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# The Shadows of Sovereignty: A Visual Genealogy of Dark Knight Archetypes

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**Abstract:** This paper investigates the role of the dark knight archetype in the theory of sovereignty. The dark knight archetype has repeatedly emerged in popular culture, but has never been fully explored in jurisprudence and political theory. The aim is to develop a new visual method to bridge the distance between the theory and the tropes that have historically been used to create and justify the notion of sovereignty. Sovereignty is understood here not only as a founding concept of modern legal theory, but also as a trope: a special kind of narrative, illustrated, capable of being modernized, and yet maintaining its initial trends; one that is foundational and colonial, and capable of institutionalizing subjects and sovereigns. Strategically following the works of Agamben, Benjamin, Jung and Warburg, this paper analyses – in a psychoanalytical sense – the unconscious dimensions of sovereignty from evidence collected in popular culture and political history. From fallen medieval knights to Zorro; from fascist Blackshirts to Darth Vader, this paper examines the pervasive repetition of dark knight figures in Western tropes of sovereignty and its consequences.

**Keywords:** sovereignty; archetypes; dark knights; visual culture; tropes; legal theory; theory

## 1 Introduction

One of the aims of this paper is to develop a method that is able to look at the theory of sovereignty as a trope. This is not a new strategy, though. It has been previously used in Public Law and Modern Political Thought.[1] However, most of the time this effort has been focused on textual maxims that could establish a "constitutional imagination."[2] The novelty in this paper is to attempt to extend this rationale not only to text, but also to visual tropes – such as Lissovsky and I have done before when

1 Martin Loughlin, *Foundations of Public Law* (Oxford: Oxford University Press, 2010): 59, 440.
2 Martin Loughlin, "The Constitutional Imagination," *The Modern Law Review*, 78.1 (2015), 1–25.

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looking at racial tropes.[3] But the aim here is to develop. a method that could take into account the category of archetype and help to build up a *visual theory of sovereignty*.

The category of archetype works as a *fossil* in literature: a simplified and older version of something we forgot and is now apparently distant. It is something capable of assaulting the present and taking hold of it.[4] Perhaps taking the archetype as a fossil is a direct challenge to how we experience time. It may bring us closer to the pictures that Eduardo Cadava identifies in photography as having a "radical temporality," meaning those pictures which were capable of breaking the movement of thought, interrupting history and putting dialectics at a standstill.[5] Walter Benjamin uses the notion of archetype when he refers to the status of the "gambler" in modernity, to which he attributes the "archaic image" of the "fencer."[6] This is also precisely what Giorgio Agamben does with concepts when he proposes that the *Iustitum* in Rome was an archetype of the modern notion of State of Exception.[7] The notion of archetype, though, is old enough to have a history of its own.

Carl Jung famously defined the *archetype* as a pre-existent and definite form that has always existed in the psyche – always and everywhere. The archetype constitutes what he calls the *collective unconscious*, which can only become conscious secondarily, and gives definite form to psychic contents. It is a part of the psyche, which is not personal and does not develop individually, but becomes part of what is inherited by a person, as a component of her instincts. The collective unconscious is universal and impersonal, according to Jung, and thus identical in all individuals. The archetype corresponds, in the collective unconscious, to the *complexes* in the personal unconscious.[8]

The method employed in this paper is one that takes this notion of *archetype* in Jungian terms, to terms with the notion of archetype in Aby Warburg. Warburg method focuses on "hybrids of archetype and phenomenon, first-timeness and repetition. Every photograph is the original; every image constitutes the *arche* and is,

**3** Mauricio Lissovsky and Marcus V. A. B. De Matos, "The Laws of Image-Nation: Brazilian Racial Tropes and the Shadows of the Slave Quarters," *Law and Critique* (2018): 29.

**4** Geoffrey Hlibchuk, "The Immense Odds Against the Fossil's Occurrence: The Poetry of Christopher Dewdney as Materialist Historiography," *Studies in Canadian Literature/Études En Littérature Canadienne* 31.2 (2006).

**5** Eduardo Cadava, "Words of Light: Theses on the Photography of History," in *Fugitive Images: From Photography to Video*, ed. Patrice Petro (Bloomington: Indiana University Press, 1995), 232.

**6** Walter Benjamin, *The Writer of Modern Life: Essays on Charles Baudelaire* (Cambridge: Harvard University Press, 2006), 94.

**7** Giorgio Agamben, *State of Exception* (Illinois: University of Chicago Press, 2005).

**8** C. G. Jung, *The Archetypes and the Collective Unconscious* (London: Routledge, 2014), 42–43.

in this sense, 'archaic.'"[9] Warburg pathos formulas were inspired in classical Antiquity and included in the Renaissance to give form and passion to movement, providing testimonies of "moods" and "feelings" transformed into images.[10] By looking at those images the future generations would be able to seek permanent traces of the deepest emotions of human existence. The method I propose takes Carl Jung's theories in the treatment of individual patients, to the treatment of a collective psychosis that Western Society is possibly suffering from, as Warburg once proposed.[11] Like in Warburg, for Jung archetypes are "complexes of experience that come upon us like fate, and their effects are felt in our most personal life."[12]

To complete this movement I will base my analysis in one specific archetype that Jung calls attention to: the *shadow*. There are three major archetypes observed empirically by Carl Jung: the shadow, the anima, and the wise old man. But the shadow is the basic archetype for Jung, the one responsible for the very formation of the self, and the modern division between subject and object. And I wonder in this paper if this could not also constitute the separation between subject and sovereign, in constitutional terms. The shadow is what lies beyond the *persona*, the "mask of the actor"[13] build in our consciousness, which we project to others. But this would, of course, challenge our individual perception of time.

These archetypes should be taken as constituted in the present, but in the time of the *contemporary*. Agamben defines the time of the contemporary as resulting from both a disjunction and an anachronism. To understand the contemporary it would be necessary to fix our gaze in our own time, "so as to perceive not its light, but rather its darkness."[14] The perception of the contemporary as the neutralization of the lights of a given time that would, in turn, reveal its particular kind of darkness. By doing so, one would be given the opportunity to see the shadows, and the obscurities of the present. This possibility of observing the contemporary would evoke, on the other hand, a particular relation with the past, one that transcends time – or compresses it. It is a relation between the *present* and the *archaic*, as represented in Diagram A. In Agamben's own words:

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**9** Giorgio Agamben, *The Signature of All Things, MIT Press* (New York: Zone Books, 2009), 29.

**10** Carlo Ginzburg, *Mitos, Emblemas, Sinais: Morfologia e Historia* (São Paulo: Companhia das Letras, 2009).

**11** Mauricio Lissovsky, "A Vida Póstuma de Aby Warburg: Por Que Seu Pensamento Seduz Os Pesquisadores Contemporâneos Da Imagem?", *Boletim Do Museu Paraense Emílio Goeldi. Ciências Humanas*, 9.2 (2014), 305–322.

**12** Jung, *The Archetypes and the Collective Unconscious,* 30.

**13** Jung, *The Archetypes and the Collective Unconscious,* 23.

**14** Giorgio Agamben, *"What Is an Apparatus?" and Other Essays* (Stanford: Stanford University Press, 2009), 44.

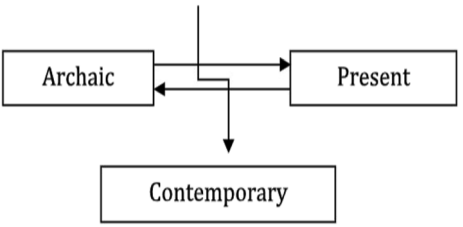


**Diagram A:** The contemporary. Source: from the author.

> Contemporariness inscribes itself in the present by marking it above all as archaic. Only he who perceives the indices and signatures of the archaic in the most modern and recent can be contemporary. "Archaic" means close to the arkhé, that is to say, the origin. But the origin is not only situated in a chronological past: it is contemporary with historical becoming and does nor cease to operate within it. (…) Both this distancing and nearness, which define contemporariness, have their foundation in this proximity to the origin that nowhere pulses with more force than in the present.[15]

Agamben makes the claim that this relation is visible in literature and in the arts. The reason for this is a "secret affinity" between the archaic and the modern that would not only explain the fascination we have on the past, but also remind us that the "key to the modern is hidden in the immemorial and the prehistoric."[16] In this sense, any attempt of archaeology, as a method, will necessarily face the impossibility of regressing to a long distant past, which one has not lived; and would, then, need to turn to that "part within the present that we are absolutely incapable of living,"[17] and finally, to return to a present where we have never lived. This proposition, if applied, should enable us to read history in a way it has never being read before. An invisible light that results from the darkness of the present would project its shadow over the past and, in this shadow, we would be granted the opportunity to respond to the darkness that circles us now. Agamben arrives at this proposition following Walter Benjamin, who claims that there are images from the past that would only be legible in a given moment of history.[18] It is following these steps that I propose to build a visual genealogy of *dark knight archetypes*.

It is these *shadows of sovereignty*, both historical and fictional, that I will consider in this paper, by looking at dark knight archetypes and its personifications in art, culture and politics. First, I will look into the historical appearances of dark knights in 20th and 21st centuries culture and politics. Secondly, I will discuss a case of a dark knight in early 19th century European literature – which is possibly

**15** Agamben, *What Is an Apparatus*, 50.
**16** Agamben, *What Is an Apparatus?*, 51.
**17** Agamben, *What Is an Apparatus?*, 51.
**18** Giorgio Agamben, *O que é o contemporâneo? e outros ensaios* (Chapecó: Editora Argos, 2009), 72.

associated with the emergence of the Nation State. Thirdly, I will analyse – in a psychoanalytical sense – the role of dark knight heroic archetypes in fiction and politics and the building up of a Western trope of sovereignty. Finally, I will consider the consequences of this visual genealogy of dark knights for jurisprudence and state theory.

## 2 The Dark Knight Archetype in Culture and Politics: The Tropes and Troops of Exceptional Power

Strategically indulging in this link between Jung's and Warburg's theory, it is possible to say that the *dark knight archetype* and its many appearances in Western culture and political history have so far been overlooked. This is quite a shocking statement, considering that dark knights have so pervasively hunted the political imagination of nation states in both liberal and totalitarian contexts. We can see this archetype in historical military conflict as well as in contemporary popular fiction. It is visible in the tragic slums of Rio de Janeiro, when an Elite Squad police unity dressed in black and skulls insignia and armed with heavy machine guns threatens the lives of people living in a slum – such as one can find both in news media[19] or in Jose Padilha's famous debut fiction film, "Elite Squad."[20] We see it when looking at broadcasted videos of Islamic State (ISIS) combatants or Al Qaeda terrorists dressed in black clothes and hoods who brutally decapitated a hostage during the so-called War on Terror.[21]

We can also see this archetype in fictional heroic characters like Batman in "The Dark Knight"[22] and "The Dark Knight Rises,"[23] a millionaire turned ninja who then decides to fight crime to save his city from terrorists or the organised crime. Dressed as Batman, the hero clearly transgresses the law and commits several crimes to achieve his mission aims – including the torture of prisoners. Zorro in older films

**19** Alexei Barrionuevo, "A Violent Police Unit, on Film and in Rio's Streets," (Rio de Janeiro) *The New York Times* (October 14, 2007), section International/Americas.

**20** *Elite Squad*, dir. by José Padilha (Za Zen, Universal Films, 2007).

**21** "Exploiting Disorder: Al-Qaeda and the Islamic State," 2016 <https://www.crisisgroup.org/global/exploiting-disorder-al-qaeda-and-islamic-state> [accessed 16 November 2023].

**22** *The Dark Knight*, dir. by Christopher Nolan (Warner Bros., Legendary Entertainment, DC Entertainment, 2009).

**23** *The Dark Knight Rises*, dir. by Christopher Nolan (Warner Bros., Legendary Entertainment, DC Entertainment, 2012).

like "The Mark of Zorro"[24] and more recent ones like "The Mask of Zorro,"[25] is a similar character, but one who fights the Spanish elite and social injustice in colonial times. Different from Batman, Zorro is known for supporting robbery against the rich and distributing those goods to the poor. Both Batman and Zorro are rich white men who fight against the elite using their own means, technique and technology. They also have in common wearing a mask and living a double life, hiding their personal identities. But other contemporary dark knight characters have added layers of rituals and religion to the *dark knight archetype*.

Neo in "The Matrix,"[26] John Snow in "Game of Thrones"[27] and Darth Vader in "Star Wars" are such characters. These are heroes whose personal story is marked not only by a double identity, but also by a mission of almost religious nature. They are not only heroes who can act sometimes like villains by using brutal violence, torture and manslaughter, but also messiah-like characters with deep institutional commitment and training. Neo is a hacker who lives a double life in the Matrix – a computer programme used to keep humans dreaming and producing brain energy to feed machines. When he goes out of the programme, he undertakes severe training to master his awakening powers. Then his quest becomes a personal one: finding his own way in becoming the messiah that could finish the war between human kind and the machines. John Snow follows a similar path. Snow is originally described as a bastard son of Lord Stark who is then trained as a soldier-monk in the order of *The Night's Watch*. Later, he is found out to be the heir of the former king. Imbued with the mission of saving the kingdom, he commits the hideous act of regicide while killing and betraying his lover, who has just become queen. But Darth Vader is probably more intriguing than the other two. Portraited as a boy who could be a messiah-type to "bring balance to the Force,"[28] he slowly turns to the dark side of the force and becomes an evil character. He is trained first as a member of the Jedi Order, and later joins their enemies, the Sith Order. However, he also turns sides again, by the end of his life, when saving his son, killing the Emperor and restoring the Republic.

What these fictional characters have in common is a legal and political status that transcends legality and morality. Not only are they all dressed in black or dark colours but they are also hard to understand and classify – legally, morally and politically. Their *double nature* which is sometimes expressed as a doubled identity,

**24** *The Mark of Zorro*, dir. by Rouben Mamoulian (Twentieth Century Fox, 1941).

**25** *The Mask of Zorro*, dir. by Martin Campbell (TriStar Pictures, Amblin Entertainment, David Foster Productions, 1998).

**26** *The Matrix*, dir. by Lana Wachowski and Lilly Wachowski (Warner Bros., Village Roadshow Pictures, Groucho Film Partnership, 1999).

**27** *Game of Thrones* (Home Box Office (HBO), Television 360, Grok! Studio, 2011).

**28** *Star Wars: Episode I – The Phantom Menace*, dir. by George Lucas (Lucasfilm, 1999).

adds to this confusion. These are characters that can be both labelled as heroes or villains in fiction, and historically understood as terrorists or "patriots." They can be heroes whose exercise of power by using violence takes them very close to turning villains. Or, they can be villains who always acted beyond legality, but because of some moral standard or political cause, have later been considered as heroes. Perhaps one hypothesis to explain how it is possible for these characters to navigate both sides of the political and moral spectrum is the fact that they all belonged to some kind of State-based institution – some kind of religious order, or knighthood group – in which they were trained and initiated in rituals. This gives them an illusive kind of legitimacy, almost a mystic power built on the theatricality of their actions. It is also interesting to note that these dark knight archetypes are figures whose use of power and violence seem to be intrinsic to their nature in the narratives in which they were created.

The hypothesis developed here is that the *dark knight archetype* works as a reserve of exceptional power: it represents in both culture and politics the power that is not legally bound, but is capable of establishing the boundaries of law itself. This is why dark knight archetypes might reveal something about the theory of sovereignty that would otherwise not be noticed. This archetype might have an important role in developing the tropes of power that have so far constituted basic political institutions such as the state, the law and the sovereign authority. To test this hypothesis and examine this trope further, I will now look into two historical troops who were associated with this archetype, and the theory that attempted to explain and justify them (Figure 1).

The most famous and terrifying occurrences of the dark knight archetype in the history of the twentieth century might be those associated with Italian Fascism and German Nazism. The deadliest and most dangerous paramilitary brigades in the last century presented themselves as political police and dressed up in black: Mussolini's Blackshirts, the "*Milizia Volontaria per la Sicurezza Nazionale*" (Voluntary Militia for National Security);[29] and the Nazi-German S.S. ("*Schutz Staffel*") Totenkopf-verbände.[30] Both groups emerged as militias, paramilitary forces created during the counter revolutionary efforts of their parties, and were later turned into police, special military unities and party apparatus of surveillance and order.[31] They functioned as a "parallel mirror image of state institutions operating within a dominant party,"[32] and it is precisely these mirror images that we need to analyse.

**29** Peter Davies and Derek Lynch, *The Routledge Companion to Fascism and the Far Right* (London: Routledge, 2005), 169.

**30** Heinz Höhne, *The Order of the Death's Head: The Story of Hitler's SS* (London, New York: Penguin Books, 2000).

**31** Davies and Lynch, *The Routledge Companion to Fascism and the Far Right*, 134.

**32** Davies and Lynch, *The Routledge Companion to Fascism and the Far Right*, 135.

**Figure 1:** *Illustrazione Italiana*, 1922, n. 45, p. 523. From left to right: Italo Balbo, Benito Mussolini, Cesare Maria de Vecchi and Michele Bianchi in 1922. Italiano: «L'on. Mussolini, accompagnato dallo Stato Maggiore Fascista, passa in rivista i 40.000 fascisti schierati al campo sportivo» di Napoli. Available at: http://periodici.librari.beniculturali.it/.

The similarities between these two totalitarian militias and the archetype of the dark knight go way beyond the use of black uniform. Just like some of the fictional characters previously examined, both groups organised as *orders*, with rituals and ceremonies of initiation that resembled a cult, and required as some say, a "faith."[33] Mussolini's Black Shirts were considered as a communion that displayed particular rites, songs, helmets, symbols and salutes, and included knighthood elements:

> Fascist insignia and ceremonial (…) funerals held to mourn its 'martyrs', 'sacrificed' in squadrist battles. Black shirts, black flags, raids to seize socialist icons or to rescue Fascist symbols lost in a previous raid. (…) demonstrating the power-laden resurrection of the original instincts of the race.[34]

It is significant that the "Blackshirts and *squadristi* worked outside the law and threatened the state."[35] But it is also significant that they understood how to

**33** R. J. B. Bosworth, *Mussolini's Italy: Life Under the Fascist Dictatorship, 1915–1945* (London: Penguin, 2007), 255.

**34** Bosworth, *Mussolini's Italy,* 332–333.

**35** Davies and Lynch, *The Routledge Companion to Fascism and the Far Right*, 169.

compromise to establish themselves in government, looking responsible and guaranteeing order. Some of these compromises were consider as tactical, and others as forced on Mussolini by the political circumstances of the time. Despite these more moderate political terms, it was still a "civic religion," with a particular "Fascist fundamentalism" and totalitarian regime.[36] This religious form of the Blackshirts re-enacted old Roman personality cults "in which Mussolini was elevated into an all-seeing and all-knowing god, a Man who, Italians were assured, radiated a divine light and possessed an omniscient intuition."[37] It is well argued, though, that the Fascist regime in Italy seemed to lack their German allies "extremist lust for the brutality required for full-blooded totalitarianism."[38] It is to them, to the images of the *SS* that we shall now briefly turn to.

The S.S. or the "Schutzstaffel" was the Elite Guard and police of the National-Socialist Party. It was created in 1925, expanded in 1929 and according to Franz Neumann famous work on the Nazi German State apparatus, it was both protective police with close ties to the "secret police" and a "closed group living under laws of its own."[39] It was famous for its brutality and for having members who engaged in criminal activity.[40] Its members were selected considering race, ideology, faith, honour and unconditional obedience to the *Führer*. They were also given exceptional powers, granted by the German Supreme Court, to defend themselves using their weapons "even when the attack could be warded off by other means."[41] But I want to call attention to the visual aspects of the SS that provide links to the archetype analysed here.

The order of the SS had many elements of older forms of knighthood that were attributed to soldiers before the emergence of the modern state. They were described as "the black-uniformed élite, the knights of Nazism,"[42] and described in their own words as a "new form of religious sect with its own rites and customs."[43] There is a Times magazine piece published in 1939 which explores the links between aesthetics, politics and religious elements in the SS, before the declaration of war. According to this piece the commander of the SS, Heinrich Himmler, developed a romantic

**36** Bosworth, *Mussolini's Italy*, 42.

**37** Bosworth, *Mussolini's Italy*, 43.

**38** Davies and Lynch, *The Routledge Companion to Fascism and the Far Right*, 169.

**39** Franz Leopold Neumann, *Behemoth: The Structure and Practice of National Socialism, 1933–1944* (Chicago: Rowman & Littlefield, 2009), 69.

**40** Charles W Sydnor Jr, "The History of the SS Totenkopfdivision and the Postwar Mythology of the Waffen SS," *Central European History*, vol. 6.4 (1973), 339–362.

**41** Neumann, *Beremoth*, 69.

**42** Rupert Butler, *Hitler's Death's Head Division: SS Totenhopf Division* (Yorkshire: Pen and Sword, 1990), 27.

**43** Höhne, *The Order of the Death's Head*, 1.

devotion to "Wotan" as part of his troops training, that turned them into the most exotic military group ever created. It was not only a military body, but also a cult, whose original name was *The National Socialist order of soldiers of Nordic race*, supposedly inspired by Teutonic knights.[44] But it's necessary to consider the limits of history itself in dealing with the process of making and inventing traditions and rituals, as Eric Hobsbawn warns us:

> Inventing traditions, it is assumed here, is essentially a process of formalisation and ritualisation, characterised by reference to the past, if only by imposing repetition. The actual process of creating such ritual and symbolic complexes has not been adequately studied by historians. Much of it is still rather obscure.[45]

I believe this is a case where aesthetics and historical meaning cannot be split from each other, because they point out to the same archetype. In the case of the fictional characters discussed before, the archetype of the *dark knight* is personified by using doubles – such as double identities, double moral standards and legal and illegal actions –, institutional attachment and ritualistic and religious affiliations. This is also the case of the historical totalitarian troops discussed here. The parallel between rituals and symbols evocated by these modern paramilitary troops of totalitarian regimes such as the *Blackshirts*, and the SS Death's Head squadron; and the rituals of initiation of medieval knighthood ceremonies, is kind of evident.

The *dark knight* archetype can be appropriated by different tropes of sovereignty and personified by many different troops and characters. It is certainly not restricted to the fictional cases analysed nor the historical occurrences discussed. This archetype might have a function in establishing the sovereign tropes that build our political imaginaries. Carl Jung claimed that the real danger that threatens our lives is not the external historical conditions in which we live but the "politico-social delusional systems"[46] that have emerged as the result of decisions made by the collective unconscious. This problem would be peculiar to the modern age: an age in which we don't believe in gods anymore, and are bound to rediscover them as "psychic factors (…), as archetypes of the unconscious."[47] To fully understand the dark knight archetype and its role in a theory of sovereignty, it might be useful to look for/at its origins.

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**44** "Foreign News: Secret Policeman," (New York) *Time* (April 24, 1939): <http://www.time.com/time/magazine/article/0,9171,883173-1,00.html> [accessed 11 December 2010].

**45** Eric Hobsbawm and Terence O. Ranger, *The Invention of Tradition* (Cambridge: Cambridge University Press, 1992), 4.

**46** Jung, *The Archetypes and the Collective Unconscious,* 23.

**47** Jung, *The Archetypes and the Collective Unconscious,* 23.

# 3 The Dark Knight as Literary Fossil: An Iberian Case of State Building

It is difficult to locate the origins of the *archetype of the dark knight* – a shadowy and illusive figure. A complete historical, iconographical and genealogical search is still to be developed. But I managed to find a few clues about its origins in medieval tales of fallen knights that were appropriated by Iberian modern literature.[48] This might be explained for two reasons. First, the Iberian Peninsula was the site of a long conflict between Western Christian societies and the Saracens Muslims (*Los Moros*) from the North of Africa.[49] After being conquered for almost 700 years, the Reconquista liberated what is now called Spain and Portugal and emerged as one of the first European Nation States. For both Portugal and Spain, the "centuries of struggle to remove the Arabs" from their territory form part of its collective memory and is still "remembered in religious, cultural and folk ceremonies."[50] Secondly, both countries would lead the pioneering efforts of colonisation, establishing their emerging modern European state and its trope of sovereignty fuelled by old literature heroes and portraits – of which *El Cid*, from Spain;[51] and *Eurico, the presbyter*,[52] from Portugal, are good examples. It is this second character that I will now turn to.

The first fully developed character of a *dark knight* that could be found in this research is that of *Eurico, the Presbyter*.[53] Eurico is a character created by Alexandre Herculano in a book written in 1843. It is a nationalist and supposedly enlightened

**48** David Hook, *The Arthur of the Iberians: The Arthurian Legends in the Spanish and Portuguese Worlds* (Cardiff: University of Wales Press, 2015).

**49** Patricia Hertel, *Crescent Remembered: Islam and Nationalism on the Iberian Peninsula* (Sussex: Sussex Academic Press, 2016).

**50** David Corkill, "Multiple National Identities, Immigration and Racism in Spain and Portugal," in *Nation and Identity in Contemporary Europe*, ed. by Brian Jenkins and Spyros A. Sofos (Oxfordshire: Taylor & Francis, 2004): 145–160.

**51** Simon Barton and Richard Fletcher, *The World of El Cid: Chronicles of the Spanish Reconquest* (Manchester: Manchester University Press, 2000).

**52** Alexandre Herculano, *Eurico, o Prebítero* [1884] (Belém: Ed. UNAMA, 2009).

**53** Herculano, *Eurico*, 1844. This book has, to this date, no official translation in English. All citations, quotes and mentions are translated by the author. The only English translation seems to have been made in manuscript, and never printed. See: Casimiro Eugenio Amoroso Lima, *Eurico, the Presbyter*, 1934. It comprises part 1 of Herculano's Monasticon. "The translation was begun in November 1934 and probably finished in February 1935," in Rio de Janeiro, Brazil. According to the manuscript with the translation "are bound a letter from C.E. Amoroso Lima to Cornell University president Livingston Farrand, presenting the manuscript to him in honour of the 50th reunion of the Class of 1885, and a copy of Farrand's letter accepting the manuscript." I had no access to the full length of this manuscript, unfortunately.

romance. Written under the influence of the Liberal and Nationalist 19th century revolutions in Portugal, it recasts the role of knights during the Arab invasion of the Iberian Peninsula.

Eurico, as a fictional character, is a modern attempt in Portuguese literature to recast the role of medieval knights. The narratives of the modern state under the enlightened revolutions seemed to have appropriated the figure of aristocratic knights to its cause. The original hero of the new Nation State is given an origin as a protector of the European Visigoths against the Arab invasions of the Peninsula. This is clearly an attempt to recast the role of a central institution of the middle ages, one that had lost its place in society after the military defeat in the Crusades (Figure 2).

This brings us back to our main argument in this paper, that the *dark knight archetype* should be understood as an integral part of the theory of sovereignty, understood as a visual trope: a narrative that is established through the use of fictional and historical heroes developed from certain archetypes to determine the

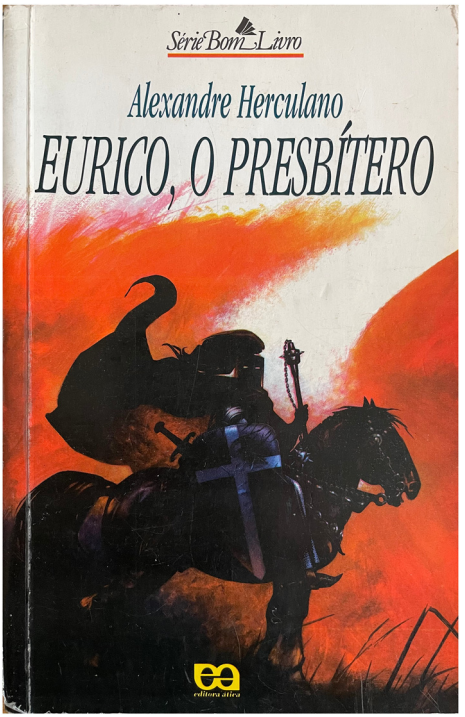


**Figure 2:** Eurico, the Presbyterian (Brazilian cover).

power relations between subjects and sovereign.[54] The important political role of its writer, Alexandre Herculano, soldier, politician, historian and a novel writer, is helpful in proving this point.[55] Herculano describes his intentions in creating the fictional character of Eurico and his fellow knights, as such:

> My aim was to (…) draw a picture of the men that faced a time of transition between the heroic times of modern history to a more ordinary dimension of knighthood, though still shining. (…) considering the difficulties in separating the historical from the fabulous during those times, I have chosen to use both to achieve my goals.[56]

If historians are correct in that literature is probably the best historical source for understanding the rise and decay of knighthood as a military institution, then literature could also provide us with some clues on where to look for the origins and the role of this archetype in history. The end of the religious military orders coincides with the advent of the national state and its professional army. And it is in this context that the vestiges of a culture of religious heroism and rituals will be vested of a national spirit.[57] The *dark knight* of Alexandre Herculano is an impossible hero devoted to a morbid vocation. The Arab invasion gives him a "visible enemy" and he then chooses to fight to the death.[58]

The construction of the character of Eurico comes close to what historians describe as a *fallen knight*: someone for whom death would ease his condition, but also someone without moral limitations. The first modern *dark knight* becomes a central presence in the battlefield because: a) he is a warrior without anything to lose, for whom death is not a real threat, but a gain; b) he is a knight without a code of honour or a valid oath, capable of fighting battles without being bound to any moral, legal or social norm regulating his conduct. He is both inside and outside the legal order, in Carl Schmitt terms. This dark knight is a kind of magical and mysterious

**54** A similar strategy was developed here: W. J. Thomas Mitchell, *Picture Theory: Essays on Verbal and Visual Representation* (Chicago: Univ. of Chicago Press, 1995).

**55** Harry Bernstein, *Alexandre Herculano (1810–1877): Portugal's Prime Historian and Historical Novelist,* Civilização Portuguesa (Paris: Fundação Calouste Gulbenkian, Centro Cultural Português, 1983), 7.

**56** Herculano, *Eurico*, 106.

**57** Please note that although this paper makes use of theories that can be considered as based on "vitalism," this use is only strategic. The methodological attempt here is based on "materialism" and aims to examine material and visual appearances of the dark knight archetype in culture and history. For a full discussion on the controversy of *materialism* and *vitalism* in visual studies and political theory, please see: W. J. T. Mitchell, "The Future of the Image: Rancière's Road Not Taken," *Culture, Theory and Critique*, 50.2–3 (2009): 133–144. Also see: Mark Neocleous, *Fascism* (Berkshire: Open University Press, 1997).

**58** César Domínguez, Anxo Abuín González, and Ellen Sapega, *A Comparative History of Literatures in the Iberian Peninsula* (Amsterdam: John Benjamins Publishing Company, 2016), 209.

warrior, with double identity, feared and unknown, capable of appearing and disappearing in the battlefield – which are characteristics we can also find in contemporary "appearances"[59] of this archetype, such as Batman and Zorro. His dark, black armour is described as having a *double* effect. His latent inner conflict reveals the very *double* nature of the dark knight, simultaneously an emerging modern hero and a *decayed* ancient knight. But the last question that we need to ask here is: how did this archetype connect back to the tropes of heroism under liberal democracies or totalitarian regimes? And what does the personification of this archetype tell us about our own reasons of state and justifications of sovereign power?

## 4 Heroes, Leaders and Archetypes: The Personification of Sovereign Power

To look for the materiality of an archetype, it might be necessary to consider encountering it in different kinds of media and times – from medieval literature to popular film. This is to search for the *dark knight archetype* between the archaic and the present, in the time of the contemporary, as suggested by Agamben. But to outline a visual genealogy of such an archetype we might need to read Agamben's methodological proposal closer to Walter Benjamin's *doctrine of the similar*.[60] This is to search for this archetype considering that it can only be found in the *instant*, as in the lightning strike, in the moment of birth or revelation, that Benjamin describes. And this instant corresponds to the very moment of urgency and danger, when exceptional power reveals itself as a decision.[61] This is also the moment when an image begins to say something about itself and its context. In this case, I believe this to be the moment of *personification* of sovereign power. The task here is to outline the conditions that make this possible in fictional heroes and historical leaders.

**59** I use the term appearances here in the same way Mitchell describes the kinds of images that can be found in visual culture. See: Marcus V. A. B. De Matos, "What Does Law 'Really' Want? The Current State of Law and Image Theory," in *Black Mirror Law: O Direito Em Tempos de Neoliberalismo*, ed. by Juliana Neuenschwander Magalhães and others (Rio de Janeiro: Faculdade Nacional de Direito da UFRJ, 2020), 114–147.

**60** Walter Benjamin, *Magia e Técnica, Arte e Política: Ensaios Sobre Literatura e História Da Cultura*, 7th edn (São Paulo: Brasiliense, 1994).

**61** William Rasch, *Sovereignty and Its Discontents. On the Primacy of Conflict and the Structure of the Political* (London: Birkbeck Law Press, 2004), 24.

We tend to fear the role that heroes play in our hearts and minds. The hero who can impersonate the people's *soul* is as dangerous as democratic rule.[62] He or she is capable of making people believe in what they are, and deciding what they want, turning the abstract and disembodied subject of modern politics in a personal and powerful movement of history. And this is the crucial role in building up a trope of sovereignty. Even if we can agree that there is a difference between the actual person that plays the part of the hero in history; and the image that is built around her – frequently using propaganda and film techniques – it does not help to deny it. The links between heroes and war, arts, fiction, sports and politics are too strong in the history of the 20th Century to be ignored. In fact, human history – from Achilles to Lincoln – is the very model on which we can see this development.

American historian Sydney Hook argues that in times of profound social and political crises, when emergency points out to the necessity of immediate solution, societies take interest in heroes. Hook's seminal study on the role of heroes in history establishes a definitive relation between the mythical figure of the *hero* and the *great leader* in dictatorships. He considers the political differences between the heroes that emerged in ancient roman dictatorships, medieval and modern forms of absolutism, and the totalitarian regimes of the 20th century. Hook proposes that, in modernity, the political leader and the hero transferred emotions previously linked to historical traditions, institutions, symbols and ideologies to himself/herself.[63]

However, the difference between the mythical figures he analyses rests in the range of their influence. For Hook, the figure of the modern hero and political leader rests in a complicated "network of institutions."[64] These are the leaders whose image is built upon daily activity of schools, radio, press and cinema; who could have their influence and orders followed fully and effectively. The difference between Cesar, Cromwell and Napoleon and their modern counterparts, such as Hitler, Stalin or Mussolini, rests in the fact that the last three would have a technical *apparatus* for building their own image through media and rely on (then) new psychological techniques. In both groups though, the faith in heroes would be something synthetically and laboriously built. Democratic societies would also have their great heroes and great *man*. In western democratic contexts there is a cultural and political element that determines the image of the hero by its own criteria. This, following Hook, is to cast a literary eye observing old portraits of heroes, and an imaginative

**62** For a detailed discussion of the paradox of popular sovereignty, please refer to: Juliana Neuenschwander Magalhães, "História Semântica Do Conceito de Soberania: O Paradoxo Da Soberania Popular" (Belo Horizonte: Universidade Federal de Minas Gerais, 2000).

**63** Sidney Hook, *The Hero in History: A Study in Limitation and Possibility* (New Jersey: Transaction Publishers, 1957).

**64** Sidney Hook, *O Heroi Na Historia* (Rio de Janeiro: Zahar Editora, 1962), 13.

eye that "looks towards Hollywood."[65] But we should focus our gaze on this association between *a network of institutions* and the mythical figure of the hero.

Giorgio Agamben suggests that in the totalitarian regimes of the twentieth century the *charisma* of the great leader coincides with the neutralization of the law that characterizes the State of Exception. According to Agamben, the charismatic power developed under fascist regimes was not an original or primitive type of power, such as that which was described by Max Weber. In his account, the link between the figure of the leader and the law is precisely the source of Nazi power in the State of Exception.[66] In other words, in Nazi rule the association between law and the figure of the leader is such that "the authoritarian-charismatic power springs almost magically from the very person of the Führer."[67] This *con-fusion* of elements is the "essential fiction" of the State of Exception in his theory. While these elements are kept distinct from each other – such as in "anomia and nomos,"[68] law and life, their dialectical relation can function unaltered. But when the two coincide in one person, like in the case of the *hero-leader-messiah*, then the state of exception becomes the rule, and the "juridico-political system transforms itself into a killing machine."[69] This process might be easier to spot under totalitarian regimes than in democratic ones. That is precisely the reason why the focus of this research in searching for dark knight archetypes in tropes and theories of sovereignty, should be on the latter. And this is why it is useful to refer back to Hook's work – as it coincides with a few of Agamben's positions in the issue.

To make sense of the role of heroes in democratic societies, Hook makes two claims: (a) first, they are a threat to democracy, but sometimes necessary for its survival; (b) it is a major task to any democratic society to abolish the unjust distinctions between the hero and the masses, or the "common people."[70] Nevertheless, the author does not develop these propositions nor does he explain how these two tasks could be fulfilled. I want to propose, then, that these tasks can be explained and seen in motion if we look back to Hook's own work – that I have quoted before. In democratic contexts, this process takes place in the differentiation of the cultural and political elements that allegorically produce the hero. This process is done using *two eyes* – the two different gazes that Hooks describes: one focusing on the *old portraits*, another, focusing on *Hollywood*.[71] This doubled eye, looking both to the past and to

**65** Sidney Hook, *O Heroi Na Historia*, 18–19.
**66** Agamben, *State of Exception*, 84.
**67** Agamben, *State of Exception*, 84.
**68** Agamben, *State of Exception*, 85.
**69** Agamben, *State of Exception*, 86.
**70** Sidney Hook, *The Hero in History*, 197.
**71** Sidney Hook, *The Hero in History, 197*.

the present is a way of building association by controlling, manipulating the image and creating an "emotional attachment of the subject to the authority of law."[72]

But perhaps the association between the leader and the hero is actually accomplished through dissociation: the separation between the figure of the fictional hero and the figure of the political leader. In democratic societies, it is not the charisma of the leader that coincides with the "neutralization of law," as Agamben proposes.[73] In liberal, constitutional and democratic contexts, the authoritarian and charismatic power emanates from the *fictional hero*, and not from the political leader. Watkin argues that the signature and the sovereign, are without content: in force but without significance. The figure of the sovereign could fill itself up with content so that it would remain universally applicable over time and place. The way that content – such as an archetype – is sucked into the signature would always follow a *common versus proper* structure. The dark knight could be the kind of content that fills the void of power in places which are in itself empty.[74] Perhaps this does not contradict but complements claims of differentiation between people and power in modern democracies, such as those developed by Claude Leffort.[75]

The personification of sovereign power that sets in motion the State of Exception is not for the political leader; but rather, for the fictional hero. The moment of danger, emergency and urgency that represent the conceptual, subjective and temporal in-distinction that creates the state of exception would be accomplished by fiction – as a *reservoir* of sovereign power. The state of exception would take *place*, and become visible, when fiction would allegorically associate its heroes with the political leaders and their contextual challenges. This personification through allegorical association, I argue, is accomplished by the use of archetypes – such as the dark knight.

## 5 Conclusion

This paper aimed at investigating the role of archetypes in the theory of sovereignty. The archetype discussed here is located in the collective unconscious but can be seen in heroes, villains and sovereigns both in Western literature and

72 Paul Raffield, "Reformation, Regulation and the Image: Sumptuary Legislation and the Subject of Law," *Law and Critique*, 13.2 (2002): 127–150.

73 Agamben, *State of Exception*, 30.

74 William Watkin, *Agamben and Indifference: A Critical Overview* (London: Rowman & Littlefield International, 2013), 184–185.

75 Claude Lefort, *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism* (Cambridge: MIT Press, 1986), 256–303.

in contemporary pictures.[76] The focus of this paper is an archetype that has repeatedly emerged in history and culture, but has so far never been fully discussed in political philosophy and legal theory: the figure of the *dark knight*. This archetype is an integral part of the theory of sovereignty, which can be understood as a trope: an illustrated narrative, capable of provoking thought, establishing perception and founding nations.[77]

The archetype of the dark knight rests in the pool of the collective unconscious of every one of us. It emerges from the shadows as a *double*. Its double nature is directly connected with the doubles of sovereignty that form subjectivity and subjection. This is only possible considering the breaking of linear time that is visible in pictures. In this archetype many ancient forms of sovereignty and power have been developed. These forms were, mainly, taken from medieval institutions that have been extinguished by the advent of the modern State, such as knighthood orders. The claim that this archetype has a modern form, directly connected to the creation of early modern Nation States, is interesting if not original. It is no coincidence that this *fossil* has been dug out of its grave by the more recent neoliberal ideas reshaping the modern State. Its origin relates to the literature that has been written to justify the State, and it has previously been used in opposing Western society and Christianity to face its most terrifying Other and everlasting enemies: Muslims. It is then not surprising, that it would reapper a thousand years later associated to the global *War on Terror* and in many forms of Islamophobic tropes of emergency and exceptional power.

The dark knight is a personified form of *sovereign power*, the exercise of power that cannot be contained nor limited in the legal and political space. Neither space nor time can be taken as guarantee of its resurgence: emergency has a *spacetime* of its own. This figure has repeatedly appeared both in history and fiction, and has proven to be a legitimate locus to examine the allegorical relation between historical leaders and the fictional characters that have inspired or represented them. Such an archetype has fuelled totalitarian dreams of political power that were guaranteed by elite troops of exceptional regimes such as the *Blackshirts*, the *SS Totenkopf* and other feared paramilitary and political police forces. These troops achieved such (legal) status not only by serving their political leaders, but also by creating aesthetical and religious regimes, including the use of ancient knighthood rituals and symbols.

But the dark knight archetype can also haunt our now fragile constitutional democracies. The fact that it has appeared in both fascist and liberal tropes of

76 Jung, *The Archetypes and the Collective Unconscious*. Please note that the use of Jung in this paper is strategic, rather than a full agreement with his theory.

77 Archetypes have also been the focus of discussion on the origins of philosophical thought and political power, such as in the works of Agamben, Foucault, Kant and Warburg. See: Watkin, *Agamben and Indifference*, 30.

sovereignty is telling – and certainly needs further investigation. The hypothesis implicit in this paper is that the archetype analysed here should have the same status, for legal and state theory, as those images usually accepted as framing the notion of *sovereignty* – like the art-cover of a book that is supposed to stand as the very justification of all state power;[78] or the founding pictures of a colonial civilisation;[79] or the figures of speech judges make use in deciding cases – such as metaphors, tropes, irony, analogies and paradoxes. In the end, it might be that we believe, unconsciously and collectively, that this archetype is necessary. It is necessary to break the differences between inside and outside of the legal order, to suppress the otherness and to take part in the liberal constitutional regimes in which we dwell. This is the relevance of the critique of this archetype as a constituent feature of sovereign power. Understanding and describing it might be the first step to exorcize its presence in a haunted trope of sovereignty, towards more democratic theory and its constituent arrangements.

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## Bionote

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**78** Thomas Hobbes, *Leviathan*, The Project Gutenberg EBook of Leviathan (The Project Gutenberg, 2009) <http://www.gutenberg.org/files/3207/3207-h/3207-h.htm>.
**79** Lissovsky and De Matos, "The Laws of Image-nation."