

Book Reviews: The Kingdom and the Glory: For a Theological Genealogy of Economy and Government (Homo Sacer II, 2), The Highest Poverty: Monastic Rules and Form-of-Life, Opus Dei: An Archaeology of Duty

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Published

2013

Journal Title

Griffith Law Review

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BOOK REVIEWS

The Kingdom and the Glory: For a Theological Genealogy of Economy and Government (Homo Sacer II, 2)

(Giorgio Agamben, Meridian, Crossing Aesthetics, Stanford University Press, 2011, ISBN 9780 8047 6016 4, 303 pp)

The Highest Poverty: Monastic Rules and Form-of-Life

(Giorgio Agamben, Meridian, Crossing Aesthetics, Stanford University Press, 2013, ISBN 9780 8047 8406 1, 157 pp)

Opus Dei: An Archaeology of Duty

(Giorgio Agamben, Meridian, Crossing Aesthetics, Stanford University Press, 2013, ISBN 9780 8047 8404 7, 140 pp)

*Review by Edwin Bikundo**

These three are the most recent English translations in Italian philosopher Giorgio Agamben's *homo sacer* or 'sacred man' project that is now seven completed works over eighteen years and counting. How do these seemingly disparate books fit together into a coherent whole? This review sketches out the milestones in the project before briefly summarising the works under review. The opening words of the first instalment of the series *Homo Sacer: Sovereign Power and Bare Life (Homo Sacer I, 1)* set the stage thus:

The Greeks had no single term to express what we mean by the word 'life.' They used two terms that, although traceable to a common etymological root, are semantically and morphologically distinct: *zoē*, which expressed the simple fact of living common to all living beings (animals, men, or gods), and *bios*, which indicated the form or way of living proper to an individual or a group.¹

According to Agamben, that original splitting of life between 'bare life' and 'form of life' founds sovereignty and law on the excluding of bare life from the political community. The exemplary form of this is in the *homo sacer*, a creature of Roman Law for whom death cannot be a sacrifice and who may thus be killed with impunity. Simply put, *homo sacer* has no right to bear any rights. *Homo Sacer* concludes in enunciating three theses: first that the original political relation is the exclusion or 'ban' of 'bare life' from the *polis* or political sphere. This is made possible through the 'state of exception' as the situation whereby the sovereign decides on the meta-legal applicability of the law itself and not merely whether a certain act is legal or illegal. Consequently the second thesis is that the fundamental activity of sovereign power is the production of bare life. The third thesis is that it is

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¹ Agamben (1998), p 1.

currently not the city but rather ‘the camp’ that is the fundamental global political paradigm.²

The analysis of the camp as the paradigmatic political space of our time is carried over to the next book in the series: *State of Exception (Homo Sacer II, 1)*.³ This is an extended meditation in dialogue with Carl Schmitt and Walter Benjamin, expressing the camp as the political space opened up when the state of exception becomes the rule and the force of law is, as a result, brought to bear directly on bare life. This ostensibly temporary sacrifice of the rule of law, utilising arguments of necessity, is done in the name of preserving the law: a split is introduced into the law as a set of enforceable rules that separates the rules from their enforceability. The general order of applying laws to facts is reversed because a given factual situation is such an emergency as to require the purportedly temporary setting aside of the law in order to maintain or restore the law. That is, the facts overcome the law. This leaves only impotent rules and unbridled force (if only temporarily). According to Agamben, when the state of exception ‘becomes the rule then the juridico-political system transforms itself into a killing machine’, consequent upon the loosening of restraints on sovereign power.⁴

In *Remnants of Auschwitz (Homo Sacer III)*, the two theoretical notions central to Agamben’s oeuvre – the camp and *homo sacer* – come to empirical light in investigating the notion of testimony.⁵ Auschwitz is the physical manifestation of the camp while the concentration camp inmate, inured to all suffering and therefore unresponsive to external stimuli, and already encountered in *Homo Sacer* as the *musselman*, is an example of the production of bare life.⁶ Agamben resolutely refuses to refer to the destruction of the Jews in the death camps as a ‘holocaust’ (given its etymological link to a ‘burnt offering’) because that unacceptably assimilates the crematoria to the sacrificial altar.⁷ The *musselman* is the complete witness to what occurred in the concentration camp but is mute and unable to testify as a result. How, then, to bear witness to what happened when the survivors by definition did not undergo the worst of the camps?⁸ Language is a key battleground here, where what happened in Auschwitz is both ‘unique and unsayable’.⁹ For Agamben, the ‘language of testimony is a language that no longer signifies and that, in not signifying, advances into what is without language, to the point of taking on a different insignificance

² Agamben (1998), p 181.

³ Agamben (2005).

⁴ Agamben (2005), p 86.

⁵ Agamben (2000).

⁶ Agamben (1998), pp 184–5.

⁷ Agamben (2000), p 31.

⁸ Agamben (2000), p 34.

⁹ Agamben (2000), p 31.

– that of the complete witness, that of he who by definition cannot bear witness.’ Language is not light but is only sent to bear witness to the light.¹⁰

The investigation into language continues in *The Sacrament of Language: An Archaeology of the Oath (Homo Sacer II, 3)*.¹¹ For Agamben, taking an oath is less about testifying to the truth of a matter than consecrating a person to the gods, which separates them from human society. This exclusion from the ordinary bounds of the law renders them killable but unable to be sacrificed, given they are already ‘sacred’ and in a sense therefore the property of the gods:¹²

The interpretation of *sacertus* as an originary performance of power through the production of a bare life must be completed in the sense that, even before being a sacrament of power, the oath is a consecration of the living human being through the word to the word. The oath can function as a sacrament of power insofar as it is first of all the sacrament of language ... Law is, in this sense, constitutively linked to the curse, and only a politics that has broken this original connection with the curse will be able one day to make possible another use of speech and of the law.

For Agamben, because humans – uniquely among living things – speak, we must put ourselves at stake in speech and for this reason bless and curse, swear and perjure.¹³ The paradoxical power of language to both provide benediction and malediction is reliant upon the fundamental ambiguity of language.

In *The Kingdom and the Glory: For a Theological Genealogy of Economy and Government*, Agamben continues his inquiry into the genealogy of power in the West from *State of Exception* or, in his terms: ‘Why does power need glory?’¹⁴ Agamben begins by looking at two political paradigms derived from Christian theology: political theology that founds a transcendent sovereign on monotheism – ‘glorification’; and economic theology that replaces transcendence with an immanent ordering of both divine and human life – ‘government’. This brings to light how the economy of the providential mystery was gradually replaced by the mystery of the economy itself as ceaselessly functioning governmental activity. This was enabled by a separation within the one God of being and acting; or a royal God and his government of the world. That theological division founds the distinction between kingdom and government or reign and rule, setting the stage for a ‘providential machine’, which is essentially an anarchical economy of power. Here Agamben draws an analogy between angels as God’s assistants in governing the world through providence and the bureaucracy governing in the name of the sovereign. But why does the sovereign power need the glory of acclamation? In addressing the

¹⁰ Agamben (2000), p 39.

¹¹ Agamben (2011a).

¹² Agamben (2011a), p 66.

¹³ Agamben (2011a), p 71.

¹⁴ Agamben (2011b), p xii.

archaeology of glory, Agamben points out that government glorifies the Kingdom and the Kingdom in turn glorifies government. Therefore, the centre of the governmental machine is empty, and the glory is nothing but splendour emanating from emptiness.¹⁵ His conclusion to the appendix analysing law and miracle is that:

The central mystery of politics is not sovereignty, but government. Yet the government is not God: it is the Angel, the minister; it is not law, but the police. That is, the governmental machine that they form and keep functioning.¹⁶

In concluding the appendix on the invisible hand, Agamben states that in merely secularising the world, modernity has emphatically not left theology behind but only brought the project of the providential economy to its completion.¹⁷

The Highest Poverty: Monastic Rules and Form-of-Life (Homo Sacer IV, 1) is a study of the Franciscan monastic life, particularly around the Franciscans' relation to property and how this influenced the dialectic between the rules they set down and the life that the rules regulated. Form-of-life refers to a life that is inseparable from its form and within which rules and life coincide without remainder. The life of St Francis, the founder of the order, is an exemplar embodying the form-of-life sought in the order. Agamben begins by examining how rules relate to both the life they supposedly govern and to law by looking at how exile and flight from the world (by shutting the world out, for example) can in certain instances constitute an autonomous political community. The novelty here is that the rules promulgated to order the very last minutiae of the life of individuals in the community are not mere rules to abide – or even live – by, but rules that are inseparable from life itself. The middle of the book looks at the regulation of life through law. Agamben explains how this regulation relates to the relationship between orality and writing using the notion of rule as a liturgical or public text. The latter part of the book examines the Franciscans as an exemplary case of a form of life inseparable from the rules that bind it. This involved a renunciation of law to enable the 'highest poverty' that only allows 'use' but not ownership of property. This attempt at renouncing the right to have rights failed, however, because it was still in the shadow of the law as an attempt to claim 'the right to have no rights'.¹⁸ The Franciscans argued that they had a right to use as a matter of fact, while ownership in the property was held on their behalf by the papacy. In the final analysis, therefore, they were unable to evade the strictures of the law because they were characterised 'negatively with respect to the law'.¹⁹ The problem with which Agamben leaves us is: '[W]hat is life outside the law, if it is defined

¹⁵ Agamben (2011b), p 211.

¹⁶ Agamben (2011b), p 276.

¹⁷ Agamben (2011b), p 287.

¹⁸ Agamben (2013a), p 124.

¹⁹ Agamben (2013a), p 144.

as that form of life which makes use of things without ever appropriating them? And what is use, if one ceases to define it solely negatively with respect to ownership?²⁰ His tantalising gesture is towards a shift in the terrain of discourse to confront the current ‘operative ontological paradigm’ defining ‘the ethics and politics of the West’.²¹

This is the assigned task of *Opus Dei: An Archaeology of Duty* (Homo Sacer II, 5), which accordingly looks at the fundamental indifference of moral qualities to the efficacy of official acts. Whereas *The Kingdom and the Glory* genealogically investigated the liturgical mystery in its objective or glorious aspect, *Opus Dei* is an archaeology concerning priests as the subjects to whom belong ‘the ministry of the mystery’.²² The ‘mystery of the liturgy is the mystery of effectiveness, and only if one understands this arcane secret is it possible to understand the enormous influence that this ... has exercised on the way in which modernity has thought both its ontology and its ethics, its politics and its economy.’²³ The religious paradigm of *Opus Dei* provides the secular West with the term ‘office’, which ‘is more efficacious than the law because it cannot be transgressed, only counterfeited. It is more real than being because it consists only in the operation by means of which it is realized. It is more effective than any ordinary human action because it acts *ex opere operato*, independently of the qualities of the subject who officiates it.’²⁴ Such diverse concepts as Kelsen’s pure theory of law, Kantian ethics, the political militant and the ministerial functionary are modelled by ‘acts of office’ – that is, duties.²⁵ In this model, what a person does and what that person is become indistinguishable.²⁶ Consequently, being and acting ‘have no other representation other than effectiveness’, and ethics in the West is ontologically bound to effectiveness.²⁷ The opening chapter explores liturgy and politics, tracing liturgy etymologically to ‘public work’ as a once political term that was introduced to religion.²⁸ Agamben introduces the crucial distinction between *opus operatum* and *opus operantis*, where the former designates an act in its effective reality. The latter designates an action insofar as an agent carries it out.²⁹ This distinction goes back to affirming the validity of baptisms conferred by an unworthy priest.³⁰ Agamben traces the doctrine to the theory of the action of the devil within the providential economy.³¹ In it, the devil serves God and God approves his work,

²⁰ Agamben (2013a) p144.

²¹ Agamben (2013a) p145.

²² Agamben (2013b) pxi.

²³ Agamben (2013b) pxii.

²⁴ Agamben (2013b) pxii.

²⁵ Agamben (2013b) pxii.

²⁶ Agamben (2013b) pxii.

²⁷ Agamben (2013b) pxiii.

²⁸ Agamben (2013b) p1.

²⁹ Agamben (2013b) p21.

³⁰ Agamben (2013b) p21.

³¹ Agamben (2013b) p23.

but not the way in which he has worked.³² The chapter following explores the move from mystery to effect, and presents Christianity as effectively a ‘mystery’ – a liturgical action whose sacraments effectuate what they signify.³³

The next chapter traces the genealogy of office and the insertion of ethics into duty in the West to find that:³⁴

Officium is neither a juridical or moral obligation nor a pure and simple natural necessity: it is the behavior that is expected among persons who are bound by a relation that is socially codified, but the compulsory nature of which is sufficiently vague and indeterminate that it can be connected – even if in a derisory way – even to behavior that common sense considered self evidently offensive to decency ... *Officium* is what causes an individual to comport themselves consistently: ‘as a prostitute if one is a prostitute, as a rascal if one is a rascal, but also as a consul if one is a consul and, later, as a bishop if one is a bishop’.

Two ontologies of command and duty are explored in the concluding chapter, demonstrating that a command is effective as long as there is someone left to obey it. The proximity between the ontology of command and the ontology of office is in both of them being in the imperative mood of having-to-be, which for Agamben defines the ethics, ontology and politics of modernity.³⁵ The imperative defines the verbal mode proper to law and religion, which have a performative character. Merely by being uttered, they actualise their own meaning, because they do not refer to being but to having-to-be.³⁶ Those with an interest in the legal theory underpinning broad areas including, but not limited to, law and violence, law and rights, law and economics, law and language, law and property, law and rules would benefit most from delving into this series for its penetrating analyses and unique insights.

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³² Agamben (2013b), p 23.

³³ Agamben (2013b), p 48.

³⁴ Agamben (2013b), p 72.

³⁵ Agamben (2013b), pp 106 and 117.

³⁶ Agamben (2013b), p 119.