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HUMAN, LIFE, AND OTHER SACRED STUFF

“Life is sacred stuff,” writes John Caputo as he affirms his theological proposal for the weakness of God.¹ God, according to Caputo, names an event—or, more specifically, an event of naming that calls, invokes, evokes, provokes, promises, affirms. It does so from the very beginning (if not earlier), leading Caputo to avow hermeneutically “that the name of God is inscribed in things from the start, that the world is marked by the hand of God, that the world bears the stamp of a great and sweeping Yes.”² This vocative inscription takes place through this *yes*, which marks God’s creation as described in Genesis as good: in repeatedly calling creation good, God effectively says *yes* to creation. These divine daily affirmations support Caputo’s claim that creation, particularly in Genesis 1, names a movement “from being to the good,” which works in tandem with Caputo’s poetic-hermeneutic assertion that “Genesis is not about being but about life.”³

Rather than a mighty sovereign power who creates *ex nihilo* by speaking, the weak force of Caputo’s God only calls being into life, making the creation narrative a story about life—a story that affirms life, as Caputo makes clear: “the event that rings out in the name of God in the creation stories is to announce a kind of covenant with life that we are asked to initial. We are asked to say ‘yes’ to life by adding a second yes to God’s ‘yes’ (Rosenzweig); to countersign God’s yes with our yes...to embrace what God has formed *and* the elemental undecidability in which God has formed or inscribed it.”⁴ This double *yes*, of God and then of human beings, is Caputo’s account of religion, for religion names a mutual agreement, signed and countersigned by *yes*; religion names, as Caputo writes, “the point where our *yes* meets God’s, where our desire meets God’s, where the bottomless abyss that opens up in the name of God meets the bottomless abyss of our desire for God, where abyss meets up with

¹ John D. Caputo, *The Weakness of God: A Theology of the Event* (Bloomington: Indiana University Press, 2006), 92.

² Caputo, *The Weakness of God*, 89. *Yes* plays a central role in Caputo’s deconstructive readings and deployments of Jacques Derrida’s work. See, for example, John D. Caputo, *The Prayers and Tears of Jacques Derrida: Religion Without Religion* (Bloomington: Indiana University Press, 1997), esp. 63–66 and 255–262; and John D. Caputo, *On Religion* (New York: Routledge, 2001), esp. 16–17 and 120–121. For one of Derrida’s most pointed treatments of *yes*, see Jacques Derrida, “Nombre de oui,” in Derrida, *Psyché: Invention de l’autre* (Paris: Galilée, 1987), 639–650.

³ Caputo, *The Weakness of God*, 67, 58.

⁴ Caputo, *The Weakness of God*, 74. Rosenzweig’s interpretation of *yes* comes in Franz Rosenzweig, *The Star of Redemption*, trans. William W. Hallo (Notre Dame: University of Notre Dame Press, 1985), esp. 150–155.

abyss....Abyss calls out to abyss.”⁵ In this way religion, like creation, turns on a double *yes* – the (divine) call and (human) response of *yes*.

Creation, then, tells a story of life, a story in which God and human beings say *yes* to life. This double *yes* recalls the name of God inscribed in creation by marking and affirming what Caputo calls “a depth of meaning in life,” as the two abysses signify “that life has an inviolability about it, a sacredness that it is the role of the name of God to confer and confirm, to confirm and affirm, to affirm and reaffirm” by repeating *yes*, by repeatedly saying *yes* to life.⁶ With this, Caputo begins to unfold and unfurl his compact claim that “life is sacred stuff” by divulging what it means for life to be sacred. Life’s sacredness involves its “inviolability,” a holiness intrinsic to or hard-wired into life, so that life *is* sacred: sacred is what life *is*, for “life is sacred stuff.” Furthermore, life is sacred according to God and thanks to God’s *yes* that affirms and reaffirms its sacrality. In saying *yes* to life (functionally equivalent, in terms of Genesis, to pronouncing creation good), God says *yes* to life’s sacredness. The name of God thus reveals and performs its fundamental and constitutive role vis-à-vis life—which is also to say, vis-à-vis creation—by repeating this *yes*. Life is sacred on God’s account, on account of God’s *yes* (and reaffirmingly countersigned by a human *yes*).

To what life, to whose life, do God and human beings say *yes*? Read quickly, Caputo’s avowal (“life is sacred stuff”) could seem to restate a foundational premise of humanism, particularly given that human beings are the ones who countersign God’s *yes* with their own *yes*. For that matter, a quick reading of this statement could seem to echo the motivating tenet of anti-abortion groups, particularly Catholic ones that closely follow John Paul II’s encyclicals concerning human life. This kind of cursory reading would depend upon the adjective “human” invisibly preceding Caputo’s statement as a modifier of “life.” Humanism asserts that *human* life is indeed sacred stuff, thanks to human beings’ position atop an ontological hierarchy. Even a less assertive (perhaps a weaker?) humanism, such as Dominique Janicaud’s “preventive humanism,” must claim that human life is sacred stuff in its effort to stave off or defend against what Janicaud calls “barbaric regressions” that reduce human to inhuman, as in the Nazi extermination camps or in terrorist attacks.⁷

Caputo’s affirmation that “life is sacred stuff” ultimately does not fall prey to such rapid readings and their all-too-easy reductions to humanism. This becomes clear by considering Caputo’s statement in its textual context, amid a hermeneutically creative reading of the creation stories in Genesis. Following Catherine Keller, Caputo emphatically emphasizes the key roles that the elements play in these stories—roles that make untenable any account of *creatio ex nihilo*, particularly given the weak force of God that Caputo articulates. The powerless power of this God lies in a promise, as Caputo explains:

⁵ Caputo, *The Weakness of God*, 89.

⁶ Caputo, *The Weakness of God*, 92.

⁷ Dominique Janicaud, *On the Human Condition*, trans. Eileen Brennan (New York: Routledge, 2005), 57.

The promise that Elohim inscribes upon creation gives words to a depth of meaning in life, affirming the sacredness of the least thing, and it adds an infinite depth to the protest against violence and the violation of life. Life is sacred stuff, arising from elements of bottomless and dark depths, from deep and dark and salty seas upon which Elohim has breathed. Life springs up from an antique turmoil that trembled with possibility and the future.⁸

This inscription takes place in what Caputo calls “the flux,” which names “the element in which things are inscribed, the space in which they are forged, the indeterminacy that is built right into whatever gets built....The flux explains the eventiveness in things. It is not only why things are able to fall apart, but why they are able to have a future.”⁹

Caputo thus refuses an easy, quick reading that would reduce his statement to a humanistic refrain. By “affirming the sacredness of the least thing” following from God’s promise, Caputo makes clear that the life that is sacred stuff is not limited to human life but to all of life, in its multiform manifestations. In responding affirmatively to the call of the divine *yes*, human beings say *yes* to life in general, so that their affirmation is ecological rather than egological. It is, moreover, elemental since creation takes place in and through the (pre-existing) elements that God calls to life. All of creation is fashioned from these elements, in the flux of the *tohu wa-bohu* and the *tehom*, pointing to the materiality that serves as the medium for life, which is why Caputo insists that “life is sacred stuff.” “Stuff” signifies not a rhetorical flourish but a substantiality that remains elemental to created life, for in Caputo’s words, created, living beings “are formed of an indeterminate and fluctuating stuff,” “made of *humus*, of *tohu wa-bohu* and *tehom*,” and the flux inscribed in these elements ensures “this indeterminacy that makes them unpredictable and inventive” as well as marks “a certain limit on God’s power.”¹⁰ In saying *yes* to life, then, human beings affirm the stuff of life, the stuff that they themselves are as material, embodied creatures—the same stuff that composes all of creation in its elemental materiality. In saying *yes*, they thereby short circuit any quasi-humanistic attempt to position human beings atop the created order. Human beings boost this short circuiting by saying *yes* to what Caputo terms “our khoral corporeality, our khoral-poreality, our khoral incarnation.”¹¹ This embodied affirmation, this *yes* to embodiment and materiality, underscores that the life that is sacred stuff remains material, physical, created, formed and reformed, affirmed and reaffirmed, according to its fundamentally elemental nature. This *yes* implicitly

⁸ Caputo, *The Weakness of God*, 92; see also 80. For Keller’s theology of creation stemming from a rereading of Genesis, see Catherine Keller, *Face of the Deep: A Theology of Becoming* (New York: Routledge, 2003).

⁹ Caputo, *The Weakness of God*, 82; see also 58–62 and 71–72.

¹⁰ Caputo, *The Weakness of God*, 72.

¹¹ Caputo, *The Weakness of God*, 80; see also 56–64 and 274–276, where Caputo expounds on *khōra*.

affirms Caputo's insistence that creation, particularly the creation story that Genesis tells, is about life.

This invocative expedition into Caputo's case for the weakness of God as a theological opening itself opens and makes way for a kind of theological anthropology, or anthropology of the sacred, that emphasizes the weakness of human being and the elemental indeterminacy of life, particularly in relation to the sacred. Caputo's provocative affirmation that "life is sacred stuff" opens and makes way for a relational reconsideration of "the human" and "the sacred," of *homo* and *sacer*, framed by Caputo's hermeneutic turn that, as he writes, shifts emphasis in Genesis (and in the creation it narrates) "back from power to goodness, back from being to life" — a life fashioned "out of desert and deep."¹² Caputo moves toward this reconsideration already in suggesting that "life is sacred stuff" and, in doing so, weaving together life and sacrality by defining the former in terms of the latter: life *is* sacred. But what does this mean? What does it mean to be sacred? Is life sacred because it is composed of the elements, which "predate" creation? Is life sacred because it is fashioned by God, who calls these elements to life?

The hermeneutic indeterminacy of what it means for life to be sacred, to be sacred stuff, points to (or perhaps owes to) a hermeneutic indeterminacy in "sacred," making it both possible and necessary to excavate two semantic orders in which "sacred" operates. The first-order sense of "sacred" is topographical: "sacred" means set apart, uncommon, out of the ordinary, special.¹³ Naming something as "sacred" therefore positions it in a different space, beyond the bounds of the profane; such a naming performs a speech act that sets apart whatever it calls "sacred." In this first order, "sacred" designates something extra-ordinary. It denotes position and can effect a repositioning. "Sacred" thus stands as a marker of difference; it marks difference descriptively, based on topographical position. The second-order sense of "sacred" adds an evaluative dimension to this description: once something is named "sacred" and marked as different, a second move assigns a valence based on a judgment of value. In this second order, "sacred" often takes on a positive connotation, identifying something not only as different but as particularly valuable because of its difference. The second-order sense creates in this way a hermeneutic hierarchy in which "sacred" stands as a privileged term against its lower counterpart of less value, "profane."

Caputo uses "sacred" in this second-order way, for in maintaining that "life is sacred stuff," he makes an evaluative claim. Affirming that "life is sacred stuff"

¹² Caputo, *The Weakness of God*, 87.

¹³ This is Jonathan Z. Smith's contention, as he asserts that someone or something "becomes sacred by having attention focused on it in a highly marked way. From such a point of view, there is nothing that is inherently sacred or profane. These are not substantive categories, but rather situational ones. Sacrality is, above all, a category of emplacement." See Jonathan Z. Smith, *To Take Place: Toward Theory in Ritual* (Chicago: University of Chicago Press, 1987), 105.

affirms life's high value because it is sacred, and Caputo makes this affirmation as a way of insisting on a high valuation of life. This second-order valuation reinforces its first-order differentiation: because life is so highly valued, so special in a "positive" sense, life is and should be distinguished as different and as extraordinary in an ethically charged way. For Caputo, life's extraordinary valuation gives life its inviolability, its holiness, its depth of meaning, all of which the name of God confers and confirms repeatedly. Caputo avoids the sacred hierarchy of value that leads humanism to identify human being as the most sacred because most valuable, but he cannot completely avoid a biologic or zoologic privilege already implicit in his shift of emphasis from creation to life. Life, he asserts, is sacred stuff, which accords a privilege to living over nonliving creation, even though all of creation is fashioned from the same elements.

Thanks to this assertion, Caputo positions himself and his theology of divine weakness at one end of a "sacred" spectrum—a spectrum that has occupied a prime place in the study of religion for at least the last century. Caputo stands on the edge of the second-order valuation of sacred in "positive" terms, as what is most or even absolutely valuable. (His position might owe in large degree to the explicit and self-conscious nature of his project as theological and thus as normative rather than merely descriptive, which raises a question about the viability of including Caputo under this broad banner of "the study of religion.")

At the other end of this "sacred" spectrum stands Giorgio Agamben, though he would strongly endorse Caputo's contention that "life is sacred stuff." But his endorsement comes for very different reasons given their divergences concerning the sacred and its relation to life. While Caputo's sense of sacrality owes to the elemental nature of the "stuff" of creation and its fabrication by divine call, Agamben's sense of sacrality remains strictly secular, consciously and completely divorced from any religious sense. Agamben carefully avoids any second-order sacred ambivalence of the kinds that organize the works of William Robertson Smith, Sigmund Freud, Marcel Mauss, Émile Durkheim, and Roger Caillois, among others. These men are, according to Agamben, "still heavily weighed down by a scientific mythologeme," namely, "the theory of the ambivalence of the sacred" based largely on systems of taboo.¹⁴ Such systems entwine structural oppositions, such as pure and impure, so that, in Durkheim's words, there are "two kinds of sacred things" with "no clear border" dividing the two, allowing an object to "pass from one to the other without changing nature. The impure is made from the pure, and vice versa. The ambiguity of the sacred consists in the possibility of this transmutation."¹⁵ Agamben considers this supposed ambiguity the result of a historically located semantic slide in which a legal figure began to resonate in a religious discourse due to an

¹⁴ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998), 75.

¹⁵ Émile Durkheim qtd. in Agamben, *Homo Sacer*, 78. Elsewhere I discuss at greater length the relation of Durkheim and Agamben regarding the sacred (particularly as a transcendental signifier).

overburdening of meaning. In this way, “sacred” became an excessive signifier that, having meant too much, finally meant nothing—nothing but this excess.

Excavating and exposing this slide requires that Agamben return to ancient Rome, in which this legal figure emerged. The figure is *homo sacer*, sacred man, whom Pompeius Festus describes as “the one whom the people have judged on account of a crime. It is not permitted to sacrifice this man [*neque fas est eum immolari*], yet he who kills him will not be condemned for homicide....This is why it is customary for a bad or impure man to be called sacred.”¹⁶ Here, Festus articulates both first-order and second-order meanings of “sacred.” The first-order, topographical positioning as sacred owes to a criminal judgment—a judgment that sets apart *homo sacer* and, in doing so, makes him *sacer* and marks him as fundamentally different. This judgment is, legally and ethically, a “negative” one since it ascribes “sacred” to “a bad or impure man,” so that “sacred” names not the most valuable but the least valuable or the valueless. In this sense, to rearticulate Caputo’s claim that “life is sacred stuff” would be to denigrate or denegate any possible, “positive” value that life might have. Instead, “life is sacred stuff” would function more like a curse than a blessing, more like a condemnation than an exaltation, with “sacred” itself functioning as a denial of value rather than an affirmation of value.

In the ancient Roman legal context to which Agamben returns, the sovereign is the one who pronounces this curse or condemnation of sacrality. The law endows the sovereign with the power to decide and declare that someone is sacred. This he does through a speech act, “*sacer esto*,” whose utterance performatively enacts this inscriptive designation of sacredness. For Agamben, as for ancient Romans, “sacred” is a political and not a religious designation made by a secular sovereign. This key claim explicitly opposes Agamben to Caputo: while for the latter sacredness operates as a function of divine, elemental creation, for the former sacredness operates in an exclusively political capacity. Agamben interprets (in his words) “*sacratio* as an autonomous figure” in an effort “to uncover an originary *political* structure that is located in a zone prior to the distinction between sacred and profane, religious and judicial.”¹⁷ On this account, sacrality is pre-religious—and hence non-religious as well as non-ambivalent. Agamben finds support for this claim in Festus’ *neque fas est eum immolari*, which he reads as a passage that, he writes, “served precisely to distinguish the killing of *homo sacer* from ritual purifications and decisively excluded *sacratio* from the religious sphere in the strict sense.”¹⁸

With this decisive exclusion of *sacratio* from the religious sphere comes a double turn toward or double passage through humanism, and this humanistic specter haunts Agamben’s account of *homo sacer*, of humanity and sacrality and of their relation. First, moving back from and before religion into a rigidly delimited and strictly secular political domain effectively encloses human being, allowing

¹⁶ Pompeius Festus cited in Agamben, *Homo Sacer*, 71.

¹⁷ Agamben, *Homo Sacer*, 74.

¹⁸ Agamben, *Homo Sacer*, 81.

humanism to assert itself and its version of human existence as autonomous, self-grounding, self-certain, free, unique, and (implicitly) superior to other modes of being. According to humanism, human beings are special, different—in other words, sacred. But their “positive” sacredness comes thanks to a self-sacralization, according to which human beings deem themselves to be sacred by effectively pronouncing “*sacer esto*” over themselves. Self-sacralization is a self-defeating proposition: delimiting itself so as to delimit itself, distinguishing itself so as to distinguish itself, the human marking the human as human. The sacred requires some form of alterity, without which it cannot designate difference and thus loses its differential meaning. Sacralization cannot be reflexive—except perhaps in some sort of auto-affective Hegelian dream whose realization would be nightmarish.

Second, sacredness results from a human sovereign’s “*sacer esto*” performatively pronounced in a political sphere prior to religion and any distinction between the religious and the juridical. However, to say “*sacer esto*,” to call someone sacred, performs a double function that excludes him or her from two legal orders. It imposes on him, or her, a double ban through which he or she is abandoned by human and divine law. By being permitted to be killed, *homo sacer* does not enjoy and cannot appeal to the protection of human law forbidding homicide. By being prohibited from sacrifice, *homo sacer* is removed from the divine law governing the economy of sacrifice. But this second ban, this exception to divine law, is enacted by the human sovereign from within an explicitly political (i.e. non-religious) domain. That a human sovereign could make an exception to divine law requires a humanistic *hubris* that positions the human sovereign “above” the divine, able to decide on religious matters with authority and finality from the civil sphere. *Sacer* therefore designates what Agamben identifies as “a life that may be killed by anyone—an object of a violence that exceeds the sphere both of law and of sacrifice,” and “this double excess opens the zone of indistinction between and beyond the profane and the religious.”¹⁹

II.

Homo sacer dwells in this zone of indistinction opened by a double excess—this zone “between and beyond.” “Beyond” here resonates with Janicaud’s humanistic *beyond*, which serves as the backbone and *telos* of his philosophical project: “to reflect upon the sense (or non-sense) of this potential ‘beyond’” engendered by his conception of humanity as “the unfathomable overcoming of its limits,” making the human “the being who continually exceeds the frontiers of his field of action.”²⁰ Such overcoming does not, however, lead human being out of or past its humanity, since for Janicaud “the overcoming of the human is a myth,” because “man is himself an overcoming.”²¹ Overcoming entails not an ecstatic exceeding of human bounds but a reflexive returning and reshaping of those bounds in response to the call of the superhuman and in self-defense from

¹⁹ Agamben, *Homo Sacer*, 86.

²⁰ Janicaud, *On the Human Condition*, 2, 4, 30.

²¹ Janicaud, *On the Human Condition*, 54.

the inhuman, an ever-looming threat. Janicaud calls this “a paradoxical ‘economy’” that combines “a cautious humanism, warning against the inhuman or the subhuman, and an opening up to possible superhumans (or everything other than the human ‘all too human’: disturbing, strange, radically creative) that lie dormant in us. On the one hand, the defense of the human against the inhuman, on the other, the illustration of what surpasses the human in man.”²² Human being thus lies *between*—between inhuman and superhuman, between beast and angel—and it is in this space *between* that humanity can go *beyond* via a reflexive, self-transforming self-transcendence.

Such self-transcendence relies on a characteristically humanistic understanding of freedom or liberty that implicitly depends upon human autonomy and self-determination. Agamben’s sovereign demonstrates this same kind of autonomy and self-determination in terms not of individual but of political and “human” reflexivity, so that human beings (are free to) decide on their own human being, their own humanity. Humanity, then, is a matter of decision—of attribution or appellation. Humanity is a call that echoes in a different register Caputo’s conception of God as a call, which Caputo describes as, “the name of an event rather than of an entity, of a call rather than of a cause, of a provocation or a promise rather than a presence.”²³ Dwelling “between and beyond,” “the human” becomes a name characterized, like Caputo’s God, by weakness, frailty, fragility thanks to the human limitations of finitude and mortality. Constituted in and through the flux, humanity is open to destruction, but also to remaking, reconfiguring, reinventing, for the indeterminate flux grants to creation the twin potentialities of failure and futurity. This is why, as Caputo writes, “the work of creation can be continued by humankind in a work of continuous re-creation. The ability of a thing to be reinvented and to surpass itself goes hand in hand with its vulnerability to destruction, which is all part of the risk” of material life.²⁴ This possibility for reinvention, reconfiguration, recreation remains bounded by the weakness, frailty, fragility, and finitude that characterize human being. The name “human” or “humanity” can call only a material life aporetically framed by mortal limitation yet open to an unforeseeable future that remains (as Caputo repeatedly emphasizes) *à-venir*, to come.

Affirming humanity as the name of this call that calls forth humanity’s constitutive weakness and fragility and mortality carries with it an affirmation of human ontology as becoming rather than being, fluid rather than formed, in flux rather than static. These affirmations undercut and uproot humanism’s picture of an autonomous, free, self-determining human existence—a human existence reflexively self-sacralized as an endowing of absolute value in a realm sovereignly ruled by human beings. Agamben’s pre-religious, political notion of sacredness dreams this humanistic dream (awake or asleep, consciously or unconsciously), for his configuration of the political domain requires this kind of

²² Janicaud, *On the Human Condition*, 58; see also 47 and 56.

²³ Caputo, *The Weakness of God*, 12.

²⁴ Caputo, *The Weakness of God*, 82; see also 105, where Caputo reflects on “perhaps” (*peut-être*).

self-enclosed humanistic vision. This political matrix depends upon an implicit humanism in defining sacrality and, subsequently, humanity. But this sort of humanism turns out to be antihuman in denying that which is called to life by “humanity,” namely, weakness, frailty, fragility, finitude, mortality – all of which remain bound to materiality and elemental creation.²⁵ This sort of humanism refuses to admit the contingent vitality and unforeseeable indeterminacy of embodied, corporeal (or, as Caputo suggests, khora-poreal) life. Such a refusal thus refuses the “stuff” of “life” that Caputo deems “sacred” when he affirms that “life is sacred stuff.” Only a vital position—one that, vis-à-vis this humanism, would be antihumanistic—can affirm that “life is sacred stuff” and, in doing so, affirm a *bio*-political human existence that admits life, in all of its contingency and fragility, into the political domain. This admission unseals and unseats a political self-enclosure by relinquishing authoritarian control over living and dying.

To relinquish such control would displace the sovereign’s sovereignty and, with it, his power to pronounce “*sacer esto*” as a double legal suspension—one that, by sovereign decree, positions *homo sacer* “between and beyond” human and divine laws. It would undermine the explicitly and solely political character of sacredness, which performs a necessary buttressing of Agamben’s argument given its assertion that the life of *homo sacer* “has an eminently political character and exhibits an essential link with the terrain on which sovereign power is founded.”²⁶ This becomes clear in the figure of “bare life” (*nuda vita*) or sacred life, the life of *homo sacer*, which is produced when life enters the *polis*. This life is not life in general but *zoē*, an ancient Greek name that (Agamben writes) expresses “the simple fact of living common to all living beings (animals, men, or gods),” to be distinguished from *bios*, the ancient Greek term indicating “the form or way of living proper to an individual or a group.”²⁷ On Agamben’s account, *zoē* breaks free of its imprisonment in the *oikos* and enters the *polis*, and that entry marks the transformation of politics into biopolitics as well as what Agamben calls “the original—if concealed—nucleus of sovereign power,” leading him to claim that “the *production* of bare life is the originary activity of sovereignty.”²⁸ Bare life is therefore a sovereign production: the sovereign stands as the one who pronounces “*sacer esto*” and turns life into bare life or sacred life. Agamben underscores this, writing that “sacredness is instead the originary form of the inclusion of bare life in the juridical order, and the syntagm *homo*

²⁵ On this score, Emmanuel Levinas writes that “humanism has to be denounced only because it is not sufficiently human.” See Emmanuel Levinas, *Otherwise than Being, or Beyond Essence*, trans. Alphonso Lingis (Pittsburgh: Dusquesne University Press, 1998), 128.

²⁶ Agamben, *Homo Sacer*, 100.

²⁷ Agamben, *Homo Sacer*, 1.

²⁸ Agamben, *Homo Sacer*, 6, 83, emphasis added. It is worth noting that though Agamben here follows and even amplifies Michel Foucault’s claim that politics becomes biopolitics in the modern West, he later asserts that “in its origin Western politics is also biopolitics.” For this later claim, see Giorgio Agamben, *The Open: Man and Animal*, trans. Kevin Attell (Stanford: Stanford University Press, 2004), 80; see also Agamben, *Homo Sacer*, 3–7, for Agamben’s discussion of Foucault.

sacer names something like the originary 'political' relation, which is to say, bare life insofar as it operates in an inclusive exclusion as the referent of the sovereign decision. Life is sacred only insofar as it is taken into the sovereign exception" and, in being so taken, is exposed to death through the permissible potentiality of homicide as an exception to the law, without criminal repercussions imposed by the sovereign.²⁹

For Agamben, then, life becomes "sacred stuff" only through its explicit exposure to death by sovereign pronouncement within the political sphere. Life is not sacred but *becomes* sacred thanks to a sovereign decision that politicizes *zoē* by turning it into bare life or sacred life. Thus life becomes sacred as a result of a political calculation that decides on the value and status of life by deciding whether to expose this life to death. Here again, Agamben's subterranean humanism emerges, as he seems to maintain firmly that life's exposure to death takes place in and through, and only in and through, a sovereign decision. In doing so, he sustains the implicit, humanistic *hubris* according to which life becomes solely a matter of human, political calculation, so that only a politically calculated decision (of, in this case, a human sovereign) could expose life to death—as if life, in its very fragility and contingency and unforeseeable indeterminacy, were not always already exposed to the possibility of death at every moment, as if life did not amount to an existential mode of being as being-exposed. Agamben neglects to calculate the vital risk under which material, embodied life exists, for its unforeseeable futurity that remains *à-venir* thereby remains incalculable. In short, he neglects to consider fully the "stuff" of life (or, for him, the "stuff" of *zoē*) that is mortal. His humanistic strain leads him to conceive of life conceptually, according to a neat, philosophical division of *zoē* and *bios*, and to forget the messy, unpredictable, fluid fleshiness of embodied living that cannot be completely contained or controlled by any human sovereign. Agamben collapses *zoē*'s politicization with rigidification, particularly in the wake of a sovereign's "*sacer esto*" that, in pronouncing this curse that makes a life sacred, also conceptually turns this life to stone (so that the sovereign becomes a kind of politicized Medusa), which Agamben acknowledges in describing *homo sacer* as, "so to speak, a living statue."³⁰

This petrification keeps human life from the flux that characterizes the risky contingency of its corporeality, whose becoming proceeds through an immanent exposure to the ever-present potentiality of death. Humanity and "the human," the *homo* of *homo sacer*, remain a sovereign decision, a matter of political calculation, as Agamben states explicitly: "in the 'politicization' of bare life—the metaphysical task *par excellence*—the humanity of living man is decided."³¹ Humanity is decided upon by the sovereign in and through the decision concerning sacrality (and both decisions are final), for to be declared sacred renders a political subject "between and beyond" the bounds of humanity insofar

²⁹ Agamben, *Homo Sacer*, 85. Agamben uses the terms "bare life" and "sacred life" interchangeably.

³⁰ Agamben, *Homo Sacer*, 99.

³¹ Agamben, *Homo Sacer*, 8.

as bare life or sacred life is inhuman. Indeed, the zone of indistinction demarcated by bare life or sacred life—a zone of indistinction between *zoē* and *bios*—is also a zone of indistinction between human and animal (which helps to explain or justify the double exception according to which *homo sacer* may be killed but may not be sacrificed). *Homo sacer* is abandoned not only by law (human and divine) but by humanity, since in becoming an outlaw *homo sacer* also becomes a *loup garou*, a werewolf, a wolf-man. In becoming sacred, *homo sacer* becomes what Agamben describes as “a monstrous hybrid of human and animal,” not simply a wolf but a wolf-man, since the zone of bare life or sacred life is, in Agamben’s words, “a threshold of indistinction and of passage between animal and man, *physis* and *nomos*, exclusion and inclusion” or “a zone of indistinction and continuous transition between man and beast, nature and culture.”³²

Furthermore, this indistinction, taking place in a threshold or caesura, threatens the very possibility of culture and, with it, the ground upon which the decision regarding humanity is (sovereignly) made. In this way, the zone of sacrality, this space of indistinction between *zoē* and *bios* and between animal and human, represents what Agamben calls “a critical threshold,” for if the border between human and animal collapses and the difference between human and animal becomes undifferentiated, then culture and all that it carries with it (including politics and, therefore, the decision regarding humanity) threaten to vanish.³³ Consequently, Agamben announces that “the boundary between man and animal marks the boundary of an *essential* domain,” one fundamental to the possibility and shape of human being, as its determination and maintenance enables “a fundamental metaphysico-political operation in which alone something like ‘man’ can be decided upon and produced”—produced in and through the sovereign production of bare life, itself produced by virtue of *sacratio*.³⁴ Here, Agamben states explicitly that politics, which he marks off as an originary domain prior to religious/juridical or sacred/profane distinctions, is metaphysics, so that politics becomes first philosophy for Agamben. He underscores this political priority in acknowledging that first philosophy, or ontology (concerned with questions of being), is “in every sense the fundamental operation in which anthropogenesis, the becoming human of the living being, is realized” (anthropogenesis being “what results from the caesura and articulation between human and animal”).³⁵

In so doing, he reveals that his ardent defense of *sacratio* as an unambivalent, originary political structure that is pre-religious and pre-juridical does not finally hold. As first philosophy, politics performs a foundational function that anchors, opens, and inaugurates existential possibilities of being (or, as Martin Heidegger would say, being-in-the-world) and subsequent decisions on the sacrality and humanity of living beings. But it can perform this function only thanks to an

³² Agamben, *Homo Sacer*, 105, 109.

³³ Agamben, *The Open*, 21; see also Agamben, *Homo Sacer*, 98.

³⁴ Agamben, *The Open*, 21.

³⁵ Agamben, *The Open*, 79; see also 38.

implicit, prior decision concerning what counts as human upon which politics (as a human cultural form) depends. Moreover, this decision is humanist, always already having decided in favor of humanism, with its defining image of “the human” that includes sharp and uncrossable divisions hermetically sealing “the human” in an enclosed political sphere. It seems plausible that Agamben’s refusal of religion in favor of politics might owe to the sense of alterity and uncontrollable otherness characteristic of occidental monotheisms and their theological conceptions—strong or weak—of God. This refusal, however, forces Agamben to embrace and adopt, silently and below the surface, a neo-classical humanism that, in its attempt to displace religion, is itself ultimately displaced. This displacement becomes clear when *homo sacer*, the figure through which Agamben intertwines sacrality and humanity, is put to the test.

III.

Enter Antigone. The more difficult daughter of Oedipus and Jocasta, the product of an incestuous union that violates kinship taboos, she is problematic from the start. Her problematic nature intensifies when she refuses to abide by the edict of Creon, her uncle and king of Thebes, prohibiting the burial of her brother Polyneices’ corpse. After burying it twice (with no help from her sister, Ismene) and getting caught in the act, Antigone stands trial before Creon, resolutely defiant in her adherence to the ritual duties of filial piety that obligate a sister to bury a brother, regardless of a sovereign’s political proclamation. For her “crime of reverence” and for her lack of remorse, Creon sentences Antigone to be buried alive. After receiving wise counsel from Haemon, his son, and Tiresias, a blind prophet, the inflexible Creon finally bends and sets out to release Antigone from her living entombment—only to find her dead, having hanged herself in her crypt. This disturbing revelation leads to the suicides of Haemon and then Eurydice, Creon’s wife, leaving Creon alone and broken at the end of Sophocles’ tragic drama.

Antigone tests Agamben’s conception of *homo sacer* by pushing notions of humanity and sacrality to their limits, where the possible touches the impossible. Her test results underscore and undercut his configuration of *homo sacer* and the relation of humanity and sacrality that it weaves, for Antigone is both paradigmatic and enigmatic with respect to *homo sacer*.

Antigone exemplifies the first-order, topographical designation of “sacred” (as set apart, extraordinary, different) as the corporealization of incest: she is the result of incest, so that her father is also her brother and her mother also her grandmother. She embodies a violation of a founding cultural and definitively “human” structure, namely, kinship, which takes the prohibition of incest as its starting point. She further accentuates her sacred difference by bearing an incestuous, erotic desire for her dead brother Polyneices—an *erōs* that crosses and contaminates her (purportedly) “pure” and appropriate *philia*, which motivates and mobilizes her duty to bury his corpse. (Her death-bound determination to bury his corpse at all costs could be read as Antigone’s demonstrative affirmation of Caputo’s assertion that “life is sacred stuff,”

particularly insofar as life always and constitutively carries with it the immanent potentiality of death. But such an affirmation already moves Antigone into the second-order, valiative dimension of “sacred.”)

Hence Antigone remains from the beginning in a state of exception, a kind of *homo sacer*, as the inclusive exclusion that makes possible culture and its conditioned calculation regarding what counts as “human.”³⁶ Antigone starts “between and beyond” the nature/culture and *physis/nomos* distinctions, which also positions her “between and beyond” the human/animal divide. She stands in Agamben’s “critical threshold,” the caesura between humanity and animality where the two become indistinguishable. She becomes a monstrous hybrid, neither human nor animal yet implicated in both; she embodies traces of the human and the inhuman at once. This hybridity is made manifest by the guard who reports to Creon that when Antigone discovers Polyneices’ uncovered body (after she had buried it once), “she gave a shrill cry like a bird when she sees her nest / empty, and the bed deserted where her nestlings had lain.”³⁷ The chorus confirms this characterization of her as human-animal hybrid by calling her “wild” –indeed, “as wild by birth as her father,” implying that her nature ensures her status as an outlaw in Agamben’s biopolitical sense.³⁸ Antigone also confirms the guard’s analysis by admitting that “I have no place with human beings, / living or dead. No city is home to me.”³⁹ She self-consciously accepts her position as an outlaw who, dwelling in a zone of indistinction (or state of exception) between human and animal, can never be at home in the political domain—the domain that, on Agamben’s account, determines and decides on “the human.”

Antigone’s admission further embeds her in this zone of indistinction, confirming her status as *homo sacer*, by positioning her not only “between and beyond” the human/animal distinction but also “between and beyond” the border separating life and death. Confirmation comes in Creon’s pronouncement of her sentence, which functions as a sovereign “*sacer esto*.” This marks her double exclusion from the *polis* and doubly ensures that the curse of her sacrality precludes her possible humanity. It doubly marks her as *homo sacer*, who inhabits bare life as a life exposed to death—a life that, by Antigone’s account, is always already exposed to death. In other words, Antigone is already

³⁶ Claude Lévi-Strauss bases his structural considerations of kinship around his identification of incest as what he calls “the fundamental step” by which “the transition from nature to culture is accomplished.” See Claude Lévi-Strauss, *The Elementary Structures of Kinship*, ed. Rodney Needham, trans. James Harle Bell and John Richard Von Sturmer (Boston: Beacon Press, 1969), 24.

³⁷ Sophocles, *Antigone*, trans. Paul Woodruff (Indianapolis: Hackett, 2001), 424–425. All citations from *Antigone* give line numbers that correspond in English and Greek. Interestingly, and quite tellingly, in the guard’s report the breakdown of the human-animal distinction crosses and couples with the breakdown of kinship distinctions, as exemplified by Antigone, the “eternal sister,” being described in maternal terms.

³⁸ Sophocles, *Antigone*, 471.

³⁹ Sophocles, *Antigone*, 851–852.

dead even in life, as she tells Ismene and Creon that “already my soul is dead.”⁴⁰ Her living entombment performatively realizes this by lodging her in a physical representation of the state of exception, the zone of indistinction in which *homo sacer* dwells. Between life and death, neither living nor dead, both alive and dead, Antigone exemplifies *homo sacer* who, Agamben writes, “exists on a threshold that belongs neither to the world of the living nor to the world of the dead: he is a living dead man.”⁴¹ In this sense, she shares this zone of indistinction in which life and death pass in and through one another with Karen Quinlan, the overcomatose woman whom Agamben considers, noting that she, like Antigone, exists in what he calls “a zone of indetermination in which the words ‘life’ and ‘death’ had lost their meaning,” so that her existence, like Antigone’s, is “no longer life, but rather death in motion.”⁴² These two women dwell in a threshold that marks the mortal limit of being, in which “life,” “death,” and “the human” are decided. They remain in this threshold, exposed.

But Antigone’s exemplary status as a manifestation of *homo sacer* comes undone, for she is as enigmatic as she is paradigmatic vis-à-vis *homo sacer*. She does indeed embody and perform a living death, dwelling in a zone of indistinction between life and death (as well as between human and animal) both positionally in her living entombment and ontologically in her self-declaration of being dead-in-life. Such a performative embodiment seems, therefore, to epitomize *homo sacer* and bare life or sacred life. Therein lies the problem: given her context, Antigone cannot live bare life. Her life cannot become bare life, and she cannot, strictly speaking, become *homo sacer*. Life becomes bare life and a political subject becomes *homo sacer* through, in Agamben’s words, “an inclusive exclusion (an *exceptio*) of *zoē* in the *polis*,” one that is definitive since “in Western politics, bare life has the peculiar privilege of being that whose exclusion founds the city of men.”⁴³ With this, Agamben uncovers and exposes the impasse: sexual difference. Bare life’s inclusive exclusion founds “the city of men,” which reveals that bare life and *homo sacer* are sexually marked—and sexually exclusive, for men only. In this ancient Greek context, the *polis* remains a male domain, of men and for men, while women stay confined to the *oikos*. Agamben acknowledges this in writing that “in the classical world...simple natural life [*zoē*] is excluded from the *polis* in the strict sense, and remains confined—as merely reproductive life—to the sphere of the *oikos*.”⁴⁴ Accordingly, Antigone’s sexed confinement to the *oikos* precludes her from entry in the *polis*. This, in turn, precludes her from the possibility of bare life or sacred life, which becomes sacred—or is made sacred—by a sovereign’s (bio)political decision and pronouncement of “*sacer esto*,” a speech act that produces bare life as the originary

⁴⁰ Sophocles, *Antigone*, 559.

⁴¹ Agamben, *Homo Sacer*, 99; see also 100 and 105.

⁴² Agamben, *Homo Sacer*, 164, 186; see also 159.

⁴³ Agamben, *Homo Sacer*, 7.

⁴⁴ Agamben, *Homo Sacer*, 2. In his own way, G.W.F. Hegel repeats this sentiment in his analysis of ethical life in *Phenomenology of Spirit*. See G.W.F. Hegel, *Phenomenology of Spirit*, trans. A.V. Miller (Oxford: Oxford University Press, 1977), esp. 263–289. I consider Hegel’s reading of *Antigone* at greater length elsewhere.

act of (bio)political sovereignty. Thanks to this production, which includes bare life by doubly excluding it from human law (vis-à-vis homicide) and divine law (vis-à-vis sacrifice), life becomes sovereignly sacralized as bare life, placing it in a zone of indistinction between *zoē* and *bios*.

This production does not take place in Antigone's exceptional case since her sexual difference as a woman disallows it from the outset. Antigone's *zoē* never enters the *polis* and, therefore, is never sovereignly pronounced sacred and never politicized as bare life. *Zoē* must be within the *polis*, "the city of men," for it to qualify for exclusion of any sort, including the inclusive exclusion that characterizes *homo sacer* and bare life. It must be in the *polis* for the sovereign to be able to pronounce "*sacer esto*," making it sacred in an act that also decisively pronounces on its humanity: to be declared sacred, to become *homo sacer*, entails "living" in a zone in which the designations "human" and "animal" become indistinguishable and therefore meaningless. But Antigone cannot even make it that far since her entry into the *polis* is foreclosed by her sexual difference as a woman. Her *zoē* cannot be politicized, which means that she cannot be declared sacred, which means that she cannot be determined as human. In this way, Antigone remains inescapably inhuman. As Agamben tellingly states, "in the 'politicization' of bare life—the metaphysical task *par excellence*—the humanity of living man is decided."⁴⁵ This assertion leaves Antigone with no hope of or home in humanity: her life can be neither politicized nor sacralized, and she is not a man, much less a living man given her ontologically fragile position between life and death. Even this requires amendment if, for Agamben, politics does become first philosophy because as a woman, Antigone is apolitical and unpoliticizable.⁴⁶ She is not and cannot be *homo sacer*. She is instead an inhuman enigma—a monster.

The chorus explicitly confirms her monstrosity—and, quite tellingly, does so immediately following its Ode to Man in *Antigone's* first *stasimon*.⁴⁷ This ode is just that: an ode to *man* as a sexed being. It also serves as an inaugural articulation of occidental humanism, praising the wonder that is *anthrōpos*, who is able to subdue the goddess Earth by undertaking agriculture and thereby taking control of the earth. But in the choral hymn, the sexually undetermined *anthrōpos* quickly morphs into the explicitly male *anēr*, as the chorus lauds, "he is Man, and he is cunning, / he has invented ways to take control" of beasts and of women, bringing both of these "animals" under his yoke.⁴⁸ That this hymn to humanism is sexuate, collapsing "human" into "man," is unsurprising yet revealing, for it exposes the sexed nature of humanism as it develops in occidental contexts—up to and including the humanism that haunts Agamben's figuration of *homo sacer*. This adds to the reasons why Antigone is peremptorily

⁴⁵ Agamben, *Homo Sacer*, 8 (cited above).

⁴⁶ For the relation of ontology and first philosophy, see Agamben, *The Open*, 79.

⁴⁷ "Monstrous [τέρας]" is the first word that the chorus utters after it concludes its ode and Antigone appears on stage before it. See Sophocles, *Antigone*, 376; see also 5.

⁴⁸ Sophocles, *Antigone*, 347–348; see also 333 for the sexed, terministic contrast between *anthrōpos* (άνθρωπος) and *anēr* (άνήρ).

prohibited from realizing and embodying humanity as well as foreclosed from the possibility of becoming *homo sacer* in any full sense.

Furthermore, Antigone is not and cannot be *homo sacer* because she inverts the formulation that Agamben adopts from Pompeius Festus, according to which *homo sacer* may be killed but may not be sacrificed (with “may” signifying both potentiality and permissibility). Antigone, however, may not be killed—and for religious reasons, namely, to avoid *miasma*, or pollution, which invokes a religious dichotomy between purity and impurity. Instead of killing her, Creon buries Antigone (in his words) “alive underground, in a grave of stone,” leaving her “only as much food as religious law prescribes, / so that the city will not be cursed for homicide.”⁴⁹ With this, Creon explicitly subordinates the civil order to religious law so as to avoid the punishment for violating this latter law, which in this case concerns homicide. Antigone may not be killed according to religious law, which also prescribes how much food she receives—a prescription that Creon follows, thereby crossing religious and civil spheres and, in the process, abandoning Agamben’s insistence on sacrality (and humanity) as originally political and pre-religious. In this case, such an originary position turns out to be untenable, for religious law precedes and exceeds human law in Creon’s sovereign judgment concerning Antigone’s (bio)political existence (or, more precisely, her lack thereof).

Antigone, therefore, may not be killed thanks to a religious legal prohibition, but she may be sacrificed (or, perhaps, “sacrificed”) in a sense, for her living entombment enacts a kind of sacrifice of Antigone for the self-preserving sake of the *polis*. This sacrifice or quasi-sacrifice takes place for political rather than religious reasons, giving Antigone a symbolic death (as ultimately inhuman) rather than a physical death. In doing so, it further establishes Antigone’s threshold position between living and dying. Moreover, this politically motivated quasi-sacrifice engenders a “real,” corporeal sacrifice: Antigone’s self-sacrifice, a possibility for which Agamben’s conception of *homo sacer* makes no provisions. Antigone finally stands not as a *homo sacer*, a sacred man, but as an unsacralized and inhuman woman who lacks (bio)political existence; instead of one who may be killed but may not be sacrificed, Antigone may not be killed (even by the sovereign) but may be and is sacrificed—twice, in political and symbolic and then in corporeal and mortal terms.

Only Antigone can ultimately affirm her living and dying, just as, in her context, only Antigone affirms Caputo’s assertion that “life is sacred stuff”—that the fragile “stuff” of life as well as of humanity bears incalculable value that no exclusively political decision can figure. In her context, only Antigone embraces “sacred” as a vital and ambivalent marker of difference, crystallized for her in and through her sexual difference as a woman (as well as her threshold status between “human” and “animal” and between life and death), for this is the difference that stands as potentially fatal for the life (such as it is) of *homo sacer*. Antigone, thanks to her difference, instead remains open to the “sacred stuff” of

⁴⁹ Sophocles, *Antigone*, 774, 775–776.

human life in all of its fragility and weakness. Antigone remains open to and listens for the call of — the call that *is* — human.

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