, began to realize (*again*, hence its *re*-formation) its potential to move counter to the currents of history and to resist those worldly powers that governed historically, though it was also, at times, complicit with certain political powers in order to achieve its own global hegemony, something, I have already noted, that also pervaded Luther's own stance in relation to political force and use of the 'sword.'

Foucault, therefore, contrasts a form of history that merely sustains the rituals of sovereign power with a form of history that undoes such schemes of power within recorded history, what is for him part of the legacy of Christianity—whether actualized or not within history—and especially as it is seized upon by the Protestant Reformers. This, as I have already described, is what motivates the 'antinomian' impulse nearly entirely:

Historical discourse of the Rome type pacifies society, justifies power, and founds the order [...] that constitutes the social body. In contrast, the discourse I am telling you about, and which is deployed in the late sixteenth century, and which can be described as a biblical-style historical discourse, tears society apart and speaks of legitimate rights solely in order to declare war on laws.²⁴

What Foucault makes clear, though he does not invoke the term 'antinomianism' directly as a movement per se or by name, is the struggle ('war') *against law* that typifies political revolutionary movements, and which is inherently part of the Christian message of grace ('contra' law) even if it is latent or only spectral at times (i.e. as an antinomian *impulse* only, and hence my preference for this term). In the end, whether we call such phenomena antinomian or not, what we are assessing here is the presence of internal tensions that threaten to

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24 *Ibid.*, 73.

deconstruct specific institutionalized and politicized forms which are rooted somewhere in the event of Christ and which are permanently bound up with Christianity itself.

Though I am arguing that this counter-historical impulse runs much deeper than Foucault's genealogical analysis of the Protestant Reformation, he does touch upon the core dynamic that motivates and defines the antinomian, counter-historical protest against the structures ('laws') that be. Underscoring his major thesis within this series of lectures, he affirms how "History gave us the idea that we are at war; and we wage war through history."²⁵ Antinomianism, it would seem, is simply one side of this apparently perpetual war taking place *within* history, for the representation *of* history. Since there is no 'nature, order, or peace' at the 'origins' of the historical record, there is only a mass of ambiguity that must be debated, and in, more or less, explicitly political terms.

What Foucault was pointing toward through his genealogy of a political protest against governing authority dependent upon its relationship to scripture alone, I am arguing, is what Martin Heidegger had also already been exploring many years prior to Foucault in his lectures on *The Phenomenology of Religious Life*, lectures which shed much light on the project of illuminating the influence of Christian thought upon the early stages of Heidegger's work as well.²⁶ What I want to suggest—and this will help illuminate why I am turning to Heidegger—is that the counter-historical impulse found within antinomian thought is the same impulse that generated Christianity's originary impulse in relation to the Law of Judaism, and is what, in a theoretical sense, initiated a 'revolutionary' break from Judaic Law that could not yet sever itself entirely from (religious) structured forms if it was to exist as a religion in its own right throughout history.

I realize, of course, that this claim is a difficult one to prove, as the form of Christianity that has been passed down through the centuries is not a permanently antinomian one. By definition, such a thing would not even be possible to identify as a structural form. That is, purely antinomian messianic movements have a tendency to die out very quickly unless they reinscribe themselves back within an institutionalized, normative framework—the compromise that both

25 *Ibid.*, 172.

26 See, for a thorough exposition of Heidegger's early Christian influence, Kisiel 1993.

Luther and the earliest Christians, among others, had to make as well. Institutionalization (or representation itself then) is, in many ways, the zero level of hermeneutics that is necessary for religious identity to be conceived at all.²⁷

It is also a difficult claim to establish in light of Christianity's long-standing hostility toward Judaism as well as Heidegger's own anti-Semitic statements. Yet Heidegger's lectures on the uniqueness of Christianity in relation to history and historicity *are* directly relevant to the point I am trying to make, for it is in these lectures that he demonstrates how antinomianism is *not* a deviation from the Christian norm, but rather a recurring symptom of unjust representations of the Christ event within a more normative form of Christianity. What Heidegger advances in this context is an analysis of Christ's critical stance taken toward *all* those structures that characterize our world—a form of antinomianism in philosophical terms par excellence, and, consequently, well worth our attention, even if Heidegger himself was not able to digest the full consequences of this message in relation to his own views on Judaism.

Christopher Rickey has already, I believe, correctly identified this tendency in Heidegger's thought as a Lutheran-inspired antinomian impulse that lay underneath Heidegger's larger (theo)political project, and as that which motivated a good deal of 'postmodern' thought that came after it, presumably figures such as Derrida and Agamben included.²⁸ Rather than draw only a sharp critique of Heidegger's alleged antinomianism, as Rickey tends toward, I would like to draw out some of these antinomian tendencies in Heidegger's thought in order to demonstrate how this particular Christian-Lutheran strand of reasoning might actually be part of a larger hermeneutics of religious

27 The impetus for such a balanced approach, for example, can be found in the work of David Novak, who, in an article addressing the fundamental basis of antinomian thought, declared that Christians should cease labelling Jews as legalists, and Jews, for their part, should cease to call Christians antinomian. As he put it, "At the key point of human action, both of these extremes substitute man for God by replacing the divine with the human. The legalist errs by placing the kingdom of God in human hands; the antinomian errs by denying there is any kingdom at all in his or her radical individualism. The Rabbis saw antinomianism at the heart of the rejection of God's authority. The antinomian lives in an ultimately absurd universe [...]." Novak 2000, 280. His solution is to point out the manner in which both Jews and Christians adhere to the law of God, though they may differ on what exactly such an adherence in reality resembles.

28 Rickey 2002.

representation in general, though one still severely misunderstood.²⁹

For example, as Heidegger bluntly puts it within these lectures: “Christian worldview: [this is] actually a contradiction! It does not arise from a complex of a historical kind, like the Christian.”³⁰ The Christian, from this point of view, somehow eludes being a historical figure akin to all other historical figures, and this, according to Heidegger, is for a particular reason: the Christian relation to *form* itself is one that cautions the Christian to not be conformed to this world at all (e.g. Romans 12.2).³¹ History involves itself in a certain action of ‘worldization’ (*Verweltlichung*) as an attempt to secure oneself by ‘worldly’ means within this world.³² Yet, as Heidegger outlines in his lectures,

There is no security for Christian life; the constant insecurity is also characteristic for what is fundamentally significant in factual life. The uncertainty is not coincidental; rather it is necessary. This necessity is not a logical one, nor is it of natural necessity. In order to see this clearly, one must reflect on one’s own life and its enactment.³³

It is the Christian identity, then, which finds itself continuously ‘insecure’ *within* history, insecure *with* history itself. At the very moment in which Christianity declares itself to be a religion wherein the divine is particularly wedded to the historical in an essential fashion (i.e. the *Incarnation*), it simultaneously also critiques one’s relation to any historical act of ‘worldization’, and to history itself as a consequence. There is no single, monolithic *History* within the Christian narrative, or for the Christian per se—a fact that Christians, throughout the centuries, have often misunderstood in their attempts to sacralize a particular historical or social narrative. We might even suggest that

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29 There is no doubt that any reading of Heidegger’s take on anything like antinomianism will have to be read alongside his anti-Semitic remarks, which, with the publication of his *Schwarzen Hefte*, will only become a more prominent issue in upcoming years. My reading of his antinomianism at present, however, is one attempting to be in line with Jacob Taubes’ reading of the difference between Judaism and Christianity that clearly resonates with certain aspects of Heidegger’s formulation of Christianity. See Taubes 2010.

30 Heidegger 2004, 87.

31 *Ibid.*, 85-86.

32 *Ibid.*, 23.

33 *Ibid.*, 73.

Heidegger himself, in his alignment with National Socialism, at some points succumbed to this temptation.³⁴

What can be sensed underlying this bold, but renewing, hypothesis on the Christian’s relation to history is the radical presence of Christ (or of God more generally), that promises to allow one to transcend history and that is the experience of God beyond all authoritative norms. This is the presence of God (*parousia*) that comports one toward God, according to Heidegger, and which causes a turning away from the worldly (or, the idolatrous), prompting one to not be concerned about the specifics of Christ’s return, but rather to be concerned with one’s awakening as a form of sobriety.³⁵ Heidegger’s rereading of the Christian’s identity is an existential redefining of the Christian in such a way that this identity can be seen to permeate any situation in which one finds oneself prior to the proclamation of the Gospels within any normative construction of identity, yet completely transformed—*continuously* transformed—from within. In this sense, and echoing Pauline thought rather heavily, nothing changes in one’s identity, though *everything*, surely, also changes radically.

What is doubly intriguing on this point are Heidegger’s suggestions made regarding Christianity’s permanent unsettling of historical identity, in that he reads such a position as one yet constitutive of identity as such, as foundational of such identifying structural formations. This understanding is what will allow him, within these same lectures, to conceive of the non-philosophical foundations of philosophy—the point we must return to again and again if we are really to critique the exclusively rational grounds of modern thought (what Hütter, as much as John Henry Newman, had really been trying to do, and which I am also trying to do, though in a slightly different manner).

In ways that might be said to foreshadow Deleuze and Guattari’s portrayal of the non-philosophical within the philosophical,³⁶ Heidegger suggests that “The historical is the phenomenon that for us should open up an access to the self-understanding of philosophy,” though Christianity seems to be somehow outside this particular philosophical understanding, though, also, at the same time, at its foundations, even

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34 See Slavoj Žižek’s comments on Heidegger and National Socialism in Žižek 1999, 9-66.

35 *Ibid.*, 74.

36 Deleuze and Guattari 1996.

granting it a foundation.³⁷ It would seem, based on his conclusion to the lectures, that it is Christianity which best enables one to gain some distance from the processes of worldization—to become attuned to a radical comportment to the world that re-determines one's lived sense of temporality, but which is yet, somehow, also characteristic of a fuller experience of temporality. This is what it means, he suggests, when he states that "Christian experience lives time itself," just as the non-philosophical *lives* the philosophical as one facet of the experience of human existence, though not exclusively, as that which is solely constituent of human experience.³⁸

We arrive hence at this most curious conclusion to Heidegger's lectures, something which needs to be rethought in relation to contemporary philosophical 'returns to religion' within certain continental circles:

Real philosophy of religion arises not from preconceived concepts of philosophy and religion. Rather, the possibility of its philosophical understanding arises out of a certain religiosity—for us, the Christian religiosity. Why exactly the Christian religiosity lies in the focus of our study, that is a difficult question; it is answerable only through the solution of the problem of the historical connections. The task is to gain a real and original relationship to history, which is to be explicated from out of our own historical situation and facticity. At issue is what the sense of history can signify for us, so that the 'objectivity' of the historical 'in itself' disappears. History exists only from out of a present. Only thus can the possibility of a philosophy of religion be begun.³⁹

Or, from the perspective I have been taking in this article, why should we return to the issue of antinomianism again? My answer, pace Heidegger, is now hopefully clear: such a tension between structure and experience, as stereotypically represented by the tension between Judaism's Law and Christianity's antinomianism (its 'grace,' as it were), is what is inherent to *identity itself*—and therefore not *just* Christian or *just* Jewish identity. This lesson, which Heidegger himself, we must note, did not fully subscribe to 'all the way down' to its core, was what

37 Heidegger 2004, 24.

38 *Ibid.*, 57.

39 *Ibid.*, 89.

must be repeated as constitutive of *all* identities (religious, political or otherwise), not dismissed or critiqued out of existence altogether.

Christianity, for its part, certainly found itself asserting an identity that emphasized the antinomian impulse as it arises from out of an event that appears as an ever 'pure present', the faith that exceeds any *nomos* which exists as an already given structure. The structural forms of Christianity that arose shortly after Jesus' death certainly emphasized it, though whether or not this was Jesus' intention—as he himself seemed content to present his message fully *within* the Jewish traditions—is another question, and one very well worth pursuing.⁴⁰ Historically, however, as a phenomenon of the evolution of identity within its own right, Christianity itself, as a reform movement internal to Judaism, and so which in a sense also never ceases being a Jewish movement, seems to capture the antinomian impulse perfectly, and is, consequently, 'doomed' to repeat it over and again as essential and constitutive of its own identity.⁴¹

Perhaps a more conducive perspective for the practice of theology would be to admit the necessity for structural antinomian impulses *within* both Jewish and Christian faiths and not to shy away from their existence. Rather, we might learn to read these symptoms of structural unease as moments for the potential liberation of, and increased justice rendered toward, subjects who will always be

40 Perhaps this is why the Freudian hypothesis takes on such significance in Gershom Scholem's and Jacob Taubes' readings of it. Freud's hypothesis, for better or worse, was that Judaism did not, or could not, emphasize its own internal pluralistic elements—i.e. its alleged Egyptian origins, according to Freud, though this hypothesis should serve as only an almost metaphorical example of what was really at stake here. See Taubes 2003. See also Freud 1939. What I am suggesting here is that this ability to avow and disavow one's foundations, which Freud essentially claims, is akin to John Caputo's development of a 'religion without religion'—a privilege not accorded the more tradition-adhering sides of *any* institution or religion—perhaps provides us in some measure with a direct view of the true nature and function of antinomian thought, that which seemingly continues to motivate each 'new' burst of Christian messianic fervor, from Paul to Luther, and from Kierkegaard to Caputo (whom I will address directly in a moment).

41 Though, certainly in light of the present publication of Heidegger's *Schwarze Hefte* ('Black Notebooks'), much remains to be said on Heidegger's stance vis-à-vis Judaism and its apparent 'worldlessness' or 'deworlding of the world' which is bound up with his own difficult 'ontological-historical antisemitism', I am here suggesting that there is perhaps a shared tension within Heidegger's own work between both Christians and Jews with regard to their identity formation in relation to their being-in-the-world. Though Heidegger himself does not in the context of his lectures on Christianity advance a parallel between these two religions, and in fact exploits Christianity in favor of his reading of Judaism in other places, I yet believe that his work does point out the inherent structural tensions within Judaism which he himself was not able to further theorize with regard to the historical religions of Judaism and Christianity. My thesis, then, is that both Christianity and Judaism engage in a certain 'worldlessness' that must be valued as a necessary part of identity formation in general. On the anti-Semitism within the notebooks, see Gordon 2014.

'normatively' defined so to speak, and at times even unjustly oppressed. Accordingly, as much as this struggle is about the tensions that constitute identity—the tensions of the self permanently caught between an institutionalized structure and a private experience—it is also a struggle that contains a hope for more justice to be done to the particular individuals who continuously stand before us, asking us to recognize and even love them.⁴²

Though I have spent a good deal of space narrating a brief history of antinomian tendencies since the Reformation, I want, in what follows, to demonstrate how the specter of antinomianism—for it is little more than a permanent specter that haunts traditional ecclesial and theological structures and discourses—is still a major, and often undisclosed, problematic within theological and philosophical reflection and praxis.⁴³ The current situation is as if the antinomian impulse were more formalized so to speak; charges of its heresy are certainly less frequent, more vague, though the desire to present a love, an encounter, an ethics, or a person, all *beyond* the structures of the law (thus altering our coordinates of identity in general) becomes that much more forceful in a modern context. To illustrate this point, I will next move on to examine two impasses within contemporary thought that both turn, in their more 'conservative' and 'liberal' versions alike, on their desires to resolve the 'antinomian problem'.

Two contemporary responses to antinomianism

The first antinomian position in contemporary thought: An impasse

As with both Paul and Luther, these readings of antinomianism do not carefully distinguish between religious, cultural or political antinomianism, but, rather, implicitly perceive that all of these forms go together in an undisclosed sense. This is the case, as well, and, perhaps, more directly so, with the first antinomian position in contemporary thought that I wish here to take up. It is the one we could more or less label the 'conservative' position, one characterized by its defensive reaction to what appears, to it, as an antinomian threat made

42 On this dialectic between structure and experience, see Malabou 2010, 81.

43 For an astute analysis of these tensions as they are played out in the field of theological discourse, see Taylor 2011.

in relation to the given normative structures of both the Christian faith and (a western, Christianized) society as a whole.

In a relatively recent article in *First Things*, R.R. Reno embodies the contours of this approach through his insistence upon the necessity, *for* the genuine expression of faith, of eradicating such antinomian flourishes that lead, not just the Church or theology, but society as a whole, down the primrose path to its moral demise. He summarizes the stakes in critical proximity to liberal Protestant trends: 'Modern Protestantism does not have a monopoly on antinomianism. Various versions of postmodern cultural theory rest on similar assumptions and also lead to condemnations of law and endorsements of spontaneity.'⁴⁴ Indeed, even 'spontaneity' itself is seemingly condemned as an aberrant product of the deviation from social and religious normativity.

What I want to pay attention to here, and ultimately insofar as it supports the overall thesis of this essay, is how Reno detects this same antinomian impulse as present even within theological movements that do not recognize such a label, and as he detects them as inherently part of the dynamic that drives an ongoing Protestant Reformation of all structures. In this way, I would suggest, he is correctly attentive to the real issues underlying antinomian thought, though, perhaps, wrong in his diagnosis of the larger problematic, as we will see. Reno is, however, careful to outline exactly how such a situation arose in our western world today, as he suggests that

Luther failed to put an end to the antinomian temptation, and today it seems irresistible. Influential mid-twentieth-century theologians such as Rudolf Bultmann and Paul Tillich translated the Reformation doctrine of justification by faith alone into an abstract principle that they used to critique and deconstruct all forms of religious authority.⁴⁵

His invective against Bultmann, Tillich, and even the more contemporary philosopher Gianni Vattimo (though a host of other 'postmodern' thinkers linger underneath his highly critical words), would seem to be centered on defending the 'normativity' of tradition against its disintegration at the hands of 'postmodern' theorists, for

44 Reno 2012, 34.

45 *Ibid.*, 34.

whom “It’s a sin to be any-kind-of-normative.”⁴⁶ It is also, presumably, his job then to uphold such normative measures—which would also include the denunciation, in the same article, of transgendered persons as ‘disordered’—all in the defense of a (structurally) genuine faith.

Rather than respond directly to Reno’s claims—something I do not feel would advance the argument very far, for, in his schema, you are either a Christian connected to the genuine faith or a postmodern, antinomian, and potential nihilist cast into the darkness of a lawless world—I want to turn to a more academic exposition of the problem from another *First Things* contributor, Reinhard Hütter, a theologian who also senses perils latent within the fragmentation of our world today.⁴⁷

For Hütter, though sharing a good deal in common on this score with Reno, the legacy of the ‘Protestant antinomian captivity’ that still drifts throughout Christianity today and which has potentially major ‘ecumenical dimensions’ for the Church, is one that needs to be disclosed for what it is and pulled up at the root.⁴⁸ In his estimation, the seduction of modernity’s embrace of the subject’s autonomy has led humanity down the path toward a particular form of ‘freedom’ that ends up more closely resembling nihilism in that it neglects the reality that “True moral autonomy consists in the free submission under and obedience to God’s moral law.”⁴⁹ Hence, the real underlying problem with Christianity today, but also with society if one frames it in such a way, is that its true antinomian flavor is one that neglects the normativity of the moral law within, and the subject suffers as a result.

Hütter’s essential claim is that humanity has sought freedom “only in a very incipient and fundamentally incomplete way,” through its restriction of natural law to reason alone, and this would serve to explain, in due measure, why his account of modernity and freedom must run through a usual list of suspects: Kant, Fichte, and Nietzsche. By framing his critique as a condemnation of such divergent viewpoints as each ‘founder’ of modernity presents us with, his analysis is, in some sense, postured in order to introduce his interpretations of Aquinas and John Paul II’s encyclical *Veritatis Splendor* as those *dei ex machina* which

46 *Ibid.*

47 See, for example, Hütter 2011, 37-41.

48 Hütter 2001, 122.

49 *Ibid.*, 130.

serve to rescue natural law as an innate moral (eternal) law.⁵⁰ As such, the law, whose “paradigmatic example” is Christ, is now capable of performing “a liminal service that protects genuine freedom from being reinterpreted as license and thus from losing the good by itself defining the good and evil and consequently losing itself.”⁵¹

Though Hütter does not take up an account of conscience as a form of natural law or even natural religious sentiment—as John Henry Newman might otherwise have put it, and thus as a natural religious element within all of humanity, whether one recognizes God in it or not—he does drive home the fundamental point of his response to antinomian initiatives within modern Protestant thought, offering his critique with a series of suggestive points addressed directly to his question of whether “genuine human freedom as constituted in Christ can be gravely endangered, deeply distorted, and ultimately destroyed by particular kinds of acts”—though he does not name these acts as such. What he does pronounce, however, is sentence upon this antinomian captivity of Protestantism via his charge that it subverts true freedom and enslaves the soul to a lawless and ignorant wandering from God:

Might it be that contemporary Protestant theology lacks the very conceptuality even to recognize this question as a challenge, since it is bereft of a theology of the law that would complement and shape the inflated and rarely reflected use of the notion of ‘freedom?’ In short, could it be that much of contemporary Protestantism is unable even to acknowledge that there is a challenge because of an antinomianism that has become so thoroughly taken for granted that any awareness—not to mention *critical* self-awareness—of the tacit antinomian commitments, deeply engrained in most of contemporary Protestantism, has been lost?⁵²

The threat of antinomianism, by this count, is really double, because not only is it all pervasive within contemporary Protestantism, but, moreover, it continues to act unimpeded and unrecognized for what it is. Hence, there is much practical deviance to be discerned

50 See also his extended discussion of Aquinas in relation to the moral law in Hütter 2012.

51 Hütter 2001, 135.

52 *Ibid.*, 137.

in the nature of the Protestant Church today behind Hütter's claim of an "antinomian fallacy of a Protestantism without the Law"—*the* fundamentally flawed notion which even Luther himself sought to overcome and which, presumably, has infiltrated every ecclesial structure at some level.

Hütter's argument is repeatedly insistent upon the fact that neither Aquinas, Luther, Melancthon nor Calvin reject the rule of natural law, and that a recovery of such an innate moral law can actually reactivate a cultural and even political landscape, one that 'political liberalism' fails to achieve through its indebtedness to certain forms of 'antinomian Protestantism.'⁵³ Yet, what Hütter's account lacks, I would argue, is its own critical self-awareness of the manner in which certain justifications of natural law are inherently and inextricably linked to forms of sovereign power. Just who determines what is and what is not 'natural?' On what grounds and through what contrasts with other 'unnatural' things? Lest we forget, it was the difficulty of determining any 'natural' theology concretely in history that once led Jürgen Moltmann to define it as "[...] in actual truth *theologia viatorum*, an anticipation of the promised future in history as a result of obedient thinking," and *not* as an originary foundational principle.⁵⁴

Moltmann's subsequent call for a form of 'permanent iconoclasm,' as a sort of ongoing Reformation within the Church in tune with his 'theology of hope', may strike many as a somewhat 'antinomian' principle in-itself.⁵⁵ What it offers us, however, is an opportunity to not get bogged down in quests for more originary 'natural' foundations that do not necessarily exist (or, at least, could never be clearly identified) in reality. Though Hütter's claims are carefully distinguished from modern forms of sovereign ('autonomous') subjectivity—something which he routinely condemns—they do at times resemble a pre-modern, almost medieval, notion of 'sovereign unification' of nature in that they assume the uncontested pre-existence of a normative, natural law. In this sense, Hütter's claims, as with Reno's, I am arguing, share in the modern quest to purify (reason or religion, it matters little which)

53 *Ibid.*, 147.

54 Moltmann 1993a, 90.

55 Moltmann 1993b, 87.

in order to attain legitimacy and political privilege.⁵⁶ This implicit embrace of a pre-modern worldview invokes my hesitation to embrace this particular response to antinomianism in contemporary thought, for it is this response which seems to lack, what I would call, a fuller political theological—or, in Hütter's formulation, critically self-aware—account of those implicit or explicit theological positions that *actually are* utilized in order to re-inscribe certain theological claims within a nexus of (sovereign) political power, ones well invested in trying to achieve political privilege through their 'naturalization' of certain privileged institutions and persons (e.g. defending heterosexual marriage, strict male/female boundaries, etc.). This position, in the end, results in a conservative 'impasse' that pits the truth of 'true freedom' versus the antinomian nihilist, and does nothing to consider the ways in which issues of justice are bound up within such tensions.

What I wish to do next in this section, therefore, is to develop an alternate account of antinomian thought that does not perceive it as an obstacle to be overcome by a more genuine theological account of freedom; that is, one that does not seek to resuscitate a pre-modern form of political power, but, rather, an account that tries to embrace 'antinomianism' as the only way to sustain truly critical thought—what will, perhaps only in appearance, be the 'liberal' alternative. Beyond this, however, what I hope to demonstrate is that even this account, one that approaches the subject from an altogether opposed angle, still at times runs the risk of missing the larger, hermeneutical framework within which antinomian thought operates, and, therefore, might also fail to overcome the same impasse that the first option encountered, though from the other side as it were. By demonstrating this second position alongside the first, however, I am ultimately aiming to try to gain access to another perspective on antinomianism altogether, one focused on the political theological elements *always already at work within* any given theological account of the law, and which are often used to justify political power and/or violent means to access (sovereign) power, though, as I hope to show, these means need not be utilized as such. In order to do this, however, I must first examine what has become, from the other 'liberal' side of things, the second antinomian position in

56 See the critique of such purification temptations in Latour 1993. One could suggest that such a quest is particularly surprising, given that the essay is dedicated to Stanley Hauerwas, an advocate of Christian pacifism, and yet seems uncritically to advocate an adherence to social norms which may be at odds with Hauerwas' position (e.g. the just war traditions put forth by each of the theologians Hütter wishes himself to champion).

contemporary thought that, I believe, does not end in an impasse, but actually opens us up to further options beyond what appears to be a nihilistic end to all law.

The second antinomian position in contemporary thought: Permanent reform

The temptation within certain theological voices today—Reno and Hütter in this instance, but also many others who strive to ‘defend’ theology from both modern and postmodern claims—is to either severely critique or outright dismiss postmodern philosophical theories as hell-bent on undermining the very foundations of Christian freedom as posited in the eternal, intractable moral law within us. A typical ‘liberal’ response to such ‘conservative’ and defensive posturing might then entail a radical openness to the antinomian impulse—something akin to the notorious ‘play of differences’ that postmodern thinkers such as Jacques Derrida appeared to many to revel in.

For quite some time now, commentators on the work of the philosopher Giorgio Agamben have likewise struggled with his various attempts to ‘end’ the violence of representation and his insistence that there is a presentation beyond representation that is truly possible, if only we could learn to return ourselves properly to the ‘pure potentiality’ that resides within us.⁵⁷ His remarks in this particular vein of thought show more than a passing affinity with those reformers who would advocate an end to *all* law. His numerous comments upon the existence of the law and his desire to see the ‘transgression of the law as the only true fulfilment of the law’ have brought him into the company of other potential antinomian, messianic figures. His repeated references to Sabbatai Zevi—the once heralded potential Jewish Messiah whose transgression of the Law, and eventual conversion to Islam—and others who appear to enjoy certain antinomian impulses, does little to avert charges of antinomianism in his thought.⁵⁸

For Agamben, who has claimed to be out-deconstructing the master deconstructivist Derrida, the law exists as something to be cancelled out, or to be put to new, unintended uses that lessen its force,

57 I expand upon these themes a great deal more in Dickinson 2011.

58 On the life and antinomian tendencies of Sabbatai Zevi, see Scholem 1973. See also Taubes’ commentary on Scholem and Sabbatai Zevi in Taubes 2003.

as a child plays with an old passport.⁵⁹ Such gestures are captured, in his opinion, perfectly through the Jewish figure of the Messiah, the one person who was to undo the normative force of the law altogether.⁶⁰ Referencing the incorporation of the messianic concept within Judaism, Christianity and Shiite Islam alike, Agamben demonstrates how each of these traditions understands the Messiah as signifying

[...] the fulfillment and the complete consummation of the Law. In monotheism, messianism thus constitutes not simply one category of religious experience among others but rather the limit concept of religious experience in general, the point in which religious experience passes beyond itself and calls itself into question insofar as it is law (hence the messianic aporias concerning the Law that are expressed in both Paul’s Epistle to the Romans and the Sabbatian doctrine according to which the fulfillment of the Torah is its transgression).⁶¹

Critical questions on this point that are put to Agamben seem to circulate around the same area: is he trying to access a place *beyond* the law? Does he want anarchy to rule? How are we, practically speaking, to take him seriously in this world of contracts and property disputes, etc.? Or, in theological terms, should there be no Church anymore?⁶²

What is often mistaken by a variety of commentators upon Agamben’s work who see in his theoretical vision the dismantling of all law,⁶³ is that Agamben, despite his being fully immersed within the ‘postmodern’ milieu that should condemn him to the outer reaches of nihilistic despair, is actually searching for a way to restore a certain balance to the function of law within our world, to develop a form of ‘perfect antinomianism’ that works from within the existence of law—as, then, inherent to the existence of the law itself in order to develop a new relationship *to* law. Thanos Zartaloudis, for his part, has described this active perspective in Agamben’s work as exactly a form of antinomian thought:

59 See the conclusions reached in Agamben 1993.

60 This theme is pursued throughout Agamben 2005.

61 Agamben 1998, 56. See also, the parallel formulation in Agamben 2000, 134-135.

62 Questions such as these are pursued at length, for example, in the essays gathered in Frost 2013.

63 See, for example, the critique levied in Mills 2008.

Perfect antinomianism is a force *internal to the actuality of the law* [...] though not internal *to the law*, which inverts the latter's effectiveness; it does not preserve the law as it is nor destroy it, nor does it create a new law to replace the old law, but it instead restores law to the sphere of pure means, and renders it free to common use.⁶⁴

The incessant tension between structural forms and an experience beyond those forms—what I have elsewhere looked at in this context as a permanent tension between canonical forms and messianic forces⁶⁵—does not inevitably lead to a complete (*antinomian*) rupture with tradition, but rather develops a hermeneutics, albeit a radicalized one, in response to the tension itself. This, I suggest, is what we hear from Agamben's own lips as he contemplates the existence of the Church in 2009, something which might have appeared as a shock to those who took him as an antinomian:

By placing origin and end in contact with one another, this force endlessly fulfils and ends time. Let us call this force Law or State, dedicated as it is to economy, which is to say, dedicated as it is to the indefinite—and indeed infinite—governance of the world. As for the second force, let us call it messiah, or Church; its economy is the economy of salvation, and by this token is essentially completed. The only way that a community can form and last is if these poles are present and a dialectical tension between them prevails.⁶⁶

Rather than espouse a radicalized, 'one sided' antinomian position, he attempts here, and contrary to those many voices that have sought to present his work as yet another endless deconstructivist play in differences, to preserve the tension between a structure, or law, and its antinomian, messianic force that serves to undo it, precisely in order to maintain the (normative) identity of a community. Though many of his detractors might read his comments on antinomianism otherwise, I think it more fruitful to perceive this act of 'deconstruction' as one that, in the end, upholds our need for social structures and representations, while also finding a space for the 'pure critique' of such structures to

64 Zartaloudis 2010, 300.

65 Dickinson 2013.

66 Agamben 2012, 34-35.

be pursued, which is, as Derrida himself might have put it, the only authentic way for a genuine justice to ever prevail.⁶⁷

What we might also gain from such a reading of Agamben's work is that such a dynamic was, indeed, present in the work of Derrida, who was, perhaps, more inclined to preserve normative, canonical structures than his detractors often realized—a fundamental part of his project to remain ever open to the horizon of justice potentially always before us.⁶⁸ John Caputo, who might be taken as something of an exemplar here in refining this antinomian position—and this is what gets him in trouble with theologians such as John Milbank and presumably a good many more—follows Derrida's lead in describing what he calls a 'religion without religion', what could easily be construed as a form of contemporary antinomian thought, though which may have more going on within it in terms of identity establishment than might be noticed at first glance.⁶⁹

Caputo, maintaining Derrida's insistence that all thought seemingly boils down to the tensions between a given structure (of thought, of politics, of ethics, of religion, etc.) and its inherent desires from within to 'deconstruct' the structure (i.e. its 'autoimmunity' he would say⁷⁰), has attempted to write a theology of the event that plays precisely upon the *structural ambivalence of all identifications* in order to point the way toward a 'radical, creative, and even sacred anarchy' that promises only to both shake our identities to their core and thoroughly transform the structures that be within religion itself—though, for him, this is a task done in response to Christianity, or, more specifically, his own Catholic roots.⁷¹ It is also, however, and from the start, a political project all the way down, as he recognizes that such a reading of religious structures is bound to upset those looking to defend them.

Caputo's version of theology, likely to Hütter's chagrin, "[...] exists in fragments and asides and apostrophes within confessional

67 See, among numerous other references to justice in Derrida's later work, Derrida 1994.

68 I would point to a curious interview with Derrida that is often neglected by his critics in which he explicitly, and repeatedly, defends such normative measures as canonical representations and literary canons in general. See Derrida 1992.

69 See Caputo 1997.

70 See his numerous references to 'autoimmunity' in Derrida 2004.

71 Caputo 2013, 261.

theology,⁷² It is not a monolithic entity and it does not, as such, need anyone to defend it. Contrary to the position of those more ‘orthodox’ theologians looking to label him as heretical, he feels, such a theology “[...] is testified to every time confessional theologians come under attack as heretics or atheists, whenever they touch a nerve in the powers that be that know their power is being put at risk.”⁷³ Fully recognizing the dilemma he is attempting to address (and in this way sounding a bit like Luther once did), Caputo is not seeking to do away with structure completely—a point well worth underscoring at the moment, for it may offer us a chance to perceive this second position as less of an impasse and more of an opportunity in the end. As he exclaims, the event of being contemporary with Christ, or God (much like Kierkegaard earlier) demands that we continuously reform the structures that be—social, political, religious, or otherwise—though we cannot do away with them altogether: “[...] the creedal structure is weakened in favor of the event while the creedal faith is not simply jettisoned, so one remains in the creedal structure, as if not.”⁷⁴ Repeating Paul’s dictum that we remain in our current social standing ‘as if’ it were not what actually defines us, Caputo is attempting, I would suggest, to illuminate antinomian thought as a *central* and *dynamic* constitutive feature within (religious) identity in general.

From Caputo’s perspective, and as a sort of answer to the apparent aporia we witnessed a moment ago in Agamben’s work, the solution to this ‘impasse’ is not to perceive deconstructionism, or postmodernism for that matter, or antinomianism—whatever these things truly are or *are not*—as a problem to be overcome, but simply as part of a larger, hermeneutical process that, in its entire scope, is seldom comprehended for what it truly is. What I am contending is that we can neither simply dismiss nor fully embrace antinomian thought. Rather, we must learn to utilize it as a symptom of structural injustices that must be listened to as prime indicators for where genuine reform is needed. Though this is a form of ‘radical hermeneutics’, it is not simply a nihilistic or absurd antinomianism: it is dialectical through and through.

72 *Ibid.*, 62.

73 *Ibid.*

74 *Ibid.*, 81.

Conclusions

In some ways, we might perceive antinomianism as the most ancient of heresies, or even blasphemies,⁷⁵ Christianity’s foundational heresy in relation to Judaism’s Law, the reformer’s heresy in protest against the Catholic Church, or as the postmodern challenge to any given normative structure. In this sense, the antinomian challenge is thoroughly political first and foremost, and should be understood as such. As Benjamin Kaplan has pointed out was the case in early modern Europe, heresy and sedition, practically-speaking, went hand-in-hand; toleration, by contrast, was an embarrassing, illegitimate position to hold.⁷⁶ Antinomianism does not diverge from this reading of heresy, but, rather, outlines itself, as read through its history, as a significant feature of it. We might thereby see antinomianism as the heresy that cannot be structurally concretized, and, as such, that which will never be wholly uprooted and removed. For many, however, antinomianism simply remains the specter in the shadows that is feared but rarely understood.

Accusations of antinomian heresy are for this reason often flung out from within such fearful and consequently distorted perspectives. Yet, what are we really to make of these heretical accusations? For, as is typically the case in history, “The spectre of heresy among the people was a disturbing symbol of the unease aroused in the privileged by those on whom their privilege rested so heavily.”⁷⁷ Heresy, as R.I. Moore has recently put it, is an ‘old weapon’ that does “not necessarily describe the beliefs of its targets more accurately.”⁷⁸ Moreover, as he makes clear, those who generally combatted heresy as the chosen social and religious war most effective for propagating the faith, often, in reality, become “[...] adept at convincing themselves and each other that resistance to their authority, and to their noble and sincerely held ideal of Christian unity under the leadership of the church universal, was the work of the devil. The measure of their achievement is that so many still believe it.”⁷⁹

The fear of rampant social and personal moral nihilism among

75 Such is where Leonard W. Levy, for example, places antinomianism in Levy 1981.

76 Kaplan 2007, 124, 143.

77 Moore 2012, 330.

78 *Ibid.*, 273.

79 *Ibid.*, 331.

the mass of individuals within western society is, in many ways, I would suggest, simply the fear of one's own internal antinomian impulses, which is really a fear of oneself, the power, anger and misguided authority that one is capable of wielding. It is also an insecurity with *not*-knowing where one narrative will cease to exist and another will take over, the crossing of boundaries where real reformation does occur, but which is 'good for the system' as well. One can never really embody an antinomian position as it has, by definition, no institutional form. Normative, institutionalized forms are yet all that we live our lives by, in the sense that they provide a shared sense of cultural intelligibility. We often fear, however, the trouble which antinomian thoughts inspire, and, consequently, have little comprehension of what such impulses might do to our reconstruction of normative measures. Within such misdirected historical quests for Christian 'unity,' and especially in light of Christian anti-Semitic positions, the politics of exclusion become manifestly more important than doctrinal divergences, as friends and enemies alike are made upon such borders.

The question to ask at this point is: to what degree does a given tradition allow itself to listen to competing histories and to discern between them as to the merit of each (by their own strengths)? Or, to what degree does a tradition seek to present itself not as an inherently plural discourse in and of itself, but as a monolithic structure undivided from within by its own internal tensions? The strength of a hermeneutical viewpoint on this score would be that it is capable of acknowledging its own fluctuations, pluralities and histories within its self-perspective. That is, the more a given canonical representation allows its own repressed elements to be heard, the more justice it does to them, thus promoting a sense of a 'happy memory.'⁸⁰ As such, this is to envision multiple *histories* within any given tradition as already engaged in a political struggle to articulate themselves, and to affirm that this is how things should be, rather than trying to achieve a singular, static representation of History. Such a schema means being attentive to the 'weak messianic forces' working within a given tradition, often *mistaken* as antinomian thoughts, but waiting to be seen at the precise moment when they are in need of being seen—therefore also as 'dangerous memories' in Johann Baptist Metz's sense of the term.⁸¹

80 On the concept of 'happy memory,' see Ricoeur 2004.

81 Metz 2007.

Maybe what we are in need of is what Shaul Magid, in the context of exploring certain strands of Jewish antinomianism—which share a certain affinity with Agamben's reading of Sabbati Zevi—refers to as a 'dialectic of heresy,' or "the very thing that enables a tradition to survive by expanding the boundaries of legitimacy in order to push the tradition towards its redemptive end."⁸² What Magid identifies, and here merely bears repeating, is a task "[...] to legitimate and even sanctify the tension of living simultaneously inside and outside the law," or that which would see antinomianism as an ally rather than an enemy in the never-ending quest for justice.⁸³

My efforts in this essay are not aimed at repeating the errors perhaps latent in Heidegger's alleged antinomianism—something no doubt bound up with his anti-Jewish positions and that might be said to have been motivated by his effacing of the Hebraic tradition altogether from his thought⁸⁴—but in returning, you might say, to Christianity *as a form of Judaism itself*, as that which arises from within its Hebraic heritage, and which, if it is to be true to itself, must in some sense return to its roots time and again. What we are trying to move toward is a theological and philosophical reading of history and the forces that work from within it to undo it, not in order to identify and defuse their apparent threat, but to see them for what they can be for us, their value and also their beauty. Rather than portray antinomianism as a threat to the system which needs to be removed, we can see it as a 'weak messianic force' moving through all constituted (religious) identities, not as the end of 'Christianity' as an organized religion, but its 'original' proclamation, ever in need of greater reformation, and, indeed, not even limited to Christianity either, though this has been my focal point in this essay. Yet we might also label this the true 'poverty' of Christian thought, its weakness that is foolishness to the strength of this world, but is, in actuality, also the strength of its 'crucified' God.

82 Magid 2003, 254.

83 *Ibid.*, 206.

84 On this, see Zarader 2006.

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