

Paul Against Biopolitics

John Milbank

1. The Modern Biopolitical

Today we live in a neo-Weberian moment. Capitalism, since it requires for its very operation (and not as mere ideological concealment), a belief in abstract fetishes and the worship of the spectacle of idealised commodities, is a quasi-religion.¹ But in the early 21st Century it appears to need to buttress itself with the approval and connivance of actual religion. Fundamentalist and evangelical Protestantism of certain stripes plays this role, and increasingly a segment of the Catholic Church also – so-called ‘whig Thomists’, most notably in the United States and in Italy.²

Why should this be the case? Why do we now have the sacred in a double register? Perhaps the answer has to do with the extremity of neoliberalism (mutated into neoconservatism) as such. As Walter Benjamin and later Michel Foucault argued,

¹ See Walter Benjamin, ‘Capitalism as Religion’ in *Selected Writings* Vol 1 1913-1926 ed. Marcus Bullock and Michael W. Jennings (Cambridge Mass: Harvard UP 1996) 288-91; Philip Goodchild, *Capitalism and Religions; the Price of Piety* (London: Routledge, 2002)

² See Tracey Rowland, *Culture and the Thomist Tradition after Vatican II* (London: Routledge, 2003) esp 42 ff. In Italy this current is mainly represented by *Forza Italia* politician Marcello Pera who puts forward a characteristic neoconservative mix of neoliberal economics with a ‘Straussian’ insistence on the role of lay Catholics in the educative and cultural spheres and proposals for a pan-Christian ‘civil religion’. He is also an apologist for the State of Israel. Although Pope Benedict has co-written a recent book with him focussing on the evils of moral relativism, he has, by contrast, always clearly distanced himself from the neoliberal advocacy of the pure market. See Marcello Pera and Joseph Ratzinger, *Without Roots: Europe, Relativism, Christianity, Islam* (New York: Basic Books, 2006)

liberalism concerns the biopolitical.³ For liberalism promotes an imagined self-governing of life through a certain capture and disciplining of natural forces of aggression and desire within the framework of a cultural game, governed by civil conventions and instituted laws. In this conception, life is as much of a cultural construct as is law, although the naturalness of life, thought of as innately self-regulating, is always insinuated. Yet the life which biopolitics both unleashes and governs is also conceived as intrinsically wild and untameable and dynamically creative, since it is to do with the expression of egoistic passions. Both in politics proper and in economics, liberalism rejoices in an order that is supposed to emerge naturally from the clash of passions themselves. This may, as in contract theory, imply a point of rupture in which the clash is diverted from anarchic war to a regulated agonistic game, or else, as in the more sophisticated perspectives deriving from the Scottish enlightenment, it may imply a pre-contractual tendency of passion to balance passion, resulting in an unplanned and regulated order, political as well as political-economic.

But in either case a threshold is invoked, whether this be one of contractual rupture or of almost imperceptible transition from anarchy to spontaneous agonistic self-ordering according to a hedonistic calculus of long-term ‘interest’, rather than mere unreflective ‘passion’, within a sequence of emergent and yet all-the-same tacitly or explicitly recognised cultural norms. In either case it is deemed that, by nature, a

³ Walter Benjamin, ‘Critique of Violence’ in *Selected Writings Vol 1*, 236-52. esp 237. Benjamin here points out how Darwin reinforces Hobbes: prior to the political, living things are seen as having a ‘natural right’ to deploy violence, and life and violence are seen as practically co-terminous. It is, however, Foucault who defined precisely the biopolitical paradigm in the sense that I am discussing it here. See Michel Foucault, *Naissance de la Biopolitique* (Paris; Seuil/Gallimard, 2004). It is finally Giorgio Agamben who makes the crucial connection between biopolitics and the political philosophy of Carl Schmitt (ultimately it is a Hobbesian legacy that binds all this together). See Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* trans Daniel Heller-Roazen (Stanford CA: Stanford UP 1998) 126-36

simultaneously competing and co-operating (through natural mutual sympathy) human multitude erects an artificial framework that will channel this spontaneity for further mutual benefit. Life itself is seen as generating contract and law. Contract and law are seen as disciplining life, but only in order to further it.

In practice, however, there is nothing stable about this paradox. To the contrary, the regulative framework for economic competition periodically proves irksome to certain of the competitors. When, at the ceaselessly re-emerging limit, it frustrates their endeavours, they will resort to the illegal or the paralegal: to fraud, to deceit, to sheer seizure, sometimes involving military means: primary accumulation does not stand only at the origin of the capitalist process enabling it to commence; rather, the inbuilt tension of this process itself requires a periodic return to the initial instance.⁴

In this way the claim that contract adequately channels and furthers the aims of purportedly natural egoistic life is given the lie: rather, this life perpetually outruns the law and the purest capitalist order is always host to government by crime augmented by spectacle, as the history of the United States repeatedly attests.

But this anarchically excessive element does not appear only on the side of fantasised life: it also appears on the side of the abstract economic fictions themselves. Since notions of money, profit and capital are purely nominal, they contain an excess of potential signification over any realised referential content. Money may come as a price-tag, or it may be invoked simply as a price. Thus the dynamism of capitalism consists not just in the unleashing of egoistic creativity, but also in the piling-up of

⁴ See David Harvey, *The New Imperialism* (Oxford: OUP 2003) 26-34, 98-112

abstract resources of wealth which are entirely unreal and yet, since their nominal force is everywhere acknowledged, entirely real in their effects.

In order for capitalism to work, however, the abstract has to re-connect with living, egoistically-driven cultural reality all the time: money must finally be re-invested in material processes, even if these also become ceaselessly more rarefied, as in the case of an information economy. In this case, nevertheless, signs are still semi-material entities, while electronic networks, however microscopic and seemingly intangible, remain entirely so. But because the regulation of life within liberalism must remain a formal one without substantive commitments, the sheerly abstract remains in truth (and not merely ideological appearance) the ultimate strange goal of capitalist production, with the consequence that there will arise recurrently a failure to link this nominal sum back to material life. Hence there ensue periodic crises of over-production and over-accumulation.⁵

In this way, anarchy lurks not just in life outrunning contract, but also in contract outrunning life. Moreover, these twin excesses collude in such a way that the formal pursuit of nominal goals on the one hand, and real living violence on the other, collapse into one. So for example, an excess of financial assets with nowhere to go will encourage the more or less violent seizure of new resources for production and new scope for the intrusion of markets (as one can see happening in several parts of the globe at the present time).

⁵ David Harvey, *loc cit.* And see also his *Limits to Capital* (Oxford: OUP 1982) and Giovanni Arrighi, 'Hegemony Unravelling-I' in *New Left Review* 32 March-April 2005, 23-80

These biopolitical paradoxes manifest themselves in the political sphere proper, as well as in the economic one. In modern times, laws typically proceed from a sovereign power granted legitimacy through a general popular consent as mediated by representation. In so far as such a procedure is taken to be normative, it can be seen as embodying a Hobbesian ‘natural law’ for the derivation of legitimate power from the conflicts endemic to human life. But this is quite different from saying that the sovereign power is answerable as regards equity to a law of natural justice, grounded in an eternal divine law – as, for example, in Aquinas. No, the logic of legality is, in the post-Hobbesian case, entirely immanent and positivistic. Yet just for this reason, as traced by Carl Schmitt, Walter Benjamin and today Giorgio Agamben, paradoxes of the biopolitical result.⁶ Just as life and contract are supposed to harmonise but cannot always, and in the end cannot at all, save negatively and catastrophically, so likewise with life and law. For because the formal framework of law is absolute and is taken to proceed from universal consent, an absolutely sovereign power must be erected in order to enforce this law. But then one can ask, does sovereignty really proceed from a ‘prior’ instance of instituting multitudinous life, or rather from the ‘post’ instance of artificial control of human life which stops it from running amok and in Hobbesian terms converts it from being a ‘multitude’ into the semblance of a ‘people’?⁷ Once the multitude has, supposedly in its own interests, authorized sovereign power, it has likewise, in that same moment, become a people only by renouncing this authority in the very act of first constituting it through exercise. The problematic of alienation is endemic to the very notion of political representation.

⁶ Benjamin, ‘Critique of Violence’; Carl Schmitt, *Political Theology* trans George Schwab (Cambridge Mass: MIT 1985); Giorgio Agamben, *State of Exception* trans Kevin Attell (Chicago: Chicago UP 2003)

⁷ Thomas Hobbes, *De Cive*, 12.8

Moreover, in granting authority in general to the sovereign centre, a people cannot in principle anticipate all the emergencies that the sovereign power will have to deal with. No number of plebiscites could cope with this conundrum, for even the selection of and posing of questions for referenda lies in principle (save for an infinite regress) outside democratic control. Therefore that shadowy unruly life which is projected by the sovereign light of liberalism upon the screen of nature, constantly throws up new threats and disorders which legislation will have to deal with.

At the same time, as with the economy, anomic threats derive from both sides of the divide. Since unlimited power has been granted to the sovereign centre in order to preserve a formal order of regulated self-interest, a pure logic of power for its own sake is bound to take over. The supposed representative guardian of sovereign authority will excessively pursue the interests of its own exercise for its own sake. Division of powers installed at the centre in order to mitigate this tendency can only do so to a certain degree and ultimately, since the balancing occurs precisely at the centre, it lands up *reinforcing* the unlimited power of the centre by rendering the centre itself the sight of a constant power-struggle.⁸ And since it is the executive which tends constantly to exceed in spirit the letter of authorisation by which sovereignty is supposedly bound, there will also be a continuous tendency in the long term for the executive to usurp the sovereign authority by capturing the sovereign moment itself. Such a process, Agamben argues, has been underway ever since the French Revolution and accelerated throughout the 20thC: democratic immanence itself demands an unlimited central power unconstrained by any imagined natural

⁸ See John Milbank, 'The Gift of Ruling: Secularization and Political Authority' in *New Blackfriars*, Vol 85 No 996 March 2004, 212-239

transcendence and for this very reason this power tends to outrun mass control.⁹ For no extra-democratic law of natural justice may be invoked by pure democracy to bind the democratically engendered excess to democracy back within the bounds of democratic answerability. (Despite recognising the state of exception as a characteristically modern political phenomenon, Agamben also points to Roman theoretical and practical equivalents: particularly in the condition of *iudicium* that was a suspension of the law following upon a decree of *senatus consultum ultimum*.¹⁰ Although Agamben does not make this clear, one can relate this foreshadowing of the modern to the relatively formalistic and ‘proto-liberal’ character of the Roman *imperium*, which had lost the tight cohesiveness of the *polis* and tended increasingly to make the protection of individual liberties paramount.)

Finally, the anarchy of political life and the anarchy of political law come together, because the formal system of laws never provides a complete guarantee of order, and must always be supplemented and defended. This supplementation and defence involves an overriding of the very principles of these laws themselves. Hence today we get increasing suspense of civil liberties in the name of the defence of those liberties -- a process that can perhaps never be curtailed, first of all because the self-interest of power will be reluctant to concede once more an advantage that it has already gained, and secondly because the very resort to perpetual global quasi-military police action tends itself to engender perpetual global civil war. For this resort inevitably meets with a further development in terroristic ingenuity that will in turn call forth yet further emergency legislation or secret executive action. And since, in a democracy, the policing power will covertly lay claim as a citizen-defending

⁹ Agamben, *State of Exception* 1-31

¹⁰ *State of Exception* 41-51

body to an unrestricted right to do whatever is necessary in the name of such defence, and will tend to enjoy absolutely unrestricted access to all information (unrestricted by local or aristocratic privilege), democratic policing, as Walter Benjamin argued in his *Critique of Violence*, tends more to the totalitarian than did the policing of absolute monarchies (which remained somewhat more constrained by what Benjamin described as the ‘elevating’ influence of the crown and also by social hierarchy).¹¹

So there is an innate tendency within liberalism to engender permanent executive rule and unrestricted policing in the name of a continuous emergency, because at the heart of modern, unrestricted sovereign legal authority lies the right to resort to something not legislated for, something paradoxically extra-legal. Symmetrically, as Benjamin indicated in relation to Schmitt’s reflections, the democratic will of the people only makes sense as a permanent latent right to rise up in bloody revolution. The latter also, as Agamben shows, typically appeals to an extraordinary authority of the existing positive law itself.¹²

How then, might this relate to the neo-Weberian moment and the doubling of the religious? Perhaps it is the case that the more abstract capital and abstract law come to order and govern by being permanently in excess of constitutional legitimacy, and the more the formal salve against violence coincides with a constant use of police violence now merged with military violence – since home and abroad are increasingly treated as one – then the more the excess comes near to being a visible embarrassment. The more also it becomes difficult to view this excess as a bland

¹¹ Benjamin 243. These remarks like so many others that he makes elsewhere reveal Benjamin as uniquely capable of breaking free of the straitjacket of mere ‘left-wing’ thinking operating as a new sort of piety.

¹² Benjamin, 239-40; Agamben, *State of Exception*, 28-9, 52-64

white mystery, a remarkably productive void, not unakin, as Slavoj Žižek argues, to the void of ‘Western Buddhism’, from Schopenhauer through to Heidegger, with his temporalized being that is identical with nothingness.¹³ Such elite mysticism which is echoed in a mass consumerist gnosis (as portrayed in Don DeLillo’s novel *White Noise*), becomes, one might suggest, insufficient for general consensus where the indeterminate abstractness of law and capital assumes increasingly the positive and personal guise of deliberate violence.

In these circumstances, a new appeal to a positive transcendence is correspondingly made. While the law of the market is still seen as emerging from the logic of life as such, such life engendering such law is seen as itself embodying an order laid down by God regarded as the ultimate primary accumulator. In this way, a constitutive capitalist excess to its own rule-governed market norms is finally underwritten by a positive transcendent instance. What I am positing here is a kind of Schmittian addition to Marxist political economy. This parallels Barry Harvey’s insistence that primary accumulation is not simply initial, but is rather a ‘spatial fix’ that must be constantly re-resorted to at the point where the signification of capital (the capitalist economic symbolic and the capitalist cultural imaginary in Lacanian terms) threatens to lose all relation to the material real which capitalism always encodes, yet still requires as a *different* sort of truly natural excess that it must constantly colonise and recruit but does not of itself engender (by contrast with the cases of capitalised life and abstract capital itself).¹⁴ Just as primary accumulation is constantly resumed, in such a manner that an old-fashioned, as it were kingly or feudal, violence is ceaselessly regenerated by the apparently ‘post-military’ *agon* of the market itself, so

¹³ Slavoj Žižek, *On Belief* (London: Routledge 2001) 12-13, 15, 26; *The Puppet and the Dwarf; the Perverse Core of Christianity* (Cambridge Mass: MIT 2003), 13-33

¹⁴ Harvey, *loci citandi*

likewise a personal god is periodically re-invoked as opposed to the usual immanent abstract fetish of generative capital. (The latter is perhaps loosely underwritten by a vague Bourgeois 'Buddhistic' sentiment which reads the cosmos in effect as a mystical marketplace in which the guiding hand is less hidden than virtual, and yet less prior than emergent, with dynamic processes themselves as their own implied but null transcendental ground.)

The same applies to the political order: as Schmitt concluded, the doctrine of modern sovereignty is a secularisation of (one should add, late medieval voluntarist) theological authorising of absolute rule. For Schmitt, the grounding of secular sovereign power in the right to assume exceptional authority in the case of exceptional circumstances involves an appropriation (and later a problematic secularisation) also of the divine right to overrule his own commands, rooted in his *potentia absoluta*.¹⁵ However, Agamben is right to argue against Schmitt that the appeal to exception cannot lie within the law as an emergency power allowed by the law: instead, since sovereign power authorises the law, and yet the sovereign power is legally constituted, the exception which proves its rule lies aporetically both within and outside the law as the *anomie* which haunts all positive law as such.¹⁶ In this way, a constitutive excess escapes the field of formal authorisation and, as with the case of resumed primary accumulation, an authorising by void form gives way to a direct authorising by personal decree and personally commanded violence. If, therefore, the immanent secular sphere of political power is defined by a positivity regulated by formal rules, then an aporetic fracture of such rules implies that Schmitt was most right when he implied that the circumscription of the secular is never finally secure.

¹⁵ Schmitt, *Political Theology*; Milbank, *Theology and Social Theory* (Blackwell: Oxford, 2006), 9-25

¹⁶ Agamben, *State of Exception*, 32-41

For a supposedly ‘pre-modern’ political theology may always be re-invoked in an emergency, and perhaps will be continuously re-invoked by a rule which proclaims a continuous state of emergency. This could possibly explain why Bush’s new American order was linked with his deliberate re-invoking of ‘old-fashioned’ American religion. Where legal authority once more assumes a manifestly armed guise, then the danger that this will give it an anarchic appearance may render it necessary to look for legitimation in terms of an absolute transcendent personal authority. The God of monotheism may not authentically be armed, but he has often been rendered so when invoked to underwrite the authority of ‘single’ sovereign powers on earth.¹⁷

For conservative evangelical Christianity in our day, it is consequently supposed that without a constant police war upon human sin waged by a sovereign power, there would be anarchy. The apparent anarchy of the policing power as such can be overlooked, because what, in human terms, might appear to be ‘just one more power’ (Augustine’s unjust political authority as a ‘robber band’) has in fact been authorised by the infinite power of God to impose at least some sort of order upon potentially absolute disorder.

Yet while, in the fashion just delineated, a certain mode of religion can be seen as justifying and massaging the endemic excesses of neoconservatism, it is inversely the case that the same mode of religion sees its own values as being promoted by this political and economic tendency. For in the case of both the economic and the

¹⁷ See Regina Schwartz, *The Curse of Cain: the Violent Legacy of Monotheism* (Chicago: Chicago UP 1997) *passim*

political, the specifically religious doubling of secular quasi-religion (capitalism itself) ensures that the sphere of life is brought under divine law, but also drained of all spiritual significance. What happens in the political and economic spheres concerns the best that can be made of interactions between fallen creatures pursuing essentially selfish motives, but the supposed real religious advantage of liberalism is that it renders the individual supreme, in the sense of the hidden inner life of the person and his private salvific destiny, regarded as untouched by social processes. One now gets Catholic as well as Protestant versions of this. Liberal, biopolitical systems are then seen in religious terms as ultimately authorised by their promotion of that religion, namely Christianity, which purportedly (and truly, in many dominant versions) makes the isolated individual into the site of the highest value.

At the same time, there is some place for the Church here, considered in a Kantian fashion as the social organisation which combats the very corruption of individual purity by socially-generated, yet socially-damaging negative emotions.¹⁸ More specifically, the Church is regarded as a safety-valve for biopolitical excesses: as a supplementary economising of the abstract surplus to the material political economy itself, rather as Kant thought that the Church engendered a 'general moral will' that would exceed in purity the Rousseauian general political will. Hence the Church becomes perversely that place where egotism is diverted from criminal recourse into subtle modes of spiritual pride, the place where both excessive emotional drives and excessive accumulated capital can be redirected towards the recruitment of new souls for heaven in the world-to-come.

¹⁸ John Milbank, *Being Reconciled: Ontology and Pardon* (London: Routledge, 2003) 12-17

And while, in one sense, this is a sort of sacrificial burning-off of a material surplus which allows it to ascend vaporously to heaven, in another sense this process reconnects the abstract surplus with material space and time in the form of living human beings themselves. For American conservative evangelical Christianity in its most recent modes is precisely a new mutation of the slave trade. Pursuit of profits and the salvation of souls becomes so seamlessly fused in the mode of a new 'Church enterprise' (involving huge material and abstract capital resources) that here effectively, the 'born-again' become themselves the produced, exchanged and capitalised commodities. A new evangelical church's measure of success, both in spiritual and in financial terms, is precisely its 'ownership' of so many souls (and thereby indirectly bodies) or potential to own so many more souls. Of course the notion that these souls are really owned by Jesus, and so only held by men through a sort of proxy, is the alibi which ensures that this enslavement does not appear to be such.

At this point the circle is closed: the religious safety-valve which drains off an endemic excess itself legitimates a new mode of excess which provides a further outlet for over-accumulated capital. This is the production and exchange of human 'spiritual slaves', who, through imbibing the 'gospel of free-enterprise', are ideally tailored to be good producers and consumers within those disciplined limits that paradoxically best ensure a continued drive to the excessive. It is in this fashion that one can see how the doubling of the religious involves something in addition to the offering of a safety valve in the face of late capitalist extremity.

For it is *itself* an aspect of this extremity, insofar as it resolves a standing *aporia* concerning capitalism and slavery. Capitalism in the 18thC restored, after the demise of ‘feudalism’ (a hopelessly inadequate term) the practice of slavery, by meshing the capitalist market with newly-found ancient, pre-feudal slave economies in Africa. This appears to be in conflict with the liberal understanding of the self as the negatively free subject of ownership who therefore cannot himself be owned. However, one has to consider, in this instance, once more the paradoxes of the biopolitical. If one’s starting point is the naturally free living individual, then only by exacted necessity will this individual not naturally instrumentalise and objectify other human subjects. And indeed, the leash of contract, whereby he must accord other people the dignity of self-possessed freedom, only restrains and does not abolish this natural (according to biopolitical construction) tendency of the subject to objectify other subjects. Thus within the liberal capitalist order, all subjects remain formally speaking free and this formal freedom normally grants them the actual right, for example, to refuse employment or to resign from a job. Yet in *de facto* terms such refusal or resignation can be in many instances not a real option at all, since it might leave the subject facing, literally, death. The absolute real degree of control over workers exerted by Capital and its subordination of them to the status of mere instruments of production, or else to that of consumers able to realise the profit-value of commodities, means that they can indeed be properly described as ‘wage slaves’. Today, the increasing proletarianisation of intellectual labour (lack of job security; routinisation of tasks; exponential increase of working hours) means that one can speak equally of ‘salary slavery’ amongst the middle classes.

Nevertheless, a contradiction in principle exists between the liberal definition of one's own selfhood as a negatively free ego and the equally liberal potential reduction of all other selves to objects that might instrumentally serve one's own egotistic needs. This is the hinterland of 'life' that liberalism evokes, from Hobbes onwards. While the emergence of legal contract demands a recognition of the other as the mirror of one's own freedom, its very artifice only tends to qualify and mitigate a 'natural' situation which is not thereby really suspended. Even more is this the case when the Hobbesian/Lockean model of explicit imposed contract gives way to the Scottish political economic model of a process of contracting that itself emerges 'naturally' through the mutual limitation of one ego by another: a process which for the Scots gave rise to political government and law *just as much* as to economic contract and markets.¹⁹

In this way, the self of liberal capitalism is aporetically at once an absolute negative subjective freedom and something always in principle reducible to a mere objective set of bodily functions. It is indeed, after Agamben, always potentially the outcast *homo sacer*, since the liberal guarantee of 'natural' rights depends upon the upholding of an artificial contract and this contract, on account of its very artificiality, can always in principle be suspended, and indeed must remain always partially in suspense, since it exists only to channel and manage a pre-contractual 'living' state of affairs. Racism can be seen as one way of managing this *aporia*: only white people possess full subjectivities; other races can be relatively objectified. But neo-evangelical Christianity 'resolves' this *aporia* far more neatly. The ideal white, American or quasi-American self is at once absolutely free in its submission to

¹⁹ See Dugald Stewart, *Collected Works*, Vol 2 (Edinburgh: Constable, 1854) 248

salvation and yet also absolutely the 'slave' of Christ and so of the whole evangelical machinery which now operates just like a business corporation. This self has absolutely and freely sold itself into slavery: as still formally free it entirely belongs to the corporation it serves and is dedicated not just to maximising the profits of the corporation but also to maximising these profits in terms of the capture of, and investment in, other selves who will likewise come (precisely as 'subjects') irrevocably to belong to the organisation in the manner of pure commodities, save for the ever-lurking chance of apostasy.

In this way then, neo-evangelical religion assists the extremity of advanced capitalism by fulfilling the commodification also of people, but without abandoning their formal freedom as subjects.

Such an assertion should not, however, be read as a sociological explanation by functionality, because the Weberian collusion of capitalism with certain modes of Christianity can always be read the other way around. It is precisely the Protestant (and also Jansenist) reduction of the this-worldly to a merely instrumental significance for the pursuit of material ends, or else to a ledger-book register of spiritual privilege, which has helped to create the space within which a pure capitalism can so successfully flourish. Thus the fact that the most Capitalist country in the world, the United States, is the most imbued with this 'Weberian' version of the Calvinist legacy is not at all accidental. So likewise today, the 'commodification of people' that evangelism permits, can be read also, in theological terms, as a more perfect fusion of the spiritual logic of mission with the keeping of a material register of divine favour and disciplinary spiritual striving. The new 'doubly religious'

mutation of capitalism is at the same time a new mutation of Protestant Christianity which tends to take back within its own logic the quasi-religion of capital which it had itself helped to spawn. Therefore if neo-evangelicalism is functional for Capital, Capital is equally functional for neo-evangelical religion.²⁰

This religious phenomenon however, notoriously endorses a highly puritanical sexual code and a pattern of family living which might appear to be outmoded in terms of the requirements of late capitalism. Indeed, in this phase we are witnessing the capitalisation of the sexual sphere itself, as explored by the novelist Michel Houillebecq, whereby more and more ‘sexual capital’ is acquired by fewer and fewer and all the old constraints and taboos are abandoned.²¹ Just for this reason, Houillebecq suspects that the current apparent revival of religion will prove to be short-lived. Yet it is possible that sometimes exactly the same people are becoming increasingly subject both to puritanical and to libertarian influences all at once: the sexual marketplace and the drama of sin and salvation play-off each other, while, more decisively, evangelical religion (especially in its charismatic mode) becomes more and more concerned with a supramoral redemption that starts to have as little regard in practice for sexual behaviour as for economic and political deprivations. (Donna Tartt’s novel *The Little Friend*, set in the Bible Belt, shows in certain episodes how the ‘born again’ may be far from immune to chemical and sexual libertarianism or decadence.)

²⁰ I am grateful to discussions with Neil Turnbull of Nottingham Trent University and with Phillip Goodchild of Nottingham University concerning these issues.

²¹ Michel Houellebecq, *Atomised* [*The Elementary Particles* in the USA] trans Frank Wynne (London: Heinemann, 2000)

All the above considerations tend to suggest that, while the churches under such a regimen appear to temper the egotistic, this very tempering in the end only augments it. The anarchy of market and state is not really ecclesially qualified in any genuine sense. Instead, while it may seem that the churches are granted a new role in educating us into a compensating virtue and civility by Bush, Blair and Berlusconi, in truth they become thereby quasi-capitalist corporations ultimately serving the ends of immanent abstraction, and local branches of the State police working towards the same end. This is just what the Grand Inquisitor offers to the churches in our times.

So biopolitics today reinforces itself with a sacral economy. But is there a secular, immanentist way out of the biopolitical? No, I shall now argue that there can only be an authentically religious route out of the biopolitical.

2. The Antique Biopolitical

Agamben significantly concedes that medieval modes of governance escaped the paradoxes of the law of exception, since the resort to unlegislated power was here seen as necessary, not in aporetic terms of the exigencies of the law as such, but rather in those instances where the written law no longer served justice.²² Appeal was made, in other words, to a natural law of equity rooted in an eternal, divine law. Presumably Agamben thinks that such an appeal is today impossible. Indeed he seems to consider, in a Marxist fashion, that some dialectical gain emerges from biopolitics. The gap that

²² Agamben, *State of Exception* 24-5 for his discussion of the Latin adage, *necessitas legem non habet* in Gratian and Aquinas.

opens up between law and life supposedly reveals for him the possibility of a pure human practice that would be a creativity for its own sake, a pure ‘means’ pursuing no end, a practice neither natural, nor legislated.²³ Yet in response to Agamben here, one should say that there can be no human practice outside language and language always assumes rules and projects goals. Elsewhere, indeed, Agamben himself sees a parallel between the law of the exception and the transcendental norms of all discourse.²⁴ He recalls that Lévi-Strauss showed that there is a permanent excess of the signifier over the signified: hence reference must always appeal paradoxically to an excessive non-reference, just as law must ceaselessly invoke an extra-legal life and contract an extra-economic military egoism.

Agamben even goes further than this: the Heideggerean account of our ontological condition is metaphysical Schmittianism. For in the former case Being as such is conceived as anarchic and insubstantive, yet the ontic must constantly instantiate what it also tries to conceal. Although Agamben speaks of a ‘messianic’ deliverance of the ontic from this captivity through a ‘purer’ and redemptive realisation of its own abandonment, this seems ontologically incoherent – if beings ‘are not’ of themselves, and cannot give rise to themselves, then one must ask in what possible sense they can really leave Being itself behind, or escape its tyrannical vacuity, as atheism must, indeed, understand it.²⁵ In this way, as Slavoj Žižek following Jacques Rancière

²³ *State of Exception* 64 and Benjamin

²⁴ *State of Exception*, 36-9

²⁵ Agamben, *Homo Sacer*, 59 ff., 182-188; *State of Exception* 59-60: ‘pure violence as the extreme political object, as the ‘thing’ of politics, is the counterpart to pure being, to pure existence as the ultimate metaphysical stakes; the strategy of the exception, which must ensure the relation between anomic violence and law, is the counterpart to the onto-theo-logical strategy aimed at capturing pure being in the meshes of the *logos*.’ One wonders here just why Agamben reads pre-modern western reflection on being in this empty Scotist and Heideggerean way, and equally why he appears to read all pre-modern political reflection in this Schmittian fashion which begins with the naturalness of evil. (This was only inaugurated by Machiavelli.) The discussion of Derrida in *Il tempo qui resta* suggests however that Agamben entertains the notion that the Messianic hope is for something that breaks with

suggests, Agamben ontologises the concentration camp, since this *schema* would seem to imply that we are all of us, by virtue of our human existence and not by virtue of biopolitics alone, *homo sacer*, reduced by nature to a condition where our rights as a human animal are always threatened with suspension by the very power which grants them to us, reducing us to the level of ‘bare life’ that is not even accorded the dignity of condemnation. (This being the case for the inmates of Auschwitz, as today for those of Guantanamo Bay and the secret torture prisons of Europe.)

So since we are speaking and existing creatures, in what terms can pure practice be enacted for Agamben, other than those of apocalyptic refusal? Sometimes he invokes the response of Walter Benjamin to the Schmittian problematic: a good revolutionary violence will no longer exercise a pagan, mythical economy of blood whereby some perish on behalf of others, but will rather, as ‘monotheistic’ violence, once and for all abolish the whole aporetically conjoined logic and regime of the law and the exception, just as Yahweh caused the Levitical company of Korah, jealous of Moses’ priesthood, to be swallowed whole into the ground, leaving not a trace behind.²⁶ But

the ontological-ontic trap of endless re-investment and postponement of Being, given its ‘original’ voidness that never was. See (in the French translation) Giorgio Agamben, *Le temps qui reste* trans Judith Revel (Paris: Rivages, 2000), 162-4. Likewise, in *Homo Sacer* (60) he speaks, deploying Kafka, of a messianic deliverance from the law of exception and from a reading of ontology in terms of a relation between Being and beings that constantly ‘bans’ or evacuates the latter in the name of a *logos* or ‘law’ of that pure Being which is in itself sovereign vacuity. This deliverance, however, seems only to arise through a yet more extreme degree of embracing abandonment, such that no relation any more pertains between Being and beings. Yet how is it possible for beings to be, purely of themselves, anymore than it is possible for human cultural beings not in any sense to invoke a *nomos*? If we were to ‘shut the door’ upon being (is there a Levinasian echo here?) and the law, then we would in reality be yet more absolutely under their sway. The solution is surely not to make still more extreme Heidegger and Schmitt’s lack of mediation, but rather to re-think the possibility of mediation (between Being and beings, Justice and its instances) – which means, of course, to think within the terms of Catholic theology.

²⁶ Slavoj Žižek, ‘Against Human Rights’ in *New Left Review* 34, July-August 2005, 115-131. In the end though, Žižek, again following Rancière, disappointingly defends human rights, reading their formalism as pure negativity and therefore as translatable into hope – but for what, might one ask, save for something whose positivity cannot itself derive from the notion of rights? He is right to defend universalism and the need to appeal to the ideal, but fails to consider that there may be modes of universalism other than those of human rights which appears to be inexorably tied to the contradictions

so almost literally apocalyptic is Benjamin's vision here, that he intimates nothing as to how his recommended post-apocalyptic playful reading of the law now become a dead letter (this is how he, and Agamben in his wake, reads Kafka) will issue in a just social practice amongst existing, living and speaking creatures.²⁷

I eventually want to suggest that, by contrast, only St Paul points us authentically beyond the order of the biopolitical. Nevertheless, classical antique notions of natural law, to which Paul appealed, do so to some degree. For if one believes that there is a real, substantive, eternal good that can be echoed in time, then the excess of authority

of the biopolitical. See also Jaques Rancière, 'Who is the Subject of the Rights of Man?' in *South Atlantic Quarterly*, vol 103, no 2-3, 307-9

²⁷ Derrida is properly critical of Benjamin's apocalypticism at this point, arguing that while 'justice' transcends law, and cannot, unlike law, be deconstructed, that it nonetheless must always seek expression in the legal, without which it would remain a dead letter. See Jacques Derrida, 'Force of Law: the "mystical foundation of authority"' in *Acts of Religion* ed. Gil Anidjar (London: Routledge, 2002) 230-298. However, Derrida never states that law truly 'expresses' justice, taken as a transcendent value. On the contrary, he regards justice as 'impossible', or as a transcendental regulatory horizon beyond the 'being' of law. Of course 'impossible' does not exactly mean 'unreal' since the invocation of justice is precisely what allows us to deconstruct legal systems as aiming for a justice which they also (inevitably) betray and thereby to modify them or to substitute a revolutionary new legality. However, for Derrida as for Schmitt (and here he does not question a 'modern' horizon), the instituting moment of law, since it must be aporetically in excess of legality, embodies a necessary violence and arbitrariness which continues to contaminate the practice of law thenceforwards. In consequence, while justice can only be realised as law, it is also always betrayed by it. It appears to follow that the occurrence of 'impossible' justice (as of impossible gift) which, for Derrida after Levinas, would be an infinite concern for every other beyond the imperatives of distribution and restitution, can only occur 'between' law and justice as an ambivalent double negation. Justice could therefore be real as what disturbs and provokes to change but it could never be 'present' as an instance of justice which, as a perfect finite instance of equity would participate in justice as an eternal transcendent value. Derrida's vision therefore remains one of negative dialectics and not of authentic mediation. Essentially he presents a 'gnostic' vision of necessary ontological and cosmic violence which can only be temporarily refused. One should accept neither this 'gnosticism', nor Benjamin and Agamben's apocalyptic refusal of a gnostic predicament, but rather embrace the Pauline notion (see below) of the possibility of an unbetraysed although limited incarnation of justice in a *different* economy of exchange which exceeds the contractual and fixed limits of legality. In this respect Theodore Jennings, in his interesting book about Paul and Derrida, is wrong to think that I fail to realise that for Derrida justice and law are necessarily associated with each other despite their heterogeneity: see Theodore W. Jennings Jr. *Reading Derrida/Thinking Paul* (Stanford Cal: Stanford UP 2006) 204 n 8. Rather it is the *nature* of this association which I contest: for Derrida it *must* contain a dialectical and treacherous dimension whereby law loses justice by trying to institute it; for me this is not necessarily the case. Rather, the inflection of law by equity may analogically embody, without betrayal, the infinite truth of justice. He is also wrong to think that I 'slip' from the aneconomic into the economic: rather I explicitly question the notion that the infinite and the excessive lacks 'measure', even if this be one that exceeds any preconstituted *mathesis*. This is why I consistently argue that exchange as asymmetrical and non-identically repeated can exceed contract and sustain the gratuity of gift. By contrast Derrida was forced in his own 'gnostic' terms to say that, while gift must always be linked to exchange (as justice to law), it is nonetheless always contaminated by exchange which it must therefore resist to the same degree that it must also embrace it.

over law becomes the excess of equity over law, the fulfilment of law in exactly appropriate judgement whose very temporal unrepeatability indicates the extra-temporally abiding.

However, antique politics knew its own form of the biopolitical, as the term *zoon politikon* in Aristotle shows us. Here indeed life as such (*zoē*) was not valued, but rather higher intellectual life (*bios theoretikos*) – a life informed *intrinsically* by judgement and justice, since it is truly an extra-material *psychic life* (by contrast to the case of the modern liberal conception for which human life, as basically animal life, accidentally generates nomic order which in turn governs life extrinsically, as though it were alien to its own notion). Nevertheless, antique politics involved the governing of ‘mere life’ (*zoē*) – of animals, slaves, women and children – by male aristocratic hyper-rational, higher-psychic and political life (the cultural life for which the Greeks reserved the term *bios*).²⁸ And even in the case of those fully intelligent Greeks fitted to be citizens, governance involved also the self-governance of mere life within themselves, a rule over their unruly bodies and passions, over the internal ‘slave-element’.

Thereby this antique biopolitics *also* gave rise to its own inherent tensions. There was, nevertheless, as just stressed, no liberal concept of self-governing life. Modern thought, by contrast, is stuck between the idea of a order that emerges spontaneously – that is, the rule of life – on the one hand, and the idea of a centrally imposed order on the other – that is, rule by a centralised legal authority enjoying a monopoly (in principle) upon the exercise of violence. Left-wing critiques do not themselves tend to

²⁸ Agamben, *Homo Sacer*, 1-12

escape this duality: either they speak of a more absolute state management, perhaps for a transitional interim, or else they suggest an utopian exceeding of both state and market. But in the latter case there is often an ironic appeal to something like the former, Hayekian model of the market itself: all freely expressed desires and urges are to be ‘naturally’ and spontaneously coordinated. This is the case with Hardt and Negri’s ‘multitude’ as Malcolm Bull has recently shown: here we have an implausibly unmediated contrast between personal expressions on the one hand and an ‘inhuman’ but beneficent coordination on the other.²⁹

Pre-modern thought, to the contrary, did not conceive of agency solely in terms of individual freedom or else in terms of explicit representative sovereign action – leaving a consequent problem of the apparent spontaneous patterning of the unplanned. This was because it did not think of an act as primarily an expression of freedom or as something ‘owned’ by the individual or the sovereign’s will or motivation. Instead, it paid more attention to the fact that every act is always pre-positioned within a relational public realm and in turn cannot avoid in some way modifying that realm, beyond anything that could in principle be consented to by the other, since the full content of any act is unpredictable. In consequence, the outgoing of an action was seen, by Aristotle for example, as having the character of a gift (assuming that normative action is appropriate action), a specific contribution to the social present and the social future that extended from the narrow society of immediate friends to the entire network of friends that composes a polity.³⁰ As a gift it

²⁹ Malcom Bull, ‘Limits of Multitude’ in *New Left Review*, 35 September-October 2005, 19-40

³⁰ For Aristotle, the most-defining action of the human animal is political and the *polis* is composed of the bonds of friendship which establish a concord at once more fundamental and more ideal than that of justice. Friendship itself nonetheless ideally consists in a balanced interchange of the good between equals (and here the measure of appropriate return should be the extent of the generosity of the donor), less ideally in an exchange of the useful (where the measure of appropriate return should be the benefit

was also part of an entire sequence of gift-exchanges, of outgoings and returns between friends and finally between parts of the whole political community. This rendered action-as-gift in some sense ‘interested’, but only insofar as it was not merely ‘blind’ like the modern liberal paradigm of interested action, but rather had some sort of approximate onlook towards the entire social outcome. Action as gift, unlike action as pure freedom, tends in this way to undercut the opposition between sheerly planned and sheerly unplanned collective social products. For action as gift envisages and anticipates, albeit in an imprecise way, something of the nature of likely response to one’s own action and the kind of total process which this action will serve to build up. This is because action as gift has to consider whom is a suitable and potentially grateful recipient who will deploy a gift well; it has also to consider what sort of gifts should be given to what sort of people and in this way it already bears the freight of a consideration of ideal social roles and their inter-coordination. Hence for

to the recipient) and in unequal relationships (where the exchange of benefits should be also unequal), constituting that reciprocity (*antipeponthos*) on which every community is based and which extends beyond the constant interchange of friendship to a more general exchange of benefits. The defining human action is therefore for Aristotle donation. Because it is an offering of friendship, and a friendship already involves community, action-as-gift for Aristotle lies between modern individual *action* on the one hand and modern political/economic *structure* on the other: it occupies something like the mediating position of Anthony Giddens’ ‘structuration’. Hence within his section on friendship, largely taken up with discussing appropriate exchanges of benefits, Aristotle includes a discussion of the different types of political constitution: political association itself for him corresponds to the highest kind of friendship, since it concerns the generally human and therefore the good as such; more debased forms of polity tend to demean the political with the aims of lesser, more utilitarian forms of association which themselves correspond to the lesser modes of friendship and the baser modes of exchange. The higher friendship is reciprocal, but nevertheless it is more important here to give than to receive, and the quality of generosity in the gift counts higher than the benefit conferred. Indeed the highest virtue for Aristotle lies not in the exchange of friendship but in the single exercise of magnanimity; this corresponds to the way in which for him monarchic polity stands above even aristocracy. See Aristotle, *Nicomachean Ethics* 1133a 3-5; 115a31157a9.; 1157a 35-6; 1159a10-32; 1162a30-1163a20. Much later, within the early Christian era, Seneca wrote at *De Beneficiis* IV 18 1-2: ‘how else do we live in security if it is not that we help each other by an exchange of good offices?’ See also Jean-Luc Nancy, ‘Decision, Desert, Offering’ in *The Experience of Freedom* trans Bridget McDonald (Stanford CA: Stanford UP 1988), 142-7; Marcel Mauss, *The Gift; the Form and Reason for Exchange in Archaic Societies* trans W.D. Halls (New York: WW Norton 1990)

Aristotle, the hierarchically supreme social role and *locus* of virtue was precisely that of the ‘magnanimous’ man, the great-hearted and yet judicious giver and forebearer.³¹

This is paralleled by pre-modern conceptions of thought and language. Here the relationship between the excessive signifier and the defined signified is not anarchic, since ‘gift’ is implicitly taken as the third term between sign and thing within an order of meaning deemed to be fatally or providentially governed.³² A gift, in order to be a gift, must be a thing and no mere sign, yet it must also exceed this thingness in terms of meaning, if it is to convey to the recipient the message of generosity, and therefore it must be a thing whose adoption as a sign exceeds in turn its mere thingness. Here we have Lévi-Strauss’s excess of the signifier, but this does not require, as he supposed, any mythic and ideological obfuscation of its apparent anarchy, if the excess of sign over thing is seamlessly taken to be a ‘Maussian’ reading of all meaning as promise of further donation, in an unending spiral that encompasses nature as well as culture.³³ In this case, the excess of the signifier is not taken to be a problematic abstract and traumatic void, but rather to be a reserved treasury of ever-

³¹ Aristotle, *Nicomachean Ethics*, 1123a31-1125a20 The supremely virtuous quality of ‘magnanimity’ is described by Aristotle in relation to the exercise of the virtue of liberality.

³² Lévi-Strauss tried to reduce Mauss’s gift to sign, but really Mauss, by describing the archaic gift, described the point of cultural articulation between sign and thing. On the relation between gift and sign, see J-J Goux, ‘Seneca against Derrida’, in *The Ethics of Gift and Sacrifice*, ed E. Wyszogrod et al (New York: Fordham UP 2002) 148-161

³³ See Jacques T. Godbout and Alain Caillé, *The World of the Gift* trans Donald Winkler, (Montreal: McGill-Queen’s, 2000) In Marcel Hénaff’s magisterial and very important book, *Le Prix de la Vérité: le don, l’argent, la philosophie* (Paris: Seuil, 2002) he argues that the function of ritual gift-giving is one of mutual recognition of personal honour and dignity through the presentation of gifts as symbols.. This is certainly the case, but it is questionable to assert that this function is not also an ‘economic’ one. Indeed he himself seems to discuss many instances (for example the exchange of women, exchanges with the animal world, medieval exchanges within and between fraternities, early modern Spanish construal of profit and usury as gift) where ritual presentation is also *intrinsically* and not just incidentally to do with economic distribution. He appears a times wrongly both to assume that ‘an economy’ is basically concerned with subsistence and that the gift-exchange of sacred and symbolic items is not also in some instances of (materially or socially) useful items. And he also on the whole ignores the fact that segmentary societies granted a certain agency to the gift-object itself. All these interpretative biases are bound up with a reduction of gift to sign: yet it is *prima facie* clear that a gift cannot only be a sign; rather the unique thing about a gift is that it must be both meaningful sign *and* usable thing and that both of these functions perfectly keep pace with each other.

more possible generosity, positively traumatic on account of its inconceivable plenitude.³⁴

No tensions therefore arose in antique thought between order thought of as central imposition and order thought of as spontaneous impersonal coordination. In consequence, there was considered to be no permanent lurking excess of the central will-to-power on the one hand, nor of the merely 'living' individual will on the other. In the same fashion there was deemed to be no anomic lurking excess of meaning over its concrete investment – and this can only be considered to be ideological occlusion if one takes (without reason), the 'given' nihilistic over-coding of the signifier-signified relationship to be normative over the over-coding in terms of 'gift' which reads the ineliminable excessive absence as ontologically reserved plenitude.

But at the same time, one *can* detect somewhat analogous tensions to those of modernity in antique thought, between the act of giving on the one hand and the cycle of gift-exchange on the other. In Aristotle, as Bruno Blumenfeld stresses, rule by law implies an oscillation between ruling and being ruled.³⁵ Law is what I, as citizen, may apply and at the same time it is that which I must in turn be ruled by. It is therefore a mode of political gift-exchange, given that law confers the benefits of order and justice. Moreover, to give law is also to give a capacity to give, since to apply the law to the other is to assist him also to apply the law if occasion arises -- it is to give him potentially a share in ruling, to give the gift of rule.³⁶

³⁴ This can be related to the later Lacan's discussions of trauma and feminine sexuality. See Jacques Lacan, *Le Séminaire 20:Encore* (Paris: Editions du Seuil, 1975)

³⁵ Bruno Blumenfeld, *The Political Paul: Justice, Democracy and Kingship in a Hellenistic Framework* (London: Continuum 2001), 65-9

³⁶ See Milbank, 'The Gift of Ruling'.

However, such mutuality lies within bounds, and may not extend very far into equity where situations arise that are so unique that they do not fall within the oscillating sequence of precedent and anticipation. (In the latter case, for one citizen to apply the law in this given instance may be to recall his own undergoing of the law on previous occasions, or to reliably assume that it might be similarly applied to him on some future one.) It also tends to exclude the non-citizens, or any measures of sheerly disinterested welfare. Where a purer disinterest is in later Roman times (which often foreshadow modern liberalism) recommended as the supreme duty by Seneca in his *De Beneficiis*, it nevertheless seems to escape the political and the social, since a pure gift given regardless of the likely response of the recipient is seen by Seneca to be socially irresponsible (if personally worthy), while every dutifully required proffered sign of gratitude is regarded by the Stoic sage as in some measure reducing gift to contract.³⁷ There is therefore a certain ‘*aporia* of gratitude’ in Seneca which is remarkably ‘Derridean’: responsible giving should be to the grateful, but giving with an eye to the gratitude of the recipient contaminates the purity of the gift. A true gift is therefore irresponsible and even, perhaps, too much like ‘throwing something away’ to qualify as a gift after all, while a responsible gift undoes gratuity by giving only under a specified condition. Insofar as Seneca resolves this he seems to do so by anticipating modernity and privatising the gift, while denying to public contract a fully ethical status.

By contrast, a *political* apparently pure and one-way gift as a practice of disinterested welfare, ‘provision for widows and orphans’, descends to us, as long-standing

³⁷ Seneca, *De Beneficiis*, II, 31, 2-5; V, 3, 2-3. In the latter place Seneca affirms that he who shows gratitude is equal to the giver, even if he cannot make adequate return. This is a more democratic account than Aristotle’s celebration of the magnanimous man who counts it to his honour never to owe a debt of gratitude for non-returned gifts.

scholarship shows, not from the egalitarian *polis*, but from the oriental despotisms which Israel imitated but qualified.³⁸

Yet the Greeks were fascinated by such despotisms. Sometimes because they seemed to permit a more radical generosity as welfare, but more especially because of their greater scope for the practice of equity.³⁹ For Aristotle, the latter goes beyond the law and therefore requires an absolute authority not bound by the law's instituted norms. This is why he half-admires Alexander the Great. Yet at the same time, his habitually guiding fear of any sort of imbalance, and in this case the loss of the role of middle-class mutual limitation through the reciprocal application of legality, leads him to suggest that the exceptionally good and powerful man who might effectively rule alone should generally be ostracised from the city.⁴⁰

In this way then, the equivalent to the modern biopolitical tension between pure life and contract/law lies, in antique politics, between a one-way gift which may intervene equitably on behalf of the vagaries of life, and a gift-exchange which concerns a more regular and egalitarian game of balance between those whom life has relatively well-blessed. This tension was implicitly recognised by the 'Hellenistic Pythagoreans' writing around the time of the New Testament, since they characteristically endeavoured to blend the exchange of the *polis* with the unilateral equity of the *basilea*, in accordance with a real pertaining situation in which many semi-free cities

³⁸ See Hendrik Bolkestein's classic treatise, *Wohltätigkeit und Armenpflege in Vorchristlichen Altertum* (Utrecht: A. Oosthoek, 1939). This line of specifically Dutch research (initially conducted quite independently of the Maussian tradition) has been followed up by Willem Cornelis van Unnck. See, for example, his article 'Eine Merkwürdige Liturgische Aussage bei Josephus (Jos. Ant. 111-1113) in *Josephus-Studien*, eds O. Betz et al. (Göttingen: Vandenhoeck and Ruprecht, 1974), 362-9

³⁹ Blumenfeld, 120-276 esp 251

⁴⁰ Aristotle, *Politics*, 3.1284a10-1287a32; Blumenfeld, 64-84

had fallen under the overall suzerainty of distant monarchs. If anything it was the rule of the latter which these Hellenistic thinkers tended to favour.⁴¹

But St Paul, one can contend, thinks outside the horizon of *both* antique *and* modern biopolitics.

4. The Politics of Resurrection

Like the ancient Greeks, Paul espoused natural justice, and like the Hellenistic thinkers he linked it with the invocation of a supreme divine King who exceeded the law as himself embodying a ‘living law’ – *nomos empsuchos*, as the Pythagoreans had it.⁴² The key difference is that Paul thought natural justice not just in relation to life, but in relation to resurrection.

Agamben is right: the ontological dimension of politics is inescapable. But if one takes life to be only biological life restricted to immanence, then life is subordinate to death. The backdrop-life that is assumed by secular liberalism is a life defining itself negatively over-against death and scarcity – it is the pursuit of my life rather than yours, the prolongation of the life of some at the expense of the life of others, since that is what the unfair extraction of profits from workers and consumers and greater political privilege ultimately amounts to.

It is precisely this life that lives to preserve itself and grossly to augment itself that must supplement itself with law and contract: self-protective and self-augmenting devices, mutually consented to. They are therefore essentially reactions in the face of

⁴¹ Blumenfeld, 189-276

⁴² Blumenfeld, 187, 235-6

the overwhelming fact of death – they seek for a futile while to economise death or to delay its arrival.

But St Paul begins with a vision of a resurrected man. (*Galatians* 1:19)⁴³ This discloses for him another and more original life – a pre-fallen life without death which has now been restored in its original possibility not by economising or resisting death, but by enduring it to the end. In consequence, justice now lies before the law, not *only* in the sense of exceptional equity, but also as a hidden excess of ever-renewable auto-generating pneumatic life which gratuitously renews and redistributes the good (*1 Corinthians*, 15: 42-50). In the face of this indefectible abundance, law is not needed, because there is no death and no malicious will that deals in death.⁴⁴ Nor is there any longer a life bounded by death ('the flesh', *sarx*), since we have, in Christ, already proleptically undergone such a death. Being already dead (one should take this literally) we can no longer sin, because this is only a possibility for that life which is always weakened by death and the defensive passions which rage against mortality (*Romans* 6:7: 'for he who has died is free from sin'). Within the new resurrected life without such passions, malice can no longer be deemed inevitable or even comprehensible, since there is nothing that it could possibly snatch or gain from plenitude save the malicious and pointless pleasure of inventing the very notion of a gain at the expense of others, through the institution of death and scarcity. And this institution of course renders possible a reverse visiting of malice by others upon the originally malicious one. (For all the above see *Romans* 7: 4-6: 'you have died to the law through the body of Christ [the *ecclesia*], so that you may belong to another, to him who has been raised from the dead in order that we may bear fruit for God. While

⁴³ Translations from the NT are from the RSV unless otherwise indicated.

⁴⁴ Blumenfeld deal with this briefly on p. 342

we were living in the flesh our sinful passions, aroused by the law, were at work in our members to bear fruit for death. But now we are discharged from the law, dead to that which held us captive, so that we serve not under the old written code but in the new life of the spirit'. See also *Romans* 3: 19-26; 4: 13-24; 5: 12-21; 6: 5-8; 7: 8: 1-11)

The more original goodness therefore, for Paul, does not act reactively or defensively in the face of death, suffering and evil, even where those negativities affect another person. Rather, it simply distributes its own instance in a constantly creative fashion, always engendering a more intense life rather than shoring up existing life against death. (This point is well made in slightly different terms by Alain Badiou in his book on St Paul).⁴⁵ Nevertheless, in a world into which sin and death have irretrievably but contingently entered (and have distorted, through a metahistorical event, the ontology of life), requiring in their mutual complicity some sort of biopolitical economy intended to restrict their instance (law attempting to control a death-bound and semi-malicious life that remains in consequence always alien to the perpetuity of law itself), the more original goodness is only accessible through suffering. That is to say, through enduring to the limit (*Romans* 8: 17-23) the full negative consequences of sin, death and the law which reinforces sin and death by falsely assuming their irreducible ultimacy and so offers in the face of their violence a counter-violence (which alone

⁴⁵ Alain Badiou, *Saint Paul: la Fondation de l'Universalisme* (Paris PUF 1999) 70 (attacking Hegelian dialectical readings of Paul) : 'La grace.....est affirmation sans negation préliminaire, elle est ce qui nous vient en césure de la loi. Elle est pure et simple *rencontre*', and 69-78. It is with this affirmation that Badiou, unlike Derrida and even Deleuze, truly realises the *soixante-huitarde* ambition to break with negative dialectics. For in Derrida (here followed by Theodore Jennings), grace as gift only arrives in its negative 'interruption' of that economic exchange to which, nonetheless, it must also submit. For Badiou, by contrast, 'grace' initiates a positive 'truth-process' which escapes the oppressive logics of 'situations'. Since this truth-process nonetheless involves a 'fidelity to the event' than links event with event through time, it also involves a positive 'mediation' that is not the Hegelian synthesis achieved through mutual negation. (The latter is retained by Derrida, but without the synthesis.)

defines the violence of sin *as* transgressive violence), rather than a removal of their ontological grip. (*Romans* 4: 15: 'For the law brings wrath, but where there is no law there is no transgression'; 5:13; 'sin was indeed in the world before the law was given, but sin is not counted where there is no law'.) Hence Christ on the cross suffered death, the ravages of human malice and the attempt by *nomos* (Roman and Jewish) to control and economise this malice for the sake of the seemingly best achievable welfare of the political community.

According to Paul, to be a citizen of *ecclesia* is constantly to repeat this founding trauma. Normally, in any human society, founding traumas must be at least partially covered-over, because of a collective memory of inaugural guilt or inaugural shame. Both original crimes and original defeats have to be massaged by memory. Moreover, a strong contrast is usually made between a founding violence and sorrow and a later peaceful, pastoral civility which the initial sacrifice has made possible. Yet in the case of the *ecclesia*, all this is reversed. Now to be a citizen is, ideally speaking, constantly to repeat the founding trauma in all its horror. Even though Christ's death was the final sacrifice and therefore the least repeatable, precisely for this reason it must be constantly dwelt within and constantly re-actualised. For it was not a suffering of death in order that others need not die, nor that their death-pangs should be lessened. Rather, it was a revelation that within a death and evil-dominated world, drastic and pointless sacrificial suffering is apparently the last word. Since the fallen human city and the fallen cosmos are all-encompassing, they must be met in the end with a lonely gesture of passive refusal (*Romans* 6: 10-14). Thus Christ did not die on the cross merely instead of us: rather, having uniquely suffered the death of the innocent, he calls on all human beings to partake of this death, and in a measure to repeat it.

However, *all* can now be suffered precisely because, beyond the cycle of life and death, there has been disclosed by the passage through the cross another, more living, actively receptive and participatory life that knows no death. (*Galatians* 2: 19-20: ‘I through the law died to the law in me.....the life I now live in the flesh.....’) This is the more original life that does not spring from death or alternate with death, but is auto-generated. For life itself, as Leibniz and Bergson later saw, is not involved in an oscillation with death, in the way that ‘lives’ are involved in an oscillation with ‘deaths’. Life as such knows no death, is more original than death and survives every death; indeed as Leibniz argued, life as process knows only metamorphoses, not extinctions, such that of a dead creature we can only really say that it has ceased to appear as living, not that its life, its share in life, has ceased ‘to be’.⁴⁶

It is this transcendental life which Paul could conceive of as eternal and as rendering possible resurrection. Since this life informs all the organic creation, it is more basic than that modern self-governing life which guards itself egoistically against death, or any antique debased ‘mere’ life which assumes the slavery of human passions to greedy and defensive impulses that presume scarcity.⁴⁷ While we are to suffer limitlessly on behalf of others and our own integrity, this suffering permits us negatively to resume contact with a wholly positive order of mutual ecstatic giving. Within this plenitudinous order there is nothing left to be resisted in the face of death or scarcity, and therefore all unruly passions can potentially be entirely purged away, such that only the ecstatic donating passion of *agape* (‘the surpassing road’, as

⁴⁶ See Alain Badiou, *Logiques des Mondes: L'être et événement 2* (Paris: Seuil, 2006) 343-8

⁴⁷ On the question of assumptions of plenitude versus assumptions of scarcity, see Regina M. Schwartz, *The Curse of Cain* 33-8, 80-3 116-19, 173.

Blumenfeld so well translates the *hyperbolē hodos* of *1 Corinthians* 12:31)⁴⁸ remains and the practice which it informs of unrestricted, superabundant generosity. (2 *Corinthians* 9: 8: ‘God is able to provide you with every blessing in abundance, so that you may always have enough of everything for every good work’; 11: ‘you will be enriched in every way for great generosity, which through us will produce thanksgiving to God’; and see in general 6-15.) This order then composes a higher organism, the resurrected body of Christ collectively participated-in. This *ecclesia* is undying, because it is not composed of sacrifices in the face of death for the sake of the endurance of a finite edifice that must one day collapse. Rather, in Benjamin and Agamben’s terms, it is composed only of ‘pure means’, of ecstatic living offerings of divinised bodies according to a ‘logical worship’ (*logikē latreia* : *Romans* 12:1),⁴⁹ whose superfluous potential can always be resumed, in any circumstances. Yet the realisation of an infinite ecstatic community is itself here seen as the penultimate true *telos*, and as only possible within an ontological reality lured by an infinite transcendent harmony: God, who is the ultimate goal-beyond-goal of all human life, surpassing all contrasts between ends and means.

Of course, Paul’s solution here is incredibly drastic and to most people today must appear to pay an impossible price. For he is insisting that we can only found a just community on the basis of a wholly counterfactual invocation of an undying reality. In this way – despite the fact that such developments were strongly anticipated by the Hellenistic Pythagoreans, particularly the Pseudo-Archytas – he fuses together in the most radical manner achieved hitherto salvific, cosmic and political categories and

⁴⁸ Blumenfeld, 204

⁴⁹ Blumenfeld, 388-9 comments that this near oxymoron was characteristic of the ‘Baroque’ character of Hellenistic culture.

equates political freedom with psychic and corporeal salvation.⁵⁰ This means both that the classical antique notion that the highest life is only to be discovered within the civic order is not abandoned by Paul,⁵¹ and yet equally and inversely that a practice of detachment from the flesh bound to death, and an entering into a divinising pneumatic sphere, is newly made the very condition for citizenship.

The linking element between these two themes is the body. For it is the body that both connects the spirit and soul to the public political sphere and remains itself conjoined to the spiritual since it is only a living reality on account of its infusion by psychic power.

One could argue that it is just for this reason that Paul now stresses the body/city analogy, where Plato and Aristotle had much more emphasised the soul/city analogy.⁵² For the latter two thinkers it was a matter of analogical (mathematically proportionate) comparison between two separate realms, but for Paul it is a matter of an analogy made possible only through the relational mediation which bodily interaction brings about and which ensures that the civic is itself constituted by the psychic and vice-versa. (The same contrast then extends to the mode of invocation of a further analogy of soul and city to the cosmos both in the ancient Greek and in the Pauline case; in the latter instance, Christ's work of shattering all boundaries between the Creator and the Creation and between life and death has ensured that the cosmic is now effectively one with the psychic and the political.)

⁵⁰ Blumenfeld, 124-139, 248. The parallel between Paul and Pseudo-Archytas plus Diotogenes is also discussed by Agamben in his *State of Exception*, 70-1. Agamben notes that this parallel extends at times to linguistic usage, citing, *khōris nomou dikaiosunē* at Romans 3:21 compared with *aneu nomou dikaiosunē* in Diotogenes.

⁵¹ Blumenfeld, 355

⁵² Blumenfeld, 383

So even though the existing Roman-Greek political order is both recognised and secularised by Paul, the new more fundamental political order of ‘the Church’ which he insinuates within this regime, like a benign parasite, is theocratic in a quite unprecedented sense. For now it is only the adherent of a mystery-cult who can be a fully-fledged citizen, only the person who participates in the more fundamental pneumatic life and who starts to transfigure his body in the direction of wholly purified passion who is capable of true civic virtue.

One could say that, for ancient Greek thought, it was already the case that there can only be justice within a political *bios* because human beings have non-material, and even, for certain thinkers, immortal souls: something that responds to imperatives other than those of purely organic survival, growth and material flourishing. And against secular liberalism one should continue to affirm that only a belief in the soul provides any barrier against the various modes of political fascism. But to this Paul adds the pre-condition for a more democratic version of the ancient politics of the city: namely corporeal resurrection. For if the body also is immortal, then the body is also potentially the site of a perfect harmony and goodness. This means that the once ‘baser’ passions and the once subordinate categories of humanity can now fully participate in political processes: *all* of one’s life as an individual (erotic, domestic and economic as well as politically deliberative) can now become part of political life; while all stages, genders and ranks of human life are fully brought within the scope of the highest friendship and love (*agape*), which is political in the most precise sense (*I Corinthians* 13).

There are several decisive practical consequences of the notion of a theocratic order founded on resurrection life – that is to say, an original life before and without death, regained through an absolute endurance of death.

(a) *Oikos* merged with *Polis*

First of all, the tendency of Hellenistic political thought to merge categories of *oikos* and *polis* (because of its strong bent towards personal, patriarchal rule) is taken still further. Because there is no more ‘mere’ human life and the human life is now defined more as the ecstatic exercise of love (*agape*) than as intellectual self-control or personal excellence (Paul rarely uses the word *arête*, as Blumenfeld points out), women, children and slaves can now be, through baptism, fully citizens of this new sort of polity (*Galatians* 3: 27-9).⁵³ Indeed, in some sense Paul intimates that all living things and even all things contained within the cosmos will one day be fully included within this new and final political order (*Romans* 8; 18-23; *Philippians* 2:10).

(b) The overcoming of Law and Death by Trust and Life

In the second place, there is for Paul no longer any law/life duality precisely because there is no longer any life/death duality to be economised. Law, Paul suggests, colludes with fallen death-bound reality, including its malicious drives, because it can only resist it in an endless bad infinite, and must thereby assume the force of its imperatives. (And one should argue here, following Jacob Taubes and Dieter Georgi, that Paul, in a characteristically Hellenistic Jewish fashion is thinking of *nomos* as

⁵³ Blumenfeld, 151, 112-120

such; hence of Roman and Greek as well as of Jewish Law.)⁵⁴ Moreover, since the law can only hold back and not overcome, it is ceaselessly improvised and approximate and must be endlessly revised. Law is therefore inherently diverse: law always means many competing law-codes, as Paul esoterically acknowledges when he ascribes law not to the direct command of the *one* God, but to the mediating agency of the *many* angels and daemons: ‘the law.....was ordained by angels through an intermediary. Now an intermediary implies more than one, but God is one.’ (Galatians 3: 19-20) The ultimacy of the law (as reactive) is hence for Paul incompatible with monotheism because of its incurable relativity which follows from the fact that it can only limit, but never cure (Galatians 3:5; 2 Corinthians 3:6).

By contrast, Paul wishes politics to be an overcoming practice of psychic medicine, rather than a disciplinary police-procedure. In speaking of such a practice, he exceeds in advance the apocalyptic perspectives of Walter Benjamin. For the gesture of refusal is in Paul intertwined with a new positive mode of association, sustainable through time. This new sort of polity will be governed not by *nomos* but by *pistis*, which means variously something like ‘trust’ or ‘persuasion’ or ‘fidelity’⁵⁵

⁵⁴ Jacob Taubes, *The Political Theology of Paul* trans Dana Hollander (Stanford Cal: Stanford UP 2004) 23 ff. Theodore Jennings also rightly insists that Paul is offering a critique of law as such – Roman, Greek, Jewish, whatever.....and not just of Jewish law, still less only of Jewish ritual law, as it has too often been recently the fashion to claim. (Such a stress at once wrongly plays down the supercession of the Jewish law *tout court* by the gospel *and* belittles the logic of the Jewish ritual law which, of course, Paul considers would continue to be observed by some Christians.) See also Dieter Georgi, *Theocracy in Paul’s Praxis and Theology* trans David E. Green (Minneapolis: Fortress Press, 1991) 33-40.

⁵⁵ See Blumenfeld, 307, 335. Blumenfeld does not consider the point that in the rhetorical context *pistis* means ‘persuasion’. However, it may come to the same thing: to trust someone is essentially ‘to be persuaded by them’ while to be persuaded by a speaker’s rhetoric involves an element of trust in the person and in what he has to say. See James L Kinneavy, *Greek Rhetorical Origins of Christian Faith; an Inquiry* (New York: OUP 1987)

Hence according to *Romans* 3:25-6 [to retranslate] ‘God....set forth.....a propitiation through trust in his blood [*not* ‘an expiation by his blood to be received by faith’ as the RSV has it – thereby concealing that the context here is Eucharistic]in his holding back of hostility (*anokē*) in order to indicate (*endeitsin* – a legal term of demonstration of evidence) his justice in the current critical time (*kairos*) in (*eis* – not ‘for’ as in the RSV) the one [ie any ecclesial person] who is himself just and is made to be just out of (*ek* -- not ‘of’ as in the RSV) the trust (*pisteos*) of Jesus’.

The latter phrase suggests that justification occurs through a participation in Jesus’s *own* exercise of trust, not through ‘faith in Jesus’ as the RSV has it, and indeed *Galatians* clearly implies that *pistis* is an eternal hypostasis which has now been ‘revealed’ and which has ‘arrived’ with Jesus (*Galatians* 3: 23-5). Thus it is legitimate to conclude that Jesus is, in one respect, the arrival in time of the ‘personhood’ of faith.⁵⁶

It should however be said here that Paul also speaks of the rule of trust and of natural justice as constituting a more fundamental mode of eternal law. (See *Romans* 2:13; 3: 31: ‘do we then overthrow the law by this *pistis*? By no means! On the contrary, we uphold the law’; 7:22; ‘I delight in the law of God, in my inmost self’; 8:2; *Galatians* 6:2) And often within Judaism itself, as Giorgio Agamben points out, the most primal uncreated law is taken to be equitable justice (the *Torah de Atzilut* for the Kabbalah)

⁵⁶ My revised translation of the *Romans* passage above is less drastic than Blumenfeld’s which does perhaps at this point border on the tendentious: see Blumenfeld, 335. Nevertheless his basic reading can still stand in the face of my rendering. See also, Dieter Georgi, *Theocracy*, 37, 43, for a further argument that *pistis Iesou Christou* in *Galatians* (esp 2:16 and 3: 23-5) means the ‘faith of Jesus’ and that *pistis* is even hypostasised to become identical with Jesus. This sort of possibility is now too quickly dismissed by exegetes, because they rightly reject Bultmann’s belief in a pre-Christian Gnosticism, which Georgi still espoused. However, this still leaves entirely open the possibility that Gnosticism later developed (usually in unfortunate, heterodox ways) many themes of philosophical *gnosis* already present in Paul. Indeed I would contend that anyone who dismisses *too quickly* a gnostic reading of Paul has not read Paul carefully enough.

and as prior to notions of injunction or prohibition.⁵⁷ As Jacob Taubes argued, from a Jewish perspective, Paul's critique of the law is not necessarily 'unJewish' nor to be seen as the main bone of contention between Judaism and Christianity.⁵⁸

All the same, the Jewish sense of 'pure law' that is an authority before the law belonging to a lone absolute and impenetrable unity, can sometimes, as with the messianism surrounding Sabbatai Sevi, whose apostasy to Islam was read within some Jewish mystical circles as paradoxically salvific, revert into the pure antinomianism that Paul avoids, with its thematic of the redeeming sin (in which terms one would have to read Judas, not Jesus as the redeemer, as in the famous story by Borges). A similar phenomenon can be traced at points in Islamic history itself, where the pure divine one is normally taken as mediated by the unity of law and the political terrain, but can also be exceptionally read, as in Ismaili Shi'ism as the mediated unity of the lone – and possibly 'terroristic' -- prophet, whose authority exceeds that of the law as so far given.⁵⁹ In Franz Kafka's *The Castle* also, the pure law has become terrifyingly senseless. Hence rather than an appeal to a sense of an infinite primary equity – that is strongly linked with the Christian sense of analogical eminence and the Trinitarian going out of the One itself towards the expressed diversity of *logos* or *nomos* -- Judaism and Islam can invite a 'left-Schmittian' recoil *both* from the provisionality of written law *and* from the frightening reserve of the unknown legislating power whose authority is only constituted by its capacity to

⁵⁷ Giorgio Agamben, *Le temps qui reste*, 83 See also, Regina Schwartz, 'Revelation and Revolution', in *Theology and the Political* ed Creston Davis, John Milbank and Slavoj Zizek (Durham NC: Duke UP 2005) 102-127

⁵⁸ Jacob Taubes, *The Political Theology of Paul passim*.

⁵⁹ For Judaism see Gershom Scholem, 'Redemption through Sin' in *The Messianic Idea in Judaism* (New York: Schocken, 1974) and for Islam see Henri Corbin, *Histoire de la philosophie islamique* ((Paris: Galloimard, 1986), 140-54 and Christian Jambet, *La grande resurrection d'Alamût: Les formes de la liberté dans le shî'isme ismaélien* (Paris: Verdier, 1990)

legislate exceptions to its own legislating. The radical response here then takes the form of ‘shutting the door of the law’, as with Kafka, or of responding to the absolute divine ineffability with a ‘religiously atheist’ and apocalyptic invocation of an equally unknown but hoped-for purely human future.⁶⁰ Such an oscillation between a basically gnostic extreme pessimism on the one hand, and an apocalypticism which dangerously suggests no positive political project, can perhaps be traced in the secularised Judaism of Marx’s philosophy and in certain handlings of Freud’s psychoanalytic legacy.⁶¹ In Lacan especially, the symbolic ‘law of the father’ becomes, in a logical development, entirely inscrutable, while the imaginative economies that seek to channel and mitigate it are equally arbitrary; love seeking an exit to ‘the real’ tries to escape both and cannot escape either: its paradoxical affirmation of an excess to the ‘all’ still binds it absolutely to an all whose authority can only regard the escapism of desire as a distracting pathology of alienation to be extirpated.⁶²

⁶⁰ Agamben also seems to endorse such a stance: see *Le temps qui reste*, 72. As was said earlier, he entertains a variant of Benjamin’s apocalyptic refusal which here takes the form of reading Paul’s *kairos* as that time out of time which is purely our own in which we represent time, following the linguistic theories of Gustave Guillaume (108-115). But this seems to remove the question of the decisive time from the unfolding social and historical context (which is surely itself constituted as primary time by the sequence of such ‘representations’ of time – or ‘recapitulations’ to use Paul’s own term invoked by Agamben -- by every living and moving thing, and to be sure by psychic creatures the most intensely). But his consequent reflections on the influence of Paul’s prose and notion of recapitulation on Christian poetics is fascinating: 130-40.

⁶¹ See footnote 27 above where I suggested that Derrida represents the ‘gnostic’ pole of this oscillation, Benjamin and Agamben the apocalyptic one.

⁶² Hence Žižek’s bizarre invocation of the human condition as a kind of tortured pursuit of romance that only arises within and yet against a ‘Stalinist’ totality -- to which we nonetheless appeal to liberate us from such torture and so return us to the public realm -- does indeed seem to develop the logic of Lacanianism to its limit. He apparently criticises Taubes and Agamben for reducing Paul’s love beyond the law to a Kafkaesque excess of an inscrutable authority within the law itself (in which space the possibility of an excessive mercy without reason would also lie) in the name of a Lacanian love as ‘not all’. Yet he then goes on to make it clear that this Lacanian surpassing of the logic of the exception is only itself opened up by this very logic: the aporetic gap within it is taken by desire to be the missing particular and elected ‘real’ that it seeks for. Hence for Žižek redemption and fall, God and godlessness coincide. But such gnosticism is not the true meaning of Paul. See Slavoj Žižek, *The Puppet and the Dwarf: the Perverse Core of Christianity* (Cambridge Mass: MIT 2003), 92-122. Also Agamben, *Le temps qui reste*, 169 where he speaks of a ‘messianic state of exception’ in Paul.

So even if Taubes is right, and Paul's own self-understanding is that he is a 'second Moses' who follows through on the latter's threat to turn to 'another people' in the face of the Hebrews' recalcitrance (rendering him a kind of early Sabbatai Sevi), this still does not imply, as Taubes suggests, an appeal to the pure vagary of the divine will, or the Kafkaesque spectre of a commandment without reason. Just for *this* reason Paul (as Taubes himself stresses) never suggests that God has gone back on his promises to Israel: only that for the moment the prime shoot of Israel has become paradoxically the wild gentile branch that has been grafted into the domestic plant, itself now temporarily exiled from the divine garden. (*Romans* 11: 17-24: the metaphors here are notoriously stretched to catachretic breaking-point.)⁶³ And indeed the moment of the eschaton, of universal resurrection, is to coincide with the final reconciliation of these two branches which are *both* (it must logically follow) branches at once of Israel and of the new *Ecclesia*. (See *Galatians* 6: 15-16: 'neither circumcision counts for anything, nor uncircumcision, but a new creation. Peace and mercy be upon all who walk by this canon, upon the Israel of God'.) In the same way that the 'justice of trust', or more accurately 'just solidarity through trust' (*dikaio sunē pisteōs*) means for Paul in part the inclusion of the Gentiles, so also it means a long-term trust in the final uniting of Gentile with Jew. After Paul has denied in *Galatians* that one can compel the Gentiles to live like the Jews, he immediately invokes the principle of justification through the faith of Jesus (2: 14-16) and if, as I have argued, this has to do with justice, trust and fidelity, then Paul must be invoking a new community of a re-envisioned Israel that is bound together by justice rather than the Law. He may well be here invoking Psalm 142, where King David, hiding from his persecutors in a cave, begs to be restored to the society of the 'righteous'. Thus for

⁶³ See Taubes, 50-1, 62-70, 84-5 and 74: 'Benjamin differs from Paul, however, in the thought of the autonomy of that which he calls the profane'. Precisely.

Paul, as for the Old Testament, to be saved is to be freed from a captivity that excludes one from the community of justice – yet now all human beings, even pagans, can be thought of as like kings held in captivity, waiting to be restored to their own true kingdom of righteousness.⁶⁴

But all this suggests that the trust which exceeds the law is very far from an invocation of the exceptionally anarchic and the unsettlingly threatening, on the Schmittian model which Taubes here invokes (albeit that he desires to detach against Schmitt the Kierkegaardian notion of the divine exception from that of the political exception).⁶⁵ To the contrary, it is precisely a trust that God is just to an eminent and infinite extent that we cannot begin to fathom, and a trust that this justice will eventually so triumph that a harmony of peaceful order will embrace not just Jews and Gentiles (who will at last discover just how their various customs may cohere) but also all of God's creatures.

However, this primacy of trust follows from Paul's scandalous institution of a polity founded wholly on the counterfactual. In a world wholly encompassed by death, suffering and egoistic defensive reactions to these realities, justice is only possible on the basis of trust that there is something more primary than the necessarily tyrannical economy and laws that all these assumed transcendental circumstances give rise to. We trust in, 'have faith in' God as the source of an undying life which is never-exhausted gift: '.....the Lord.....bestows his riches upon all who call upon him' (*Romans* 10:12). In trusting God we trust also that the current negative order is a violation and that 'in the end' the order of gift must be restored. It then follows that to

⁶⁴ See Georgi, *Theocracy*, 36 n.9

⁶⁵ Taubes, 65-76

trust others as potentially good, as potential sources of gratuitous life (which Paul's missionary and political practice endlessly attests) is to trust their own trust in God and in eschatological finality (*2 Corinthians* 9: 6-14).

It may appear that trust is a weak recourse as compared with the guarantees provided by law, courts, political constitutions, checks and balances and so forth. However, since all these processes are administered by human beings, capable of treachery, a suspension of distrust, along with the positive working of tacit bonds of association, is the only real source of reliable solidarity for a community. Hence to trust, to depend upon others, is in reality the only reliable way in which the individual can extend his own power, his own *conatus*, or the legitimate reach of his own capacities, and also the only reliable way to attain a collective strength.

Paul's horizon at this point is Jewish and prophetic rather than Greek: he has founded a community that lives always in expectation of the arrival of the new. It therefore continues to be crucial for him that to the Israelites belong 'the promises', yet the irony is that they have often failed to realise that trust in the promises and trust in trust itself is more basic to the realisation of justice and law than instituted law – thus the Gentiles, lacking the prophetic promises, have yet sometimes more succeeded in attaining to a blind trust that has ushered in a certain measure of good polity (*Romans* 9).

In keeping with this eschatological perspective, 'the solidarity achieved through justice' (*dikaioSunē*) for Paul, cannot ever be simply a 'Greek' matter of fair spatial distribution (though it certainly remains that) because in a world of time and change

and pneumatic inspiration we can never fully anticipate (though we can and must to some degree) the future scope of that ‘share’ which a particular individual or body has been accorded: no measure is forever fixed. It follows that the Greek principle of distributing more to the virtuous (even though the definition of virtue has now been revised) becomes now still more exigent: justice is only realisable if we accord trust to the trustworthy, trust to those who trust that it is possible for further good to arrive and are constantly on the watch for it.⁶⁶ Hence the *ecclesia* is defined by Paul as a *koinōnia* and he extends its Greek meaning of ‘partnership’ or ‘community of interests’ to include also ‘collection’, in application of it to his new international support system which now creates a real, functioning cosmopolitan community of interests, or ‘sharing of trust’.⁶⁷ The term *ecclesia* itself originally meant within Greek culture ‘the governing assembly’ of the city and it had already been sometimes applied by Hellenistic Judaism to the gathering of the elders of Israel. Its application

⁶⁶ In his *Reading Derrida/ Thinking Paul* (19-96), Theodore Jennings uncritically adopts Derrida’s Levinasian view, opposed to that of Aristotle, that transcendental justice exceeds distribution altogether. One can agree that it exceeds any fixed or once and for all distribution, but to say that it exceeds distribution or ‘economy’ as such is to espouse an essentially liberal and individualist, or what Badiou calls a ‘democratically materialist’ (for which there are only bodies and words and no ‘truths’ to be shared in), rather than socialist perspective. For here justice becomes an infinite attention to the infinite otherness of every other, taken one by one. But if, as is the case, people only exist in relations, then one cannot ‘do justice’ to one person without having regard to her relations with others and the way these relations ‘distribute’ – according to whatever measure, however ‘lesbian’ or flexible this may be – what people share in common. And one can go further: even an egalitarian measure which desires that all may fulfil their potential individually and collectively must still seek to place *good* resources in the hands of the *virtuous*: justice means that the ‘valuable’ is placed in the hands of the ‘valiant’, as John Ruskin put it. For to squander resources in the hands of those who prove lazy, corrupt or incompetent, or to permit people regularly to waste their powers and wealth upon worthless objects and goals (the norm of our liberal society) is to remove true human benefits from the human majority. Conversely, an egalitarian distribution of resources according to need and capacity requires a considerable consensus (as Badiou realises) concerning human ‘truths’ or desirable ends. By contrast, if there only bodies speaking words, then the only consensus will be that we should liberate the desires of the body. Since these are inherently diverse, there can be no question of their fair distribution and therefore no socially-agreed upon limit to the capitalisation of desires by some at the expense of others. Derrida was a liberal and this is exactly why he appeals to the American left which is usually a liberal left (although the USA also now harbours many of the most authentic socialist and distributist thinkers). See Alain Badiou, ‘Preface’ to *Logiques des Mondes*, 9-17

⁶⁷ See Blumenfeld, 110-11 and Marcel Hénaff, *Le Prix de la Vérité*, 417- 426

to an entire new polity as such by Paul implies that in some sense all are now elders, all are now governors within a process of continual mutual governance.⁶⁸

This is an exchange which builds up ‘the plenitude of good things in Christ’ (*Philemon* 6), which is at once an exchange of spiritual matters (*Philippians* 2:1) and of spiritual matters for material and vice-versa (*Galatians* 6:6). It is the trustworthy members of the community who in turn trust God and so trust others who share this trust. There is in consequence both a hierarchy of trust and a circulation and exchange of trust, and this alone sustains a dynamically just distribution: ‘For by the *charis* given to me, I bid everyone one.....to think [of himself] with sober judgement, each according to the measure of *pistis* which God has assigned him by division [my translation]. Forwe, though many, are one body in Christ and individually members of one another. Having gifts (*charismata*) that differ according to the *charis* given to us’ (*Romans* 12: 3-6).

The translation of *dikaiosunē pisteōs* as ‘justice of trust’, as suggested by Bruno Blumenfeld, or perhaps better as ‘just solidarity through trust (following Dieter Georgi), should be preferred to the translation ‘justification by faith’, since the first two chapters of *Romans* make it crystal clear that Paul’s fundamental perspective is a (perhaps primarily Greek) ‘naturalistic’ one. For he believes that all people everywhere should have been able (and by implication have sometimes been able) to acknowledge the true God, and that all people everywhere are saved according to their obedience to the unwritten justice of God – in other words, according to ethical works (!) in the broadest sense: ‘for he will render to every man according to his works’

⁶⁸ See Georgi, 57. In qualification of Georgi however, I am grateful to Marcus Bockmuehl of the University of Oxford for the point about a Jewish precedent for the use of this word.

(*Romans 2:6*); ‘.....it is the doers of the law who will be rendered just (*dikaiōthēsontai*)’ (*Romans 2:13*).

Whenever Paul discusses *dikaioṡunē pisteōs* (as recent scholarship has time and again stressed) the context is always, as has already been indicated, the question of the Gentile-Jewish relationship.⁶⁹ In declaring that salvation is ‘by faith’ Paul is insisting that the gentiles have never been outside God’s plan, by suggesting that the pre-legal recourse of Abraham (whom no-one can doubt belongs intrinsically to the divine schema of salvation) to faith was open to them also. If, nevertheless, he has already declared that the gentiles are redeemed because they ‘do by nature what the law requires’, then this appears to suggest that indeed it is by faith that one is essentially able to be just, that is to say, ethical under the governance of the law of nature. This reading is confirmed by Paul’s further explication that Gentiles outside the law judged according to their works are more precisely granted eternal life according ‘to their awaiting (*hupomonēn*: suggesting a staying behind, a staying firm to await something in a battle) of the good work [sic] in seeking glory, honour and incorruption’ (*Romans 2:7*; modified translation). This ‘endurance in seeking’ sounds close to the quality of *pistis*: the good man is precisely he who trusts that God will so let it fall out

⁶⁹ See, for a summary, Douglas Harink, *Paul Among the Postliberals: Pauline Theology beyond Christendom and Modernity* (Grand Rapids: Brazos, 2003). Harink also correctly stresses that ‘justification’ in Paul is the divine action of really making just, not of imputing justice; that ‘the faith of Christ’ is primarily such and not ‘faith in Christ’, and that *ecclesia* is a political project. However he fails to see that Paul criticises law as such, including the entirety of Jewish law, and he cannot bring himself to admit that Paul is, indeed, albeit subtly, supercessionist in relation to Israel – and correctly so, since Christianity *is* the project of a concrete universalism which alone fulfils the ‘promises’ to Israel, outside which humanity can now see that they have no meaning whatsoever. While, indeed, the continued witness of Israel itself involves elements of insight that must one day be integrated within the Church if it is to attain to its full eschatological universality (this being more or less what Paul declares in *Romans*), the danger of Judaism degenerating into a subtly racist *cultus* needs to be openly recognised. Nor can one agree with him or with Jennings that Paul is straightforwardly ‘opposed’ to Roman imperialism.

that there are, indeed, good works to be performed, or that he will be able to fall into trustworthy relationships with other human beings.

For the Gentiles to follow natural justice in this way, is to be ‘a law to themselves’ (*Romans 2:14*) which is precisely the quality of autonomy that Paul attributes to members of the Church under grace, and which for him is most of all embodied in Christ himself as the fulfilment of the law (*1 Corinthians 2:15-16*). As the ‘living law’ Christ, as we have already indicated, is presented by Paul in terms somewhat close to descriptions of Hellenistic divine kings, who exceeded the law in terms of natural equity.

This entire chain of echoes therefore strongly implies that to be ‘just by faith’ and to exercise a sovereign equity beyond the written law lie very close together in Paul’s mind. (And *dikaioῦnē* always meant ‘justice’ or a ‘binding together in justice’ in the contemporary Greek or Judeo-Greek context and never ‘imputed salvation’, while any suggested likely Hebrew equivalents tended to have a similar primary focus and certainly never implied anything imputational.)⁷⁰ What is then added beyond the inherited Abrahamic or good gentile perspective is an appeal to a purer equity based upon the re-emergence of a *purer nature*: the resurrection life which does not in principle require the restraint of instituted written law at all. (Paul directly links the universal natural perspective of creation *ex nihilo* with that of resurrection at *Romans 4: 17*: ‘Godwho gives life to the dead and calls into existence things that do not exist’.)

⁷⁰ See Blumenfeld, 415-451 and Harink, *Paul among the Postliberals*, 25-67

The remaining point at issue is then what exactly does Paul mean by denying that one is saved by works of the law? Here one can suggest that he means at least the merely reactive and not originally donating or curative works of justice.⁷¹ Perhaps also (following Blumenfeld's fascinating suggestion) he evokes, in an Aristotelian lineage, the performance of roles in a merely socially imposed dutiful way that is not informed by a spirit that would pursue, in an integral fashion directed towards the common and highest good, every mode of virtue (which would now mean for Paul every mode of *pietis*) in every possible situation and on every possible arising occasion.⁷² The latter sort of works are conceivably for Paul those which proceed from our being 'created in Christ' (so belonging to his body, the *ecclesia*) and which thereby belong to a single divine 'poem' or 'workmanship' (*poiēma*: *Ephesians* 2: 8-10).⁷³

⁷¹ Theodore Jennings, in his *Reading Derrida/Thinking Paul*, is absolutely right to suggest that, for Paul, justice beyond the law is grace as gift and that this is what faith 'trusts in'. He is further right to argue that our 'justification' involves a participatory sharing in the divine gift such that for us, 'to be just' is to give, without limit or reserve. However, he goes wrong in following Derrida and simply opposing (in an all-too modern and indeed liberal capitalist manner) the free unilateral gift to ceremonial gift-exchange, as first uncovered by Marcel Mauss and others. This means that he simply ignores all the evidence that Paul thinks about our salvific giving in very reciprocal and exchange terms – for a discussion of this see below, in my main text. Indeed, for all his refusal of grace as imputation, Jennings remains highly Protestant in thinking of the gift as entirely self-denying on the one hand and as indifferent to the merits of the donee on the other. Likewise Protestant, and here liberal Protestant, is his playing down of Paul's founding of a new religious polity (the *ecclesia*) involving specific *dogmata* and sacraments and institutional practices. Thereby he renders Paul's cosmopolitanism implausibly pan-religious and disconnected from his Christology. Moreover, this same rendering overlooks the fact that the 'Church' for Paul is, if not a fully Utopian project, at least a reforming one which sets no limits to its hopes of overcoming injustice. Jennings, by adopting Derrida's 'gnostic' pessimism, by contrast thinks that justice will always be corrupted by legal systems which it requires for its implementation, just as the 'religious' aspiration to pure gift will be unavoidably corrupted by market exchange and state bureaucracy. He fails to see that Paul has invented *ecclesia* as a non-contractual economy and a non-legal practice of human transformation. Finally, Jennings' preference for regarding forgiveness as negatively indifferent to repentance rather than as a positive process of reconciliation requiring both repentance and processes of penitence, is also all-too Protestant. He does not see that Catholic (ie Christian) penance is as removed from the mere 'equivalence' of punishment as gift-exchange is removed from the mere equivalence of contract.

⁷² Blumenfeld, 336. And see Aristotle, *Nicomachean Ethics* 1.1097b25-1098a20. These suggestions are certainly more plausible than those of scholars like J.D.G. 'Jimmy' Dunn (who appear to have spent their lifetimes reducing the great apostle to banality) that works refer merely to ritual observances or even to the following of the letter of the Jewish law alone. See Harink, 37-8

⁷³ *Ephesians* may not be by Paul himself, but certainly emerges from his school of thought.

(c) The Division and Hierarchy of Gifts

In the third place Paul, again in the wake of the Hellenistic Pythagoreans (and ultimately Plato more than Aristotle), associates justice with the division of labour (*I Corinthians* 12: 4-7), and tends to play down the role of the Aristotelian ‘all-round’ elite man of virtue in favour of a sense of general all-informing virtue (of the kind just invoked) as achieved via collective interaction of different functions (which was also *one* aspect of the Stoic vision).⁷⁴ He explicitly says that the same God operates through all the diverse human social operations in the *ecclesia*, which all by divine gift ‘manifest the spirit’ for the sake of a collective *sumpheron* or symphony – a term which in the Pythagorean legacy had at once musical and political connotations. (Blumenfeld even suggests that we should read glossolalia in the context of the Greek legacy of thinking of political peace in musical terms as a kind of daring atonality which can be incorporated into the surprising new ritual harmonies granted by *charis* that help to ‘build up’ the peace and harmony of the community.)⁷⁵

But this uniting division is now according to various degrees of the possession of trust: *pistis*. Divine *charis*, he says, gives us gifts of *pistis*, but he immediately makes it clear that this means a ‘measured’ (which is to say ‘politically economic’) distribution of various different social roles within the body of the Church (*Romans* 12: 3-8; *Ephesians* 4: 7-13). These roles concern modes and hierarchical degrees of the exercise of trust (‘having different gift according to the grace [*kata charin*] given to us’) – which also concerns something like the ‘holding in trust’ without limits of the well-being of others. These roles are described in *Romans* 12 as being ones of

⁷⁴ Blumenfeld, 95-107, 184-5, 385-6

⁷⁵ Blumenfeld, 127. One can note that Paul declares ‘I will sing with the spirit and I will sing with the mind also’ (*I Corinthians*, 14:15). Paul appears to share in common with the Pythagorean philosophers a liking for comparisons between musical and political harmony.

prophecy, serving (in the diaconate), teaching, exhortation, ‘sharing in simplicity’ (ascetic guidance?) and performing acts of mercy. They are described in *1 Corinthians 12* as being the *logos sophia*, the *logos gnoseos*, the gift of *pistis*, ‘gifts of healing’, ‘operations of powers’ (*energēmata dunameōn*), discerning of spirits, kinds of tongues and interpretation of tongues, and later in the same chapter as being apostleship, prophecy, teaching, operation of powers, gifts of healing, ‘assisting’, ‘organising of exchanges’ (*antilēmpseis* means ‘exchangers’ and suggests an economic role) ‘governing’ (metaphorically ‘piloting’) speaking in tongues and interpretation of the same. (See also *Ephesians 4: 11-13*.)

The placing by Paul of ‘prophecy’ at the top of the hierarchy in *Romans*, and ‘wisdom’ and ‘gnosis’ as next in order (corresponding possibly to ‘apostleship’ and ‘prophecy’, and so perhaps concerned with an eternally hidden order and that which is to come (see also *1 Corinthians 2:6-7*) significantly underscores the way in which for him the visionary anticipation of a hidden eternal present and an eschatological future in which the resurrected life be ‘all in all’ is the architectonic foundation for the possibility of justice. The world awaits a final historical event already commenced which will be also the final disclosure of the metahistorical secrets of eternal outgoings from God. Just occurrences in historical time are just only to the measure that they prefigure and make apparent this apocalyptic dimension, while the eternal metanarrative mysteriously and from all eternity includes the event of overcoming of evil which has only been enacted in human time, on the cross. In the latter event Christ trusted in an eternity of trusting justice which, nevertheless, only his fidelity both guaranteed and restored. To a lesser degree, and with an absolute assurance, the members of the body of Christ must also undergo this passage through an

incomprehensibly vertiginous mystery that yet has about it a familiar ring: trust when enacted secures the very reality and stability of trustworthiness that it at first could only 'trust' in. So the gospel augments a circumstance that we already dimly intimate: trust as act in time presupposes itself as eternal reality, yet the unshakeness of this reality through the course of all time is only established through the act of trust, and only re-established when trust is restored. The New Testament accordingly teaches most fundamentally an extraordinary circular mutual dependence between an 'oriental' and 'gnostic' permanent apocalyptic secret and 'occidental' and 'exoteric' contingent historical event, even if this has seldom been realised because of respective Eastern and Western biases.

But trust, as we have just seen, also circulates more mundanely throughout the ecclesiastical hierarchy and can involve the exchange of spiritual for material gifts. Ultimately, the hope that is inseparable from trust and which people are capable of in different degrees, will give way to the fulfilled reign of *agape*, of which all are equally capable. (Romans 12: 9-13; *1 Corinthians* 13)

(d) The Monarchic blended with the Democratic

In the fourth place, there is the question of how the resurrected Christ exerts his rule, and of the blend in Paul (again following Hellenistic thought) of the democratic with the monarchic. He does not explicitly speak of Christ as *basileus* (perhaps because he is no ordinary sort of king) but he does speak of him in many terms that emphatically denote rulership over a *basileia*, and he clearly identifies him as a king when he says that he was 'descended from David according to the flesh' and 'designated Son of God in power' – implying that he is the unique heir to the divine Paternal monarchy

(*Romans* 1:3-4). Crucial here, as Bruno Blumenfeld argues, is the link in Hellenistic Pythagorean thought between the idea of equity exceeding the law and the monarch who as a 'living law' rules in constant exception to the law, but with reference of course to natural, eternal justice.⁷⁶ But here the idea of Christ's 'grace' as distributing to us a kind of one-way equity whatever our circumstances, might seem to be in a certain tension with the idea that the divine gift is precisely of a circulation of trust within the body of Christ.

To mediate this issue, one needs to become more aware of the sheer peculiarity of what Paul proposes. The Greeks had spoken already of the rule of a God-like king, and had earlier with more circumspection said that such a potential individual ought rather to be ostracised from the city. But Paul announces nothing less than the eternal rule commencing here and now on earth of a dead, executed man, ostracised from the Jewish, Hellenistic and Roman communities! One is inevitably reminded here of the theme of the 'King's two bodies' which Ernst Kantorowicz found in the Middle Ages, but which Agamben points out had far earlier exemplifications in the Roman period. On Agamben's account, if, in certain circumstances, the living sovereign power alone upholds law in the mode of a personal *auctoritas* (as opposed to more impersonal *imperium*), then it is for this reason that the death of the sovereign constitutes a moment of crisis -- either one of potential anarchy or else of possible augmented and now magical influence of the apotheosized emperor -- which is ideologically dealt with by the fiction of an undying monarchic body often represented by an artificial effigy, that doubles the dead body of the deceased sovereign.⁷⁷ This effigy (the *colossus*) does not (as Kantorowicz supposed) represent in terms of concrete

⁷⁶ Blumenfeld, 189-276

⁷⁷ Agamben, *State of Exception*, 23; *Homo Sacer*, 91-103; E.H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton NJ: Princeton UP, 1957)

metaphor the undying abstraction of legal authority, but rather represents the excess of sovereignty over such authority. (Related to this, argues Agamben, is the idea that the killing of a sacred king is not exactly homicide because it is *more* than homicide.) Death is seen as actually releasing and in a sense augmenting this excess, since its psychic or pneumatic character is precisely a power over all merely ‘zoological’ life, a power to return all such life to a ‘bare’ condition of a death that carries no regular religious (sacrificial) or legal (murderous) connotations.⁷⁸ The death of the sovereign himself is seen, Agamben argues, as a kind of paradoxical ultimate degree zero of the exercise of his own power. This power, once released by death, must either be neutralised by being relocated in a *colossus* that is burned or buried alongside the actual body of the emperor (as in ancient Rome), or else it must be talismanically passed on to the king’s successor (as in medieval France and England).

⁷⁸ This is how Agamben understands the Roman figure of *homo sacer* who is somehow abandoned to death outside the law rather than put to death by the law or sacrificed for expiatory purposes. It is in this way that such a figure prefigures the liberal subject, which outside the artificial sway of contract loses its humanity – as at Guantanamo Bay. Whether Agamben exaggerates this prefiguring can nonetheless be debated: in particular the issue of whether or not *homo sacer* is really imbued with some elements of *extraordinary* sacrifice. (See Milbank, *Being Reconciled*, 92) The denizens of Guantanamo Bay are perhaps a wholly new sort of entirely arbitrary victim, given that in post-Hobbesian biopolitics there is supposed to be a constant threat of all to all and this threat must be constantly kept alive and constantly shown to be ‘dealt with’. In the current more global area where the authority of the Nation State has become problematic (or else has become excessively extended) it becomes all the more the case that the threat is continuous and never goes away and therefore that there must perpetually be ‘non-places’ where those deemed to threaten the entire biopolitical system – and therefore are neither criminals nor warriors – can be dealt with in the absence of all normal legal restrictions. Perhaps the antidote to this was proposed by Hobbes’ contemporary Thomas Browne: ‘every man’s hand might slay us’, he declared, ‘so we should constantly be grateful to every man who stays his hand against us’. And for a fictional reflection on this English Baroque *topos*, see Michael Cox, *The Meaning of Night* (London: John Murray, 2006). Cox appears to suggest that the willingness to kill an identified man (which always involves in some sense a seizing of an identity, or the vengeful cancellation of a stolen identity, as is the case in this novel) requires also a willingness to kill the unidentified man, the human as such – in part because no-one is ever fully identified, and in part also because the pursuit of identity will engender an indifference towards the unidentified, the absolute stranger. His villain-hero who has first literally killed an unidentified victim in order to have the courage to kill his real, known enemy and displacer, finally renounces a belief in pagan fatality, an ancestral concern with blood-line, a desire to restore true identity and even a revolutionary overturning of all social identity, by returning to Christian belief in exile. The implication seems to be that only the recognition of the divine in man as such, as his capacity for gift or mercy which cannot be fully ‘identified’ – a capacity which the hero has been abundantly shown by some, despite being wronged by others -- prevents the practice of that abjection which is constitutive of liberal modernity. Jacques Derrida also, in the more anti-liberal moment of his thought, suggested that a recognition of the divine in man alone secures human justice, in a way that ‘human rights’ cannot possibly do.

In the case of Christ however, Paul evokes not a second body whose power is to be neutralised or re-captured, but the real dead body of a divine man which is now somehow brought again to life. This concurs with the fact that Paul sees in Christ not simply one God-like ruler, but the incarnate rule of God himself which has alone overcome the sway of death and reactive rule in the face of death. It follows that only Christ is fit to rule the human cosmopolity and also that Christ, once incarnate, having now achieved the divine-human fusion, cannot really, even though 'ascended', desert the physical cosmos. Hence the 'fiction' (be it true or not) of his resurrection must be one that is to be forever upheld. However, there is also a further contrast: the Roman-derived theme of the King's two bodies suggests a certain uneasy interval between the instituting will to-law and the rule of legality itself. Without the former, the latter may crumble, or with too much of the former the latter may become debased. Yet in the case of Christ who is the incarnate *Logos* there is no such interval. Christ does not primarily authorise the new law to which he stands in excess; he simply is this law in its fulfilment. And this means that his death is not so much aporetic as rather outrightly catastrophic: it does not open out a problematic gap between law and sovereignty, but dramatises the disappearance of both, since on this conception law is less authorised by personal will than it is thought of as something that can *only* be personified and concretely exemplified in a living life, since 'justice' has no meaning outside the realm of living spirits. It would follow from this that the Medieval Christocentric construal of Kingship combined both Kantorowicz and Agamben's readings: the undying body of the king was the undying body of equity that must be at once the spirit of the written law itself and a power of judgement that belongs to persons alone.

In consequence, there can only be justice for Paul if we all act as surrogates for the King who is resurrected and yet also semi-removed and absent. Christ can only reign on earth if we all become kings (a theme later echoed in Christian gnostic texts)⁷⁹, which means that his one-way top-down equity has now been democratised and itself circulates (*I Corinthians* 4:8). Thus while the husband is to exercise authority (*etsousiazeti*) over his wife's body (according to a supposed 'order of nature' which Paul was not revolutionary enough to question), nevertheless the subordinate wife is *also* to exercise authority over her husband's body. Likewise Paul astonishingly suggests (*I Corinthians* 12: 24-25) that our genitalia are *not* socially concealed because of shame, but rather because, by Christological kenotic reversal (that we only now fully understand in the light of the *evangelion*) we give greater honour (*timē*: which is also lordship, 'the prerogative of a king') to that which in itself possesses the least honour (and is most to be ruled over: the drastic implication is that in the purified, already-resurrected body, it is safe for the passionate genitals also to rule the head.....).⁸⁰

⁷⁹ See for example, *The Apocalypse of Adam* 82: 19-21: 'But the generation without a king over it says that God chose him [the 'Saviour', probably Jesus Christ] from all the aeons. He caused a knowledge of the undefiled one of truth [God, not the gnostic demiurge who is the Creator] to be in him'. Georgi sees this as a 'Jewish Gnostic' text, but it is much more likely a post-Christian one, as Simone Pétremont first argued. The text does not mention Jesus explicitly, since it takes the form of a supposed prophecy, yet it ends with an identification of 'the secret acquaintance of Adam' with 'baptism' or 'Iesseus-Mazareus-Lessedekes, the living water'. It earlier speaks of a saviour sent from the true God who performs signs and wonders in defiance of 'the powers and their rulers' -- this sounds very like Paul -- and who is then 'chastised in the flesh' by this ruler. Also like Paul is the mention Of Adam and Eve's fearful and servile relationship to the Creator God (in Paul the equivalent is the cosmic powers who are the source of the Law) and the 'dead things' which they learn about after their banishment from glory. Finally, it is fairly clear that the work is indebted to the clearly Christian *Apocryphon of John* -- an alternative supposition would involve positing a series of wholly unknown works. See Simone Pétremont, *A Separate God: the Origins and Teachings of Gnosticism* trans Carol Harrison (San Francisco: HarperCollins, 1984), 433-6

⁸⁰ Dieter Georgi plausibly identifies a strain of coarse humour and parody in Paul: see *Theocracy*, 49, 54

So we are all of us to act equitably all of the time, beyond and outside the regulations. This is precisely why it is crucial for Paul to found a community based on something in excess of regulation, for so to act requires social space and mutual permission, else the exceder of the norms would be simply a transgressor and would be locked-up. Therefore within a community which systematically organises processes of mutual trust, penance, forgiveness and reconciliation and which consistently operates sanctions of shame and dishonour,⁸¹ there comes to be increasingly no need to ‘go to law’ against each other. (*Romans* 1:16; *I Corinthians* 6:11: ‘If then, you have such cases, why do you lay them before those who are least esteemed by the church? I say this to your shame.....To have lawsuits at all with one another is defeat for you. Why not rather suffer wrong?’)⁸²

If democratic circulation is now informed by monarchic equity, then, inversely, Paul democratises monarchy. Christ only ruled because he was *doulos*, a slave; obedient to the Father and to the needs of his human brothers and sisters (*I Corinthians* 1:27). This means that Christ the supreme giver was only such because he was also, as the divine Son, the supreme, infinite recipient, something also mediated to him by human acts of favour (like the anointing of his feet – symbolically, for Jewish tradition, his

⁸¹ See Blumenfeld, 311-12. He mentions that these sanctions were also central for the Pseudo-Archytas and Diotogenes.

⁸² It may however be possible to argue here that in ‘going beyond the law’ Paul is only *accentuating* the dominant tendencies of all antique legal and political systems which were more to do with persuasive rhetoric, ideal exhortation, narrative instances, hyperbolic warnings, public shaming and magico-religious sanctions than they were with formal consistency and an expectation of regular enforcement as pertains with modern (roughly post 16th C) law systems. Thus the fact that many Jewish laws were always ‘dead letters’ (we know of *no one* ever executed for working on the Sabbath for example) may not at all – as is too often claimed -- distinguish it from *nomos* or *lex*: they also were fundamentally exhortatory and underwritten by divine sanction. Moreover, the extreme migration of the *torah* from something enforced to something merely studied is most probably to do with the context of the Rabbinic era where Jewish communities became increasingly islands within an alien legal sea. I am indebted to discussion with Dr Caroline Humfress of Birkbeck College London on this point.

genitals -- by Mary Magdalene). In this way Christ's supreme, unilateral rule, was also involved in a certain kind of gift-exchange.

And in such a fashion that, as Blumenfeld puts it, Paul thereby contrives to 'save the political game'.⁸³ For this 'game' (as Aristotle described it) with the Greeks, as we saw earlier, concerned the essentially reciprocal rule of law. The exercise of a supreme, sovereign equitable good seemed to exceed this game, engendering a further problematic within the antique notion of the biopolitical: the more one has superceding 'sovereign' equity, the less it seems one can have social equality. Paul, however, resolves this problematic. The most hierarchical rule is supreme precisely by virtue of its greater degree of *kenosis*: to attend to particular needs is truly to receive a gift from the seemingly purely needy themselves. Inversely, the mutual application of justice, since it is now an exchange of positive gifts in mutual trust (non-identically repeated and asymmetrically reciprocal) constitutes a continuously magnanimous bestowal of equity by many kings, each to each. Frequently, this exchange is a mutual offering of suffering and its fruits (*1 Corinthians* 4:10; *2 Corinthians* 1) while it is also often a reparation of the exchange-process through a forgiving forbearance in the face of a lapse in charity, generosity and trust by one party or another (*2 Corinthians*, 2: 5-11).

Blumenfeld's understanding of how Paul reconciles the sovereignly unilateral with the democratically reciprocal in his understanding of gift and grace is to be preferred to Agamben's reading, which categorically declares that 'grace is not the foundation of exchanges and social obligations' in Paul. For I have already cited abundant

⁸³ Blumenfeld 183, 342: 'Now this is reason for boasting (*Romans*: 5:11), *ecce homo!* Master and slave, ruler and ruled, Christ is Paul's solution to the demand for reciprocity in Aristotle's political construct. Christ saves the political game as well'.

evidence that, to the contrary, Paul *always* speaks of *charis* as giving *charismata* which only make sense within, and are only given by the Holy Spirit for, a reciprocal political interaction. Agamben does indeed helpfully point out that the division of love from law recalls the trace of Abrahamic pre-law, of ‘magical’ pact or covenant (*berith*) that lurks within the Mosaic *torah* itself. However, because such a notion of bond already projects the notion of something legally binding or ‘written’, the re-invocation of law as pre-legal gift (or as ‘love’) by Paul tends, according to Agamben, to appeal only to the first ‘executing’ moment of prestation and no longer to the exchangist counter-prestation, since this already implies ‘norm’: for Agamben it appears, law is the counter-prestation to the original gift of unilateral love-bonding from a spontaneous donor. Yet Agamben only reaches this conclusion because, like Taubes, he approximates love to a kind of exceptional and reasonless mercy or preference which is therefore situated in the same logical space as the Schmittian exception that constitutes sovereign power as such. In this way, Pauline love would still be trapped within a dialectic of law and love, or of contract and gift. Likewise there would be an unresolvable duality of unilateral monarchic giving power versus the give-and-take of democratically accepted legality.⁸⁴

For Paul, however, it would seem that there really can be an exception even to this aporetic bind. For he conceives of the reception of grace and the giving of love as a social practice and economy that is binding *without law* (in the sense of written prohibitions and injunctions), because it works through the spiralling asymmetry and non-identical repetition of gift-exchange with an accompanying exchange of sanctions of trust, honouring, shame, forbearance and forgiveness. Love and mercy are *not* here

⁸⁴ Agamben, *Le temps qui reste*, 177-93

exercised without measure, judgement, preferential discrimination or due distribution: all that Augustine would later term the *ordo amoris*. For what is sought is perfect peace through appropriate mutual placing and replacing, not the space for the exercise of excessive and purely negative emotions lacking all order and rhythm.⁸⁵ So by re-invoking the precedence of oral pre-law (and so of tacit trust) Paul is not rejecting all the magical binding that is inseparable from this horizon. Indeed he rather pulls off the *tour de force* of associating modern written contract with magic in a demonic sense of slavery to a formula. Every fixed formula can only be a curse in the end, since its decree is non-rescindable: ‘For all who rely on the works of the law are under a curse’ (*Galatians* 3: 10 and 1-14).⁸⁶ The older, oral magic of trusting affinity was by contrast flexible and variable, even if it did not of course eschew signs: but since Mauss, we have known better than to associate magic always with an ‘automatic’ process.⁸⁷

The archaically pre-legal is, nevertheless, purged by Paul of even its incipient legality, but not in Agamben’s terms of a privileging only of the initial, autonomously active sovereign and unilateral pole – which is of course, in the Schmittian logic, only one pole of the aporetic constitution of legality itself. Instead, it is rather both poles, and therefore exchange itself, which are released from restrictions of narrowly defined social roles and confinements of customary space and time, besides limits to the extent and content of generosity. Exchange is now to expand to a cosmopolitan and even a cosmic extent. If indeed there appears to remain a tension between the ‘free’ sovereign moment in giving and the ‘bound’ moment of obligation to return (which, as was said earlier, seems somewhat to parallel the Schmittian biopolitical

⁸⁵ This should be put in opposition to Jennings’ Derridean reading of Paul

⁸⁶ See also Georgi, 39-40

⁸⁷ See Marcel Mauss, *A General Theory of Magic* trans Robert Brain (London: Routledge, 2001)

aporias) then this tension is rendered by Paul benign in his new understanding of the hierarchically free and unilateral moment as itself only legitimate as service to others, as being always already a response, while inversely the democratically obliged response is never servile but always partakes of the creative freedom of sonship, the birthright of the heir to the throne.

This newly achieved synthesis permitted Paul both to take over and drastically to modify the culture of benefaction which surrounded him. In the political world with which he was familiar, magistracies in the city (earlier independent of personal wealth and possibly remunerated) had become confused with ‘liturgies’ (services exacted for the support of the city’s military, ritual, diplomatic and convivial life from wealthier citizens), with the result that, increasingly, only the privately rich could rule and rule itself was becoming virtually coterminous with benefaction: a spectacle to be admired by most and at best passively received.⁸⁸ Paul however, is himself at least once prepared to lay down his pride as an independent spiritual benefactor who worked for his own living, by receiving material gifts of support from the church at Philippi. (See also *I Corinthians*, 9 and *2 Corinthians* 11:8 where he says that he has ‘accepted support from other churches’ in order to support the church at Corinth – suggesting that the Philippian support was not an isolated instance.) These he identifies as themselves equivalent to a spiritual sacrificial offering which thereby redounds more to the spiritual than the political glory of the Philippians and befits them, also, to become recipients -- this time in relation to God who ‘will supply every need of yours

⁸⁸ Blumenfeld, 101 See also G.W. Peterman, *Paul’s Gift to Philippi: Conventions of Gift-Echange and Christian Giving* (Cambridge: CUP 1997) Peterman, however, overstates the vertical religious dimension of gift and gratitude in Paul and exaggerates the extent of his critique of euhemerism (benefaction) and gift-exchange. For it is clear that Paul encourages the growth of a mutual support system (sometimes exchanging spiritual for material goods), especially as between the Gentile churches and the Jewish church in Jerusalem.

according to his riches in glory in Christ Jesus'. (*Philippians* 4: 19) Thus the new political primacy of benefaction (the new 'ruling by giving' or the dominance of the *euergetēs*)⁸⁹ is not so much refused as subverted. An oligarchic paternalism is transformed into a process of reciprocal offering newly regarded as the primary instrument of government. Paul, under Christ, is the supreme legislator and executor for the gentile churches; nevertheless he is prepared to be in a servile and grateful relationship to them (even if his other epistles often show prideful hesitations about his degree of submission).

Yet this is only because receptivity has itself been re-defined: thinking ultimately of the Trinitarian relation of Christ the divine Son to the divine Father, it has now become paradoxically 'original' (since the Father was never without the Son).⁹⁰ Christ's initial power is based wholly on a loving reception, but this is not the normal reception of a gift that helps a person to hold back the fateful onset of death for a while, or even one which shores up one's native strength. Rather, it is a gift which establishes Christ in the first place as Son and *just for this reason* it is uniquely a gift that is coterminous with life: 'the free gift of God is eternal life in his Son Christ Jesus our Lord' (*Romans* 6: 23). And it is this gift of life as such which for Paul we participate in politically: just as Christ is ruler under the Father only as his constant equal Son and heir, so also we are not in turn 'sons of Christ', but rather we distribute his rule at least potentially alongside him, as destined ourselves to become fully sons of the Father. It is for this reason that we are 'debtors' (*opseiletai*) not, like 'slaves',

⁸⁹ See Paul Veyne, *Le Pain et le Cirque* (Paris: Seuil, 1976)

⁹⁰ This may sound anachronistic with respect to Paul. However I would argue that the later orthodox Trinitarian and Christological formulations are the best interpretations of his various statements on the Father, Christ and the Holy Spirit and his understanding of the logic of mediation. On the one hand Paul clearly distinguishes three hypostatic beings; on the other hand he insists that God can only be mediated by God and his critique of the Law is profoundly linked to just this point. But that is the entire nub of the later Orthodox argument.

‘according to the flesh’, whereby a repayment of the debt would merely hold back death for a while, but rather ‘by the spirit’, such that in paying back the debt we ever further receive the gift in this non zero-sum game of grace (*Romans* 8: 12-17). For we do not receive as the divine gift ‘the spirit of slavery’ which would be a terrible protection from utter destruction (slavery being anciently linked to a grim sort of asylum for foreign prisoners), but rather ‘the spirit of sonship’, which is the generative gift of life as such. When a child receives life from its forebears (naturally and culturally) this is clearly not the sort of receptivity of something alien which merely shores you up for a time; rather it is the active reception of those powers which are most one’s own, even though they remain always (*unlike* mere assistance) *entirely* derived from elsewhere (ultimately this is a matter of the derivation of our very existence from ‘being as such’). Thus in this instance the more one receives, the more one gratefully acknowledges this reception (‘pays back the debt’) and thereby permits oneself to receive further, the more also one is radically free, in charge of one’s own life and able oneself to exercise authority. Here gratitude is really without loss, since the gift of life is free, whereas sin and even the measured sin which the law sustains has to pay a price for its apparent liberty and in the end that price is death itself, the entire surrender of a simulacrum of vitality. (*Romans* 6:23: ‘for the wages of sin is death, but the free gift of God is eternal life in Christ Jesus our Lord’.)

In the same restrictedly economic manner, mere (legal) delegation, self-assertion and sacrificial economising of negative or threatening powers can only engender a political rule that is fated one day to end; but the reception without any trade-off through Christ of the paternal authority renders us actually ‘heirs of God.....fellow heirs with Christ’ (*Romans* 8: 17), inheritors of an eternal rule that cannot ever

terminate. Not simply mediators of this rule, but actually heirs: that is to say, people to whom an entirety of divine authority to judge is continuously transferred. It follows that it is not going too far to say that for Paul we receive, entirely heteronomously, the gift of autonomous self-rule and the (political) right to judge others: ‘The spiritual man judges all things, but is himself to be judged by no one. “For who has known the mind of the Lord so as to instruct him?” But we have the mind of Christ’

(*1 Corinthians* 2: 15-16; see also 6:3: ‘Do you not know that we are to judge angels? How much more, matters pertaining to this life!’).⁹¹

So on the Christological exchange model, the dignity of giving is newly also the dignity of receiving, and all are kings because all are receiving and devoted slaves, but in a new sense that converts all slavery into liberal sonship. Thus Paul ecstatically proclaims to the Corinthians: ‘Already you are filled! Already you have become rich! Without us you have become kings! And would that you did reign, so that we might share the rule with you!’ (*1 Corinthians* 4:8). If the notion of kingship as deriving from receptive slavery seems akin to the current neo-evangelical re-institution of slavery described in section 1, the latter is really a parody of this Pauline theme. For in the Pauline case the context of mutual ecstatic offering means that the objective has been subjectivised, imbued with what one might describe as a ‘characterising power’, as the service of slavery is seen as the most regal, personal attribute of all, while inversely, subjective sovereignty is granted always the concrete character of the objective insofar as it resides in specific enacted gift and not in the reserved open power of negative freedom. The neo-evangelical coincidence of subject and object

⁹¹ This contrasts with passages where Paul, like Jesus, tells us ‘not to judge’. Perhaps one should interpret this contrast to mean that that we must not usurp the final judgement, while on the other hand, the anticipation of this judgment by the arrival of Christ permits us to share in advance in the authentic divine judgement. This would accord with the fact that the cross of Christ judges all in overturning all normal human judgement.

merely parodies this, because here subject and object do not temper and fulfil each other, but rather the sheer vacuity of empty freedom and the mere abject thingness of a purely manipulable object come absolutely to coincide.

4. Paul, Life and Gift

In all these four modalities Paul collapses *basileia* into *polis* and vice-versa. It is this which enables him, beyond both antiquity and modernity, also to collapse life into law and vice-versa. In this way the biopolitical is exceeded, because the political norm is taken to be an undying life which is a living positive law of gift that cannot possibly of itself require the emergency legal measure of economic sacrifice.

Within this grand *schema* we can also see how Paul resolves the Senecan *aporia* of gratitude. In the face of the prevalence of ingratitude (which Paul tends grumpily to complain of with respect to his own donations: see *Philippians* in particular), we still do not need to retreat into the pure citadel of motivation and define the essence of the gift as pure intention that remains whether or not the gift has been well-received. We can, rather, accentuate the other side of Seneca's vision, which concerned the prospect of virtue more as mutual exchange than as individual excellence and which envisaged a cosmopolis based upon gift-exchange in excess of both law and mercenary contract and which accordingly allowed that slaves could give to masters as well as vice-versa.⁹² Since the 'exchange of offices' now for Seneca defined virtue (see above p.22

⁹² Marcel Hénaff, in pages 337-351 of *Le prix de la vérité: le don, l'argent, la philosophie* does not really accommodate this 'Maussian' aspect of Seneca, focussing only on his anticipation of a modern, 'Kantian' unilateral gift which Hénaff too readily sees as the solely 'moral' gift.

n.26), this meant it was precisely in terms of gift-exchange that Seneca extended the possibility of a fully virtuous life to all human beings.⁹³ Since, for Seneca, this exchange is unpredictably and unquantifiably equitable, because the measure of equity is now the matching of gratitude to degree of generosity, given all the circumstances of donation, it is on this sort of basis (a Stoic vision with which Paul may have been somewhat familiar) that one can conceive of a *social practice of gratitude*, and hence one can project a society commensurate with *cosmopolis*, namely the *ecclesia*, where for Seneca this remained a vaguely ideal notion only fully realised by the sage's resignation to cosmic fate. It follows that the Senecan problematic imperative towards responsible giving only to those likely to be grateful can be more unproblematically upheld: for in the *ecclesia*, unlike all other polities hitherto, the likely-to-be-grateful are (in principle) more publicly identified, since prestige here is tied to trustworthiness and power-to-trust which involves a constant openness to giving and receiving.

Nevertheless, Seneca's equal sense that one should give even to the ungrateful and that the grateful might always prove too few can also be upheld.⁹⁴ For Paul offers the horizon of eschatological hope that all will one day prove to be grateful, rendering all the worthy recipients of our gifts and even our apparently misplaced trust. (But clearly there are no rules governing just *when* one should risk giving to the ungrateful.)

⁹³ Seneca, *De Beneficiis*, III 17. 3 – 19.1 One can note here that gift-exchange happens characteristically either in circumstances of social proximity or else of total cultural strangeness – as when new peoples first encounter each other and mutual generosity proves to be the only way to open negotiations. *In between* these two extremes lies the realm of contracts entered into between those warily familiar with each other.

⁹⁴ Seneca, *De Beneficiis*, IV, 26, 1-3; V, 1, 4-5

It is in terms of this eschatological hope that Paul can, beyond Seneca, restore the primarily *exchangist* sense of gift as always a passage in real objective space and time, incomplete unless it is received with gratitude. Because he trusts that one day this will always be the case, he no longer needs the guarantee of pure motive in order to ensure the absoluteness of gift for the giver. And since gift now abides in achieved and renewed ontological *relation*, the external *sign* of gratitude is, again beyond Seneca, itself an inherent aspect of gratitude and need not involve the degeneration of *munus* (gift) into *commercium*. An exchanged thing-sign need not necessarily be a commodity because it can be imbued with a pneumatic unpredictability of arrival, surprisingness and yet appropriateness of content.

Finally, one can try to place Paul's vision within the wider context of the whole story recounted by the New Testament. Christ was born in the reign of Augustus Caesar, according to Agamben the first Caesar to base his power solely on a personal, familial and exceptional *auctoritas*, rather than the regular rule of *imperium*.⁹⁵ Within the nets of his new *surveillance* (reported by Luke but nowhere else: *Luke* 2: 1-7), he apparently located one Jesus Christ, but instead he was to be himself positioned, along with all humanity, by Christ's infinitely personal and absolute authority. Christ eventually died under Caesar's rule of the rule of the exception⁹⁶, but if St. Paul is right, then *ecclesia* as founded by Christ names the only polity, or at least possibility of a polity, which collectively lives, beyond death, as an exception even to the law of exception, because it replaces the political animal with the pneumatic body of grace-given mutual trust.

⁹⁵ Agamben, *State of Exception*, 74-88

⁹⁶ For the modified application of Agamben's ideas to the passion narratives and ideas of atonement, see Milbank, *Being Reconciled* 79-104

This is not, however, a utopian programme. St Paul did not propose to abolish the biopolitical order of the Roman Empire – indeed, as Blumenfeld waspishly says, his proto-Constantinian programme rather ensured that the Roman Empire is in reality still with us. So he did not deny that the second-best of the exercise of imperative *nomos* in the face of scarcity, sin and death would remain necessary. (*Romans* 13; *2 Thessalonians*, 2:7. The latter passage suggests that all *nomos* is a temporary *katechon* restraining evil until the eschaton – this power to retain remains, though, for Paul thoroughly ambiguous and literally daemonic, as Carl Schmitt’s reading of this passage fails to recognise.)⁹⁷

Yet at the same time, he simply bypassed empire and did something else – filled it with a new and more primary content, which caused him to suffer and finally to die at its hands. (*2 Corinthians* 11: 24-29) This audacity is witnessed to by the fact that Paul and his followers addressed the churches in Rome, Galatia, Corinth, Philippi, Thessalonika, Ephesus and Colossae simply as if he were addressing the citizens of these places *tout court*: Romans, Galatians, Corinthians, Philippians, Thessalonians, Ephesians, Colossians. By insinuating a counter-polity ruled by a legally slain and divinely resurrected king, Paul uniquely opened out the possibility that the unstable excesses thrown up by biopolitical processes, ancient or modern, might nonetheless gradually take on some of the character of a living excess of equity both hierarchically and unilaterally encouraged and democratically and reciprocally exchanged.

Yet is the price to pay too high? That of trust in a counter-factual absurdity? Surely it is better, like Albert Camus’ doctor hero in *The Plague*, stoically to accept death and

⁹⁷ Agamben in *Le temps qui reste*, 174 makes this point well.

suffering as ultimate, yet to celebrate and promote human courage and sympathy in the face of this? Yet inevitably, in that case, the noblest and highest virtue must be considered reactive: the temporary holding-back of final disaster. Moreover, if nature herself is a constant struggle for scarce resources and a backwards race always to see who can die last, then the suspicion must indeed arise that the law of the exception and the concentration-camp is the human expression of what, from a human point of view, can only appear an entirely sinister ontology. It may appear indeed ridiculous to speak of the current state of nature as fundamentally ‘contaminated by evil’, yet we can only not do so by a suspension in our souls of all human recognition of value, including the spontaneous recognition of nature as being fundamentally ‘a good gift’.⁹⁸

It would seem that, to the contrary, any hopeful political project requires a sense that we inhabit a cosmos in which the realisation of good and of justice might be at least a possibility. But that means, first of all, that we must consider the good to be more than a human illusion, but rather in some sense an ultimate reality, ontologically subsisting before evil, both human and natural, including the natural negativities of death and suffering. It means also that we must believe, beyond gnosticism, that the good is in some measure able to be embodied within human time, and this means that human life must somehow bear within its biological spark (which itself must logically be prior to death, which is sheer negation) also a pneumatic spark that links it to undying goodness and justice and which enables it in the end entirely to root out those base passions ‘of the flesh’ (according to Paul) which are concerned only with survival, self-satisfaction, erotic possession of, and military triumph over, others.

⁹⁸ See F.W.J Schelling, *Clara: or on Nature's Connection to the Spirit World*, trans Fiona Steinkamp (New York: SUNY 2002)

Against Heidegger, the ontic must be seen as participating in ontological plenitude, just as every act of signification by the living linguistic animal must be seen as participating in an infinite reserve of the signified as well as of the signifier. While it might seem more rationally plausible to project the concentration camp to the infinite, if we were rather to assume that the undying hope of our living psychically-infused animal bodies offers a more primary clue to the nature of being, then we might rather suggest that the investment, by hope, in the counter-factual of resurrection, alone permits us to imagine through hope (although this imagining remains to be done) a politics that does not inevitably support regimes of abjection. In this way, for such an imagination, the ontological priority of good implies also the ontological priority of life and the imperative to live, ethically and politically, out of this priority and not within the damage-limitation exercise of legality.

Thus it would be our ethical imperative to associate well that would of itself obscurely call forth the image of an eternal, resurrected humanity. Only the arrival of such a reality in time, however, provides the event which, for *pistis*, confirms the apocalyptic truth of such a restored ontology of undying life, and thereby renders possible the project of human social justice.