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THE RETURN OF THE SACRED MAN:  
POLITICS, FUNDAMENTALISM AND FRIGHT

*"Freedom is not America's gift to the world, freedom is the Almighty's gift to every person who lives in this world. (Applause)"*

—George W. Bush<sup>1</sup>

**W**HEN WE CHARACTERIZE THE PRESENT MOMENT in terms of the rise of religious fundamentalism we have in mind a politics that shifts the reference point of political action from the formalism and technicity of liberal democracy or global capitalism to the authority of the revealed word. Nevertheless, something essential to our understanding would be lost if we accepted this clash of secular and religious groundings as a kind of constitutive antagonism that defines the contemporary scene of politics. Rather, we need to analyze the present moment as an event in which religious fundamentalism and secular militancy emerge as responses to the experience of sovereign political community at its limits. We need to analyze them in terms of the converging responses they represent to a traumatic and *bewildering* encounter with the experience of irreducible insecurity as such: a politics of fright. In this way we can begin to consider the phenomenon that had been previously concealed, namely the dangerous indistinction between on the one hand liberal democratic, and on the other hand, theocratic modes for giving form to political community. We do not have a means of accessing the strange concatenation of forces in which religious fundamentalism merges with the secular sphere of sovereign politics or apocalyptic thought with the war machine if we do not bring this element of 'the political' out of concealment.

The first task in this essay then is to grasp the current situation in terms of the way fundamentalisms of all sorts respond to the contemporary politics of

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<sup>1</sup> George W. Bush, "Remarks by the President at Gulfport, Mississippi Welcome," *The Whitehouse* (November 1, 2003). PURL <http://www.whitehouse.gov/news/releases/2003/11/print/20031101-7.html>. See also Slavoj Žižek's commentary in *Iraq: The Borrowed Kettle* (London: Verso 2004), 25-26.

exception. Giorgio Agamben's reading of Carl Schmitt and Walter Benjamin provides a strong insight into the odd topography of the crisis of sovereign politics.<sup>2</sup> However, in his analysis of the *homo sacer* or sacred man – the man who may be killed but not sacrificed – Agamben seems too quick to dismiss the effect of religion in giving a new and specific form to the growing “zones of indistinction” that exempt life from the protections of secular law. I argue that fundamentalism marks the site of an intensive *resacrilization* of life, to which the case of Terri Schiavo attests, and that this return of the sacred man signifies a new and dangerous reversal of Agamben's formula: a politics in which our sacred men *cannot* be killed but *may* be sacrificed.

To ask what this resacrilization signifies as an event therefore, an event in contemporary politics and in the conduct of life, we need to look beyond analyses that show how fundamentalism has either been used strategically as an ideological device or how it is sustained as a vehicle of reaction for the “losers” of modernity. Where the first type of analysis presupposes an already secular framework of politics, the second presupposes the culture of an already existing and ubiquitous secular modernity. Both presuppositions are precisely what are being put into question by the rise of fundamentalism. Instead, the phenomenon should be situated in the context of a troubling *post-secular* moment and a reconfiguration of the respective limits or jurisdictions of church and state. The manifestation of the politics of the exception that we are concerned with here is the fundamentalism in which the political exceeds the limit that separates it from the religious, and the religious exceeds the limit that separates it from the state.

### Fundamentalism and the Politics of Exception

In an era of politics of the exception, it becomes important to distinguish ‘the political’ from ‘government’ *per se*. If government is the process by which authorities seek to “structure the possible field of action of others” as Michel Foucault put it,<sup>3</sup> the political is the situation that emerges when government fails. The dividing line between them falls on the distinction between all that is in some sense ‘decidable,’ subject to knowledges, rules, and calculations, etc., and all that is not. Or in the enduring perception of Carl Schmitt, government might be said to refer to the various forms of regulation that become possible under general conditions of security, whereas the political emerges in the exceptional situation when these conditions are suspended. Insecurity is the always immanent condition of the politics of exception.

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<sup>2</sup> Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, (Stanford, Calif.: Stanford University Press, 1998) and *State of Exception* (Chicago: University of Chicago Press, 2005).

<sup>3</sup> Michel Foucault, “The Subject and Power,” in Hubert L Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics*, (Chicago: University of Chicago Press, 1983), 221.

Thus a liberal rationale of government can be distinguished from a theocratic rationale in relatively simple terms, whereas *politically* we find ourselves confronted with a much less clear cut situation. Liberal government of the nation state or the marketplace is an *indirect* form of rule, a rationale of government that seeks to act upon the exercise of freedoms. That is, it seeks to know and act upon the operation of *norms* that structure the exercise of freedoms and which are immanent to different spheres of activity that are considered autonomous or external to government itself (such as the laws of supply and demand in the market or the processes of democratic 'will formation').<sup>4</sup> Fundamentalism, on the other hand, appears to evoke both a return to direct rule (i.e. the detailed, continuous disciplining of individuals especially with regard to their spiritual or moral behaviour) and a God-given, absolute, or *non-normative* authorization for political action. It would appear to short circuit the relationships between knowledge and power that characterize the various forms that normalizing societies have assumed. But at the level of the political, which in all cases involves the perception of an exception, the distinction is not so clear.

An exceptional situation is a situation to which the rules do not apply, or in Giorgio Agamben's formulation, a situation from which the rules or the law have been *withdrawn*.<sup>5</sup> The exceptional situation that the emergence of fundamentalism marks is one that is created when the line that separates the respective jurisdictions of church and state becomes blurred and the question of which set of rules apply, or whether somehow both do, becomes 'undecidable'. When fundamentalist politics is taken as a problem in contemporary analyses, the language of its problematization continually returns to the question of this limit and the question of how religious faith, as a new foundation of foreign and domestic policy, might be reconciled with secular, rational-legal mechanisms like constitutional freedoms, rights, impartial or calculable laws and multicultural policies, etc. that are designed to restrict excesses of sovereign power. The exceptional quality of this situation is not so much the transgression of the limits established by the church/state division – a transgression that in any case only reconfirms the division – but the irreducible ambiguity of the situation that emerges at the limits itself.

In this perspective, we can see more clearly what is at stake in current examples of this ambiguity like the election of *Hamas* in Palestine, the religious rhetoric and policies of the Bush administration, or the Terri Schiavo case. Each is presented as a site where "moderate" or "pragmatic" (i.e. secular) government is threatened by "hardcore" or "fundamentalist" religious principles. The Middle

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<sup>4</sup> See Michel Foucault "History of Systems of Thought, 1979." *Philosophy and Social Criticism*, vol. 8, no. 3 (1981): 353-359. For substantial elaborations on Foucault's analysis of liberalism see Mitchell Dean, *Governmentality: Power and Rule in Modern Society*, (London: Sage Publications, 1999), and Nikolas Rose, *Powers of Freedom: Reframing Political Thought*, (Cambridge, U.K.: Cambridge University Press, 1999).

<sup>5</sup> Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, (Stanford, Calif.: Stanford University Press, 1998), 18.

East peace process and the freedoms of secular life cannot coexist with principles in the *Hamas* charter in which a *waqf* entrusts the entirety of Palestine to Allah and the *shari'a* must be the source of law and domestic policy.<sup>6</sup> The meaning of "freedom" in the context of contemporary geo-politics is fundamentally altered when George Bush declares it a "gift" from the Almighty rather than a constitutional restriction on sovereign power, or when he equates the protection of its sacred and eternal quality with America's vital interests.<sup>7</sup> Similarly the designation of the life of Terri Schiavo as sacred despite the clinical diagnosis of her "persistently vegetative state" circumvents biomedical, legal and familial sovereignty over life by ascribing all life to God, whatever the circumstances or consequences.

How is fundamentalism presented to us as a problem in these three situations, and on the basis of what practices? In each case what is brought into question is the *nomos* of liberal democratic government. Fundamentalism imperils the radical principle of democratic openness, the "experience of the ungraspable, uncontrollable society," that democratic rule installs at the center of political life,<sup>8</sup> while at the same time imperiling the autonomous processes of political will formation and the market that are the nexus of liberal governmentality. Within the practices of ethics and politics that give form to a liberal democratic community, the fundamentalist position represents a dangerous and unrealistic inflexibility. It poses the familiar problem of totalitarianism-irrationality.

But the interesting element in this is how the intrusion of fundamentalism reveals anew the determinate localization of politics in liberal democracy given by the separation between church and state. The *effect* of the problem cuts in the opposite direction therefore, disclosing the fragility of the secular model of government and of sovereign politics more generally. The deeper issue is to grasp the contours of an emerging dislocation with regard to sovereign politics that following John Caputo we might call the post-secular.<sup>9</sup> If the post-secular refers to the situation in which a strict separation between church and state can no longer be taken for granted, it also forces us to see the examples above in the light of a new and purely *political* situation. It describes a line of flight in which the indistinction between church and state becomes irreducible and the foundations of political life become undecidable. They are not therefore simply examples of culture clash or of antagonistic types of government.

<sup>6</sup> Steven Erlanger " Hamas Leader Vows to Pursue Stance on Israel" *New York Times* (January 29, 2006), 1, 6; Mark MacKinnon "The Stern Face of the New Palestine" *Toronto Globe and Mail*, (January 28, 2006), A1, A16.

<sup>7</sup> "America's vital interests and our deepest beliefs are now one. From the day of our Founding, we have proclaimed that every man and woman on this earth has rights, and dignity, and matchless value, because they bear the image of the Maker of Heaven and earth" (George W. Bush "President Sworn-In to Second Term Whitehouse," *The Whitehouse*, (January 20, 2005) PURL: <http://www.whitehouse.gov/news/releases/2005/01/20050120-1.html>).

<sup>8</sup> Claude Lefort, *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*, (Cambridge, Mass.: MIT Press, 1986).

<sup>9</sup> On the concept of the post-secular see John Caputo *On Religion* (New York: Routledge, 2001).

Fundamentalism and secularism must be examined, not as an either/or question despite their incommensurability at a basic level, but in terms of their respective governmental responses to this common situation of undecidability and in terms of a complex political space in which both might be in operation simultaneously. In this space, which is increasingly the space of contemporary political life, what emerges is not their incommensurability but their growing indistinction. This is how the problem of fundamentalism begins to open out onto a politics of exceptionality.

### **Kierkegaard as Educator: The Singularity of the Religious Life**

To some degree the contours of this post-secular politics of exception are given already by Kierkegaard in his account of the story of Abraham.<sup>10</sup> Kierkegaard describes Abraham's dilemma in terms of the irreconcilable bases of the ethical and religious forms of life; namely the opposition between the universal and the absolute. An act is ethical if it complies with the universal good. An act is religious if it is grounded in revelation and faith. How does this apply? If the universal is the regulative 'medium' of political action in liberal democracy, so that the *particular* is always to some degree irrational or pathological, then the religious experience of the revealed word would represent in Kierkegaard's perspective the suspension of this regulative ideal. Abraham's absolute faith in the revealed word of God means that his willingness to sacrifice his son is not a willingness born of any *particular* individual interest he might have, in opposition to the universal basis of ethical action, but indicates the paradox of the act of faith, "inaccessible to thought," in which the universality of the ethical as the *telos* of human conduct is suspended. In "the religious" the ethical dynamic of universal and particular is no longer in operation. In the ethical form of existence one is bound to abrogate one's particularity if one is to be ethical because "the ethical is as such the universal" and no consistent or sustainable form of life could be derived from the particular. But in the religious, the whole idea of the universal as the only possible ground, not only of ethical or political action (I am being ethical, or my politics are legitimate, to the degree that they conform to universal principles), but of any kind of thought or valid truth claim, is suspended. Abraham is the "single individual" who stands outside the universal/particular relationship, and thus his actions are singularly unintelligible to anyone else.<sup>11</sup> He stands outside the ties of exchange or recognition that bind him to others, no longer at home in the land of his fathers, "a stranger in the land of promise."<sup>12</sup> At the same time, the paradoxical or impossible singularity of the religious life, the faith in which one stands

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<sup>10</sup> Soren Kierkegaard *Fear and Trembling* (London: Penguin Books, 2003).

<sup>11</sup> *Ibid.*, 98-99.

<sup>12</sup> *Ibid.*, 50.

unmediated “in an absolute relation to the absolute,”<sup>13</sup> is also a life of “absolute duty to God”<sup>14</sup> in which man stands in a relation of pure exposure to God’s will.

With Kierkegaard’s analysis we can see that *Hamas*, Bush, and Schiavo will remain hopelessly opaque to the traditions of political analysis to the degree that the one dimension that defines their ‘fundamentalism’ – the dimension of the ‘revealed word’ – is misunderstood. In each case, it is the relationship between politics and the singular form of life given by faith or the ‘absolute relation to the absolute’ that needs to be theorized. In the paradox that Kierkegaard painstakingly develops, the religious is a mode of being that stands outside or above any universal category of ethics or thought. Abraham is no longer bound either by the laws of man or by the universal principle that “the father should love the son more than himself.”<sup>15</sup> There is no doubt a strong element of the hypocritical exploitation of religion that Kierkegaard describes in each of these examples. But this is not the element that defines them, nor is it the one which orients our interest in them. What is interesting is the dynamic of irreconcilability between the secular (i.e, the ethical) and the religious.

Here the usefulness of Kierkegaard’s analysis of the ethical and the religious reaches its limit for understanding the present situation, however. Kierkegaard makes the important move to underline the singularity of the religious and the ethical as distinct forms of life and thereby complicates any contemporary attempt to see the religious as simply a reaction to secularization. The religious cannot adequately be accounted for as an appendage or supplement of the secular, “a strategy by which beleaguered believers attempt to preserve their distinctive identity as a people or group in the face of modernity or secularization,” as Malise Ruthven puts it.<sup>16</sup> In this view, fundamentalist literalism would be simply a particularist but no less secular reaction to the “emptiness” of liberal proceduralism and technical rule. Its project would be the eminently secular one of constructing an “identity.” In Kierkegaard, on the other hand, the religious and the ethical are both *unique* responses to a common problem of “existence.” It is the thought of this mere existence or *life*, as an existence without a form, that gives rise to the famous Kierkegaardian problematic of dread and the existential choice. Nevertheless the question of where and how this problem of existence comes to be posed with such intensity ultimately eludes him. If existence precedes essence, it is not clear why this existence continually takes the traumatic form of an experience that not only *exceeds* response, that cannot be exhausted by or ‘exchanged’ for the response, but actually dissembles any coherent response. It is an experience that is fated to return as a kind of return of the repressed. For this we need to begin to think of this residuum of existence as an *exception* in the full political dimension of this

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<sup>13</sup> *Ibid.*, 85.

<sup>14</sup> *Ibid.*, 98.

<sup>15</sup> *Ibid.*, 86.

<sup>16</sup> Malise Ruthven, *Fundamentalism: The Search for Meaning*, (Oxford: Oxford University Press, 2004), 8.

term.

### Sovereign Politics and the Topology of 'Mere Existence'

What Kierkegaard excludes from his analysis is the *political* topology of this 'existence,' the question of *where* political activity can and must occur that becomes central to understanding the significance of religious fundamentalism today. A core element of modern politics can only be accounted for when the parameters of modern existence are conceptualized *spatially*.<sup>17</sup> Since Hobbes, this element has been commonly thematized in terms of sovereignty and security: of the sovereign's duty to secure the regular order against threats from the outside or subversion from within. The political imaginary of modernity opens up within the rigorous geometry of insides and outsides: the possibility of a unified and secure order of lawfulness, government, historical continuity, ethical life, industry, etc. (i.e., a *commonwealth*) *within*; the expulsion of illegitimate violence and insecurity *without*. It is a politics that territorializes its limits and gives them a determinate location coextensive with the borders of the state. But as Carl Schmitt has shown us, it is also a politics whose structure and content is defined by the continuous production and re-articulation of limits: the question of where to draw the line between who 'we' are and who 'they' are, between what is lawful and what is not, between what constitutes rationality and what is irrational or violent, between legitimate authority and chaos, etc. This in turn reterritorializes politics on the figure of the sovereign. For Schmitt the underlying principle of the political, the principle to which sovereign politics ineluctably returns no matter how pluralist or democratic its conventions, is the always immanent moment of absolute insecurity or exception in which the sovereign is called upon to decide whether or not to suspend the regular order: to decide in the primordial instance whether an exceptional situation can be said to exist and what criteria are to be used to define it as such.<sup>18</sup>

In this form of politics Kierkegaard's analysis of "the ethical" gets its definitive reading. To the degree that we remain politically and *ontologically* under the sign of sovereignty and state-centered politics, the limit to every humanizing, ethical or universal project is the crisis in which the state is forced to reiterate its particular, "pathological" interests against a threat from without or within. The universal will always have the quality of the "to come" while human community remains divided into contiguous sovereign states. Moreover, the religious paradox of the singular individual who in faith stands in a direct relation to the absolute, above the laws of the community and its universal/particular dynamic, must also be seen as forming on the basis of a political crisis of sorts; that is to

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<sup>17</sup> R. B. J. Walker, *Inside/Outside: International Relations as Political Theory*, (Cambridge, UK: Cambridge University Press, 1993).

<sup>18</sup> Carl Schmitt, *The Concept of the Political*, (Chicago: University of Chicago Press, 1996).

say, the crisis that emerges when the profane order of the state is exposed to its “outside” in the form perhaps of a messianic violence as Walter Benjamin proposes.<sup>19</sup> Otherwise, “the religious” collapses back into the dynamic of the ethical and the secular and we are no longer able to grasp it in its specificity. The religious form of life is forced to conform to the cosmopolitan ideal of a (secular) universal law, however provisional, or becomes the mere ‘ideological’ basis for an unmediated and impossible particularism, a theocratic state that can neither return to some imagined religious era prior to the division of peoples nor find within itself a principle to delimit its ‘absolute relation to the absolute.’

In the contemporary scene of the politics of exception, sovereignty is a system defined by enduring crisis. This crisis is understood in various ways of course, but from the point of view of sovereignty it is given by two factors: the uncertainty of the sovereign principle (the inability of states to capture, control or codify their contents) and, as a result, the increasing *insecurity* of populations. This condition of crisis does not necessarily lead to Schmitt’s decision “of utmost intensity” on whether to suspend the laws of the nation *in toto*, (the emergency footing of the war state), but it does continually confront the sovereign with situations to which the rules of the existing order do not apply. Emblematic of these localized exceptions are the situations that Agamben has so persuasively described: the provisional or exceptional measures that apply to refugees, “unlawful combatants,” neomorts and *Versuchspersonnen* (experimental subjects).<sup>20</sup> These are situations of insecurity by virtue of the fact that the regular law has effectively been withdrawn from them. The idea of the exception means nothing if not the return of insecurity within. The state of permanent emergency with which Walter Benjamin thematized the violence that ruptures history is a state in which the exception becomes the rule and in which absolute insecurity becomes the horizon of political thought and collective practice.

Understood *politically*, the Kierkegaardian “existence” does not simply precede “essence,” as Sartre would have it, but it is that which always *exceeds* it as the experience of irreducible insecurity. It exceeds the ability of the different forms of life -- aesthetic, ethical or religious -- to respond to it or to incorporate it. It is part of a ‘general economy’ that exceeds their *response-ability*. It is an intensive material. *In the individual* it is continually produced as an exception, a fragment of ‘the real’ that threatens to unravel the personality, the site of a traumatic (missed) encounter with the dissolution of one’s identity. Kierkegaard argues that one does not understand the aesthetic, ethical and religious forms of life unless one understands the manner in which they respond to this experience which is ex-cepted (i.e. *ex-capere* or “taken outside”)<sup>21</sup> from their regular order and to

<sup>19</sup> Walter Benjamin “Critique of Violence” *Reflections: Essays, Aphorisms, Autobiographical Writings*. (NY: Harcourt Brace Jovanovich, 1978).

<sup>20</sup> See Giorgio Agamben, *Homo Sacer*, (*Op. cit.*); *State of Exception* (Chicago: University of Chicago Press, 2005); *Means without End: Notes on Politics*, (Minneapolis: University of Minnesota Press, 2000).

<sup>21</sup> *Homo Sacer*, 18.



which they must perpetually return as to a primal scene. *Politically*, in the sovereign model of politics, “existence” is always held in association with security and with the forms of life or governmental strategies that take security as their condition of operation. It is what exists when conditions of security are in abeyance or when law or government hit impasses where they are no longer able to determine the objects on which they act. In Hobbes, this was the state of nature of the formless multitude; the precariousness of life in the war of all against all. It was expelled by the contract to the borders or to a time before borders. But with Schmitt this existence is the product of the always immanent decision that suspends the law and decides what the exception is, (and thereby what the new “regular situation” is going to be).<sup>22</sup> Existence is the figure of irreducible insecurity “held within” by virtue of the sovereign decision that decides it. It is an existence totally exposed to danger, a purely political substance.

Agamben argues that the response of sovereign politics to the state of emergency is to begin to create juridico-political structures in which the exception can be permanently localized, held within and yet held apart from regular life. The sovereign response to the crisis of the state system is marked by the creation of permanent “zones of indistinction” where no clear rules apply; these are zones outside the law, from which the law has effectively withdrawn and where life is captured as bare life. The creation of camps in the contemporary era materializes these structures. The camps give physical form to the “hidden matrix” that continually configures and de-configures the space of our political life. They are the “dislocating localizations” that enable normality to persist outside while attesting to abyss on which sovereign politics are constructed: the extraordinary measures by which the sovereign is forced to step outside the law to maintain the law. The life of refugees, extra-judicial “detainees,” and others that are captured within the camp is the un-safeguarded “existence” of Kierkegaard as disclosed by politics.

### **Kierkegaard’s *Dread* and the Politics of Fright**

This is also the context in which we might generate a political reading of Kierkegaard’s concept of *dread* and begin to think about the difference between a politics of fear and a politics of fright. In the framework of a politics of fear we talk about the war on terror, for example, as a kind of politics that manipulates the dynamic of fear and security in the population. In a politics of fear, fear becomes a kind of biopolitical or psychopolitical variable subject to calculations and strategies of government. It is the product of a particular libidinal economy whose laws are in principle known. To get at the concept of dread however we

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<sup>22</sup> Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, (Cambridge, MA.: MIT Press, 1985).

need to develop an understanding of a politics of fright: the politics that comes to light in the (missed) encounter with conditions of absolute insecurity. If fear can be manipulated it is because it is always fear of some definite thing, no matter how fictional, whereas dread is the experience of un-circumscribed fear, as Paolo Virno puts it.<sup>23</sup> The politics of fright is the response to the terror of being bereft of a viable identity, of being brought to the place of dread where the refuge identity provided dissolves. For Kierkegaard dread is the experience of the “nothingness of possibility,” but understood politically we might equally say it is the experience of finding oneself *bewildered*, outside the walls and protections of the *polis*, existing in the immediately political space defined by the withdrawal of the law or rule. It is an existence of permanent exception, of absolute or irreducible insecurity. In other words, the state of permanent exception that Agamben and Benjamin describe as the condition of contemporary politics<sup>24</sup> threatens to become a state of *ontological insecurity* where the inside/outside dynamic of sovereign identity, at the collective or individual level, is inoperative or ineffective. To the degree that the state and identity fail to provide a source of refuge, political life comes to be defined by a bewildered “leaping from next to next” (Heidegger) or by an increasingly dangerous set of permutations of the politics of exception.

The crucial implication of understanding fundamentalism as a response to the politics of exception and not simply as an anti-modernist, atavistic reaction to secular modernization is that it is no less implicated than any of the other political forms in responding to the *limits* of modern politics, of politics at its point of crisis: fright. At the limits the modern forms of politics begin to converge. For Kierkegaard, the religious life of faith was the only response to dread (other than despair). Otherwise, one existed in a condition of spiritlessness, of “sickness unto death;” a condition that Kierkegaard interestingly describes as being akin to “complete deadness, a merely vegetative life.”<sup>25</sup> The problematic of the politics of exception forces us to reexamine his solution, however. In an era when the religious cannot reliably be distinguished from the political, the idea of a spiritualized life takes on new meaning. This response to existence must be thought in its political context because as of yet we lack the means or the social forms in which political community can be thought or lived outside the political ontology of the modern state system. Fundamentalism attains its full significance as a contemporary phenomenon when it attempts to define a *post-sovereign* response to this enduring crisis of sovereignty.

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<sup>23</sup> Paolo Virno, *A Grammar of the Multitude : For an Analysis of Contemporary Forms of Life*, (Cambridge, MA: Semiotext(e), 2004), 34.

<sup>24</sup> See Walter Benjamin, "Theses on the Philosophy of History" in *Illuminations*, (New York: Harcourt, 1968), 255-66, and Agamben's discussions in *Homo Sacer (Op. cit.)*, 9-12, and *State of Exception (Op. cit.)*, 1-31.

<sup>25</sup> Soren Kierkegaard, "Sickness unto Death," in Robert Bretall (ed.) *A Kierkegaard Anthology* (Princeton: Princeton University Press, 1973), 347.

### Terri Schiavo: The Re-sacralization of Life

Thus the interesting thing with regard to fundamentalism is not to show once again that it is a modern form of religion in that it reacts to historical processes of globalization and rationalization in ultimately a secular way -- to secure the foundations of a beleaguered *cultural* identity in the face of modernizing processes that erode it. The more incisive problem is to explore the ambiguities of fundamentalism as a response to the *limits* of the spatial dynamic of modernity and to the failure of formal, territorial distinctions between inside and outside to resolve the problems of security and insecurity, or rule and exception. The fundamentalist inflection on this politics of exception is to indicate that a zone of indistinction also comes to exist between the respective spheres of church and state. How the care of souls and the administration of life, the religious "path" and the political decision, the warring Gods and the sovereign space of politics map onto one another comes to mark the new and unassigned territory of theopolitics. How does fundamentalism reconcile its appeal to the unlimited transcendence of God and the topology of limits and exceptions that defines the space of modern politics?

The Schiavo case gives us a key to unlocking what is at stake here. In a very compressed manner, Terri Schiavo exemplifies the figure of political exception that Agamben calls the *homo sacer* or sacred man; the one "who may be killed and yet not sacrificed."<sup>26</sup> In archaic Roman law, the *homo sacer* was the individual whose crimes were of such magnitude they were excepted from the jurisdiction/protection of human law. His or her killing would not be punishable; the *homo sacer* could be killed *without sanction*. At the same time this exile from the protections of human law was not a mechanism of consecration. The *homo sacer* could not be sacrificed. The release from the laws of man was not the prelude to being offered to God. The life of the *homo sacer* was "sacred" only in the sense of being a life *set apart*; set apart from the laws and customs that ordinarily bound it to either the community or the divinity. It was a life reduced to bare life, or a life in the Greek sense of *zoē*, a life without *bios* or qualification, without any juridical or religious standing. It was a life reduced to the qualities it shared with animals and with no more protection from violence than that afforded to animals. It was a life of pure exposure to danger, a figure of irreducible insecurity, mere existence.

Agamben's point is that the exceptional act of stripping a being of his or her standing and of reducing him or her to bare life was the originary act that defined a specifically *sovereign* sphere of action separate from religious and

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<sup>26</sup> *Homo Sacer*, 8.

secular law.<sup>27</sup> The originary act of sovereignty and of the emergent form of sovereign politics was the decision that separated *zoē* from *bios* and held *zoē* in a “ban,” in an entirely undifferentiated space, neither sacred nor profane, outside the protections and rules defined by legal and religious practice.<sup>28</sup> The formula Agamben coins to describe this is the “relation of exception” or the “inclusive exclusion” to emphasize that the originary act of sovereignty is to define a space in which life is maintained in relation to the law, or is included within the law by the suspension of the law. Bare life is a life “included solely through its exclusion.”<sup>29</sup> Thus, in light of the definition of the political developed above, “only bare life is authentically political.”<sup>30</sup>

The situation of Terri Schiavo presents the condition of bare life in two distinct facets. Schiavo’s life was designated as a bare life that may be killed. The medical prognosis of her “persistently vegetative state” meant in effect that hers was, in Agamben’s terms, a “life unworthy of being lived.”<sup>31</sup> In the language of biomedical ethics, the life of a persistently vegetative patient is “a life which is irrevocably bereft of quality.”<sup>32</sup> Despite the fact that she continued to display vital signs with the assistance of medical technologies, she had no consciousness and no ability to interact with her environment. There was “no electrical activity coming from her brain.”<sup>33</sup> For all intents she was simply a warm body. She was like the “neomort” whose continued existence is entirely a product of the technologies that sustain “it.” She was neither simply animal nor human, neither definitively alive nor dead. Like the neomort, Schiavo occupied, or was held in a relation of exclusion, an exceptional place in-between the basic categories that qualify an existence as existence. In other words, the determination of whether Schiavo could be allowed to die did not exactly rest with the medical diagnosis of her ‘factual’ state of being. It could not be answered outside of what was essentially a *political* decision, i.e., a decision on what constitutes a life that may be killed without committing a homicide.<sup>34</sup> In the end, the court order that permitted her feeding tube to be removed was an order that could only be made

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<sup>27</sup> “The sovereign sphere is the sphere in which it is permitted to kill without committing homicide and without celebrating a sacrifice, and sacred life – that is, life that may be killed but not sacrificed – is the life that has been captured in this sphere” (*Ibid.*, 83, italics in original).

<sup>28</sup> In this way Agamben is able to argue contra Foucault that sovereignty has been biopolitical all along, that is, that the *patria potestas* that granted the Roman patriarch the right “to take life or let live” (*Homo Sacer*, 136) was in the first instance a capacity to determine the type of life that might be excepted from juridical or religious standing. Thus Agamben’s formulation is that threshold of modernity is not defined so much by the entry of bare life into the calculations of the state but by its extension from a phenomenon at the margins of political life to its primary concern and stake (*Ibid.*, 9).

<sup>29</sup> *Ibid.*, 18.

<sup>30</sup> *Ibid.*, 106.

<sup>31</sup> *Ibid.*, 136.

<sup>32</sup> SA McLean “Legal and ethical aspects of the vegetative state” *Journal of Clinical Pathology*, (52, 1999), 490-493.

<sup>33</sup> Dr. Ronald Cranford, medical examiner appointed by the Florida courts, quoted in John Schwartz and Denise Grady, “A Diagnosis With a Dose of Religion” *The New York Times* (March 24, 2005).

<sup>34</sup> See *Homo Sacer*, 165.

on the political basis of the decision on her designation as a *homo sacer*.

Secondly though, the intensity of the public debate around her case indicates something new about the site in which this political determination was made and ultimately something new about the potential trajectory of the politics of exception. Schiavo's situation presented the condition of bare life in a particularly acute manner because of the peculiarities of its undecidability, an undecidability produced by the emboldened intervention of the fundamentalists who challenged the right of the courts to decide whether her feeding tube could be removed. The interventions of Florida governor Jeb Bush ("Terri's Law"), the special session of the Senate and House of Representatives, George Bush's signing the private member's bill into law (the "Palm Sunday Compromise"), etc. were all actions based on an explicitly religious reasoning. It marked a "zone of indistinction" that straddles the border between the nexus of law and biomedical ethics on the one hand and the religiously grounded doctrine of the sanctity of life on the other: for humans, made in God's image, murder is forbidden. A gap between biopolitics and religion that had been previously concealed (as both seek in principle to foster life), opened up when the militant stance of the fundamentalist activists became relevant in deciding the case.

It is in *this gap* that Schiavo's life appeared to be 'held' in a relation of inclusive exclusion. No one set of rules definitively applied. In effect, both the secular laws and the religious codes that govern life in the regular situation had been suspended. The antinomy between the religious and secular rules could neither be avoided nor untangled in her case and thus the value or non-value of this life had no single determination. The fact that there was considerable confusion over who was going to be the sovereign in Schiavo's case -- the husband, the family, the doctors, the courts, the church, the White House, or congress -- only makes Agamben's argument that the sovereign function has begun to proliferate beyond the traditional sphere of politics more tangible. On this basis Agamben is able to argue that "we are all virtually *homines sacri*" today.<sup>35</sup> But it also attests to the ambiguity of the post-secular situation when such an array of sovereigns is divided over the religious or secular bases of decision.

Thus the sovereign decision on what constitutes bare life acts as the hidden mediator between biopolitics and religion but with a crucial difference. It is as bare life that Schiavo marks out the complex structure of this border condition but according to a process that reveals a new modality of the politics of exception. In the biopolitics/sovereignty relation (which is the central concern of Agamben's arguments), Schiavo is the *homo sacer* because with her, "Being" is reduced to the mere persistence of biological vital signs. Following Agamben's analysis, this mode of exceptionality opens out onto the horizon of totalitarianism in which sovereignty and biopolitics, or politics and life, blend indeterminately and in which, in the paramount example of the 20<sup>th</sup> century, the

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<sup>35</sup> *Ibid.*, 115.

law is immediately equated with the word of the Führer. "The Führer is truly ... a living law."<sup>36</sup>

In the post-secular relation of religion/sovereignty, however, (as is most acutely articulated in fundamentalist politics), Schiavo becomes the *homo sacer* when, through making her an example, Being is reduced not to bare life but to the mere trace of God's image, when there is no quality residing in her other than this trace. Her killing was forbidden because although there was no chance of her recovery it was still necessary to "err on the side of life" as President Bush put it because in this mere life the image of God persisted.<sup>37</sup> Thus, the problematic opens out onto a different horizon (and in a manner counter to Agamben's claim that "in modernity, the principle of the sacredness of life is thus completely emancipated from sacrificial ideology").<sup>38</sup> In an odd way we are forced to acknowledge that the exception to the principle that life is sacred because it is *commanded* by law, not by the withdrawal of the law; that it is *forbidden* to kill, not permitted to kill; is the possibility that godliness *might* be embodied in living *as such*, i.e., that an instance exists in which the sacred and profane have become indistinguishable and that this life is held "in an absolute relation to the absolute." In the Abrahamic tradition, humanity has been in a relation of permanent exile from this condition since the fall and it is only through the practice of spiritual mortification that the 'truth' of this condition – exposure to God's will -- can be glimpsed. Or rather, it is this truth of the self that inaugurates the generalization of an ethics of mortification. The response to the exception -- a life of unmediated exposure to God's will -- is a *resacralization of life* which is intimately related to the practice of sacrifice: to the life that *may be sacrificed*. Thus, the implication of the demands of the fundamentalists was the horrifying scenario in which the neomorphic existence of Schiavo would be made a testament to life reduced to the trace of God's image and Schiavo herself made a permanent living sacrifice.

The point to consider here is how the relationship of politics and sacred life begins to revolve around a *resacralization of life* that is simultaneously the production of a life which *may be sacrificed*. The practice of mortification turns from the internalization of sacrifice in the spiritual devotee to the externalization of sacrifice to purify the community. We need to modify the well known proposition about violence and the sacred made by René Girard: sacrifice is not a simply the practice in which the community substitutes a sacrificial object for the forbidden object of violence, thus protecting itself from the danger of a violence that escalates without end (irreducible insecurity).<sup>39</sup> As the exception that defines the rule in a *political space*, sacrifice is a practice which re-founds the community

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<sup>36</sup> *Ibid.*, 173.

<sup>37</sup> As the autopsy report showed, at the time of Schiavo's death her brain had deteriorated to the point where it weighed only half the amount expected for a woman of her age, weight and height.

<sup>38</sup> *Ibid.*, 114.

<sup>39</sup> René Girard, *Violence and the Sacred* (Baltimore: Johns Hopkins University Press, 1979).

in the image of God and holds it in a direct relation to God outside the shelter of 'universal' human law and reason (i.e., outside the judicial system that Girard describes as rationalized revenge).<sup>40</sup> It is an act of collective 'spiritualization' in Kierkegaard's sense. Combined with the technical power of the profane world, a revelatory truth that is no longer limited to the path of religious guidance exposes all of life to God's will and begins to trace a line of flight beyond the fallen but delimited space of sovereign politics to an un-delimited, transcendent space of salvation. One is reminded of the line of flight followed by the crusades that terrorized Palestine in the 11th and 12th centuries and of the papal reinterpretation that enabled violence itself to be penitentiary act that mortifies and purges impurity (*bellum sacrum*). Because the forbidden object of violence is continually produced as an exception, as the outside that enables the order within, the theocratic state will continually find itself thrust into the position of Abraham while the entire population is placed in the position of Isaac. Thus if the limit of biopolitics is given by the image of the "suicidal state" as described by Paul Virilio,<sup>41</sup> we discern in the developments of fundamentalism a new limit of theo-politics that we might call the "sacrificial state." The danger of the exception in the nexus of religion and sovereignty is not that life may be killed but that life may be sacrificed.

### *Coda*

On closer reading, the *Hamas* and Bush administration examples can also be seen to revolve around the same dynamic. In both cases, life either becomes worthless because it is captured in a particular localization -- in the fraudulent state of Israel; in the extra-judicial situation of the "unlawful combatants" -- or it is in essence resacralized and offered to God as a sacrifice. It is from this perspective that we can see that the life of the *istish'hadi* or "self-chosen martyrs" (i.e. the suicide bombers) deployed by *Hamas* during the second *intifada* as something other than simple religious zealotry. In the words of the former *Hamas* leader Dr. Abdul Aziz Rantisi, *Hamas* does not order the bombers to martyr themselves, "we simply give permission for them to do it at certain times,"<sup>42</sup> and thus from the time the bombers commit themselves to the act to the time they perform it they live in this space of "permission" as *living martyrs*. The living martyr is the type of life captured by the sacrificial state.

This also describes the fundamentalist inflection on the paradox of contemporary American geopolitics. Is it not because freedom is a "gift from God" that the

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<sup>40</sup> *Ibid.*, 22.

<sup>41</sup> Paul Virilio, "The Suicidal State," in James Der Derian, (ed.) *The Virilio Reader*, (Malden, MA.: Blackwell Publishers, 1998), 29-46.

<sup>42</sup> Mark Juergensmeyer, *Terror in the Mind of God: The Global Rise of Religious Violence*, (Berkeley and Los Angeles: University of California Press, 2001), 74.

Americans are prepared to sacrifice their freedoms to fight for freedom, or that the policy of global democratization is pursued as a politics of “forced choice”: either choose freedom or we will kill you?<sup>43</sup> Outside of the cynical manipulations of power politics that we have come to expect, the religious element -- in the sense of *religāre*, to bind -- that allows this scenario to work is found in that quality of sacred freedom that resolves the deadlock between the politics of exception and the politics of security.

### *Afterword*

The thesis I would like to draw from these observations is that the post-secular configuration evident in contemporary forms of sociality and politics does not elude the politics of exception. If anything it defines a new and deadly matrix in which the “dislocating localization” of politics defined by the crisis of contemporary sovereignty is crossed by the unlocalized transcendence of the religious experience. To the mortal and fallible transcendence of the sovereign, who steps outside the law to maintain the law, religion responds with the immortal and absolute, but unverifiable word of God. The parallel that exists between the fundamentalist resacralization of politics and the way liberal democracies have increasingly been willing to suspend their rules of law (albeit selectively) and to discipline their freedoms is born from the same condition of exception and from the same spectre of irreducible insecurity. Liberal freedoms and religious redemption are increasingly counter-posed on a trajectory linked to the new sacrificial state as politics takes on the aspect of *fright*. What the dimension of “the religious” adds to the global politics of exception is the growing in-distinction of church and state and the opening to a messianic violence uncoupled from the laws of man. If this dimension is to become the point of departure from the fallen enframing of modern materialism, as John Caputo and others suggest -- a dimension that “unhinges” mortal life and opens it to the absolute and the eternal -- it will require some as yet unimagined configuration of politics that escapes sovereign capture.

Foucault’s description of the “shepherd-flock game” or pastoral power is of a form of spiritual government, a government of souls, that is intensely individuating and totalizing, but which also leaves the space of the political undefined.<sup>44</sup> It is not in essence a territorial or political form of government concerned with “forming and assuring the city’s unity,”<sup>45</sup> but the prototype for the detailed, continuous, and permanent administration of life of the

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<sup>43</sup> Slavoj Žižek, *Welcome to the Desert of the Real! Five Essays on September 11 and Related Dates*, (London: Verso, 2002).

<sup>44</sup> Michel Foucault, “*Omnes et Singulatim*: Toward a Critique of Political Reason,” in James Faubion (ed.), *Power: Essential Works of Foucault 1954-1984, Volume Three* (New York: New Press, 2000).

<sup>45</sup> *Ibid.*, 307.



contemporary disciplines and biopolitics. The metaphor of the shepherd and flock emphasizes the *mobility* of the collectivity to be governed, its passage through space in its perpetual search for good grazing or the promised land, its passage through time from profanity to the eternal. It stands opposed to the spatial or legal jurisdictions of the territory or *polis*, or rather passes through them. It also binds subjects to themselves and their confessors in a practice of mortification, not a practice of citizenship. Although the religious life might in some respects presuppose political institutions and boundaries, it does not directly address itself to them, nor especially to the question of the political itself in which the limits of political community are continuously reiterated or decided. It is only the *combination*, or better, the growing *indistinction* of pastoral and political power in the modern nation-state that Foucault calls *demonic*.<sup>46</sup> If “a society’s ‘threshold of modernity’ has been reached when the life of the species is wagered on its own political strategies,”<sup>47</sup> fundamentalism’s threshold is the moment when the salvation of the faithful is the wager. The action of religion threatens to cross this threshold when it shifts from the purification of the soul to the purification of the political community.

What needs to be thought therefore, by way of a new politics, is a mode of living this limit experience that departs from the security/fear, exception/dread alternative of sovereign politics. It is perhaps for this reason that the figures of the exile, the refugee, the stranger, and the terrorist remain productive enigmas for political thought today.<sup>48</sup> To these we might add the thoroughly ambiguous existences of the neomorts and the living martyrs. These are persons caught in an immediately political existence of irreducible insecurity; instances of the outside captured within, of lives held in a relationship of abandonment. They are harbingers of the generalized state of emergency and exception that defines the horizon of the post-sovereign era in which we live. There is a sense in these figures of a life that is not exactly passive -- as it is the enforced industry, ingenuity, resourcefulness and connectibility that makes them so instructive (neomorts aside) -- but also not exactly active in the sense of the agency of a collective subject or the transformative power that remains so central to leftist thought. Rather what they indicate is the possible plenitude of life -- the bringing-into-their-own of things -- that is disclosed when the economies that link making-secure to exception or sacrifice are no longer in operation. It is towards this post-sovereign, aneconomic plenitude that we must align our political thought lest the spasms and returns of the politics of exception destroy us all.

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<sup>46</sup> *Ibid.*, 311.

<sup>47</sup> Michel Foucault, *The History of Sexuality, Volume One: An Introduction* (New York: Vintage Books, 1980), 143.

<sup>48</sup> Giorgio Agamben, “Biopolitics and the Rights of Man” in *Homo Sacer*, 126-135.

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