Christ the Exception

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It is now too little discussed, but one key ingredient of 20th century 'modernism' has been its reaction to the writing of James Frazer in *The Golden Bough*. One can think of course of *The Waste Land*, but also of David Jones's *Anathemata*, besides countless other examples. In some of these instances, notably that of Jones, implicit anthropological critiques of religion are turned on their head. Christ as one more sacred king sacrificed becomes instead the typological fulfilment of the sacrificial drama played out in so many cultural instances (though not all—under the influence of Christopher Dawson, Jones is quite specific) between sacred mother and sacred son. More recently, the debate between anthropology and theology concerning sacrifice and Christology has been dramatically renewed. Now, however, in the wake of the work of René Girard among others, the focus has been as much upon Christ's exception to prevailing norms of sacrifice and power. Fergus Kerr was among the first theologians to make important contributions to this renewed debate ('Revealing the scapegoat Mechanism: Christianity after Girard' in *Philosophy, Religion and the Spiritual Life* ed Michael McGhee (Cambridge: CUP 1992 161–75) and 'Rescuing Girard's Argument' in *Modern Theology* 8 1992, 388–390). This was highly appropriate for one whose interests, rooted in literary studies, embrace theology, philosophy and the social sciences, with the cultural broadness so notable amongst British Catholics. The present article aims to continue this debate, and further to extend its scope, with reference both to Christ's typicality and his exceptionality. I hope that this is a suitable tribute to Fergus Kerr.

I

Why did Jesus die? The gospels present us with a very confusing and complex account. Jesus deliberately returned to Jerusalem although he seems to have known that this was to court danger. He was 'betrayed' by one of his disciples, although it is unclear why this betrayal was necessary, nor in what it consisted. After his betrayal and seizure, he was, according to the synoptic accounts, arraigned before the Sanhedrin, who accused him of denouncing the temple, of disregarding the law and of claiming to be the Son of God. Then, however, the high priest and

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elders handed Jesus over to Pilate, the Roman governor, claiming that he was a rebel who had set himself up as a king of the Jews against Caesar. Pilate subjected Jesus to enigmatic and ironic questioning, and according to St. Luke's gospel, in turn handed him over to Herod, the Greek king of Judea and Roman puppet. Herod could find him guilty of nothing and returned him to Pilate (Luke 23). In an obscure decision Pilate is then presented as having at once condemned Jesus to death in deference to the crowd's wish to release Barrabas rather than Jesus, and at the same time as having 'handed Jesus over' to the Jerusalem mob to do what they liked with. Yet this 'doing what they like' took the form of appropriating the Roman judicial punishment of crucifixion. Who then really killed Jesus and why? And why did Jesus submit to this? The only consistent thread in these narratives is that Christ was constantly handed over, or abandoned, to another party. Judas betrayed his presence; the disciples deserted him; the Sanhedrin gave him up to Pilate, Pilate in turn to Herod, Herod back to Pilate; Pilate again to the mob who finally gave him over to a Roman execution, in which somehow, improperly, they co-opted. Even in his death, Jesus was still being handed back and forth, as if no one actually killed him, but he died from neglect and lack of his own living-space.

Given this strange account, the overwhelming response of modern NT scholars is to doubt its veracity, to such a degree that little of the Passion Narrative is seen as plausibly historical. I want, however, to suggest a perspective from which the very strangeness of the features I have mentioned may in fact present some warrant of verisimilitude, at the very least. But at the same time this new ground for historical plausibility casts light upon the universal significance of Christ's death, as claimed by the first Christians.

Why are the gospel accounts today viewed with so much scepticism? There are two main reasons, one critically respectable, the other less so. The first reason is that the events presented appear utterly *exceptional* and even implausible in the light of what we know from sources other than the gospels. Most striking is the fact that nowhere else do we read of the purported Passover custom whereby the governor of Judea offered to release a prisoner every year. Furthermore, all we know of Pilate independently of the gospels suggests that he was a tyrannical ruler, not given to making concessions. Scholars also wonder how early Christians could have been privy to private proceedings that took place between Pilate and Jesus in the Praetorium.[1] A few of them have in addition questioned the plausibility of the proceeding before the Sanhedrin: would Jesus really be thought to have transgressed Jewish Law? Did he qualify as a blasphemer, since blasphemy for the Jews at this time was pronunciation of the secret name of God? If the Sanhedrin

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condemned Jesus, then would not they have stoned him to death, since there is evidence that they still had power, even under Roman jurisdiction, to carry out this sentence and in some cases did in fact do so? Scholars (such as A.N. Sherwin-White) who defend the plausibility of the Sanhedrin's condemnations and handing-over to the Roman authorities almost universally reject the idea that the final executioner was the mob stirred up by the Chief Priests and elders.

The ground for this rejection is twofold: 1. the lack of evidence for the Passover amnesty, as already mentioned; 2. the fact that Jesus died a Roman judicial death, which renders Pilate's hand-washing either implausible or else more insincere than the gospels seem to allow.

So the first reason for scepticism finds the events of the passion to be so unusual as to render them most probably, in the main, ahistorical. However, if writers have embellished what is clearly intended (as scholars still allow) to be a historical account, then one must ask why? This also is a historical question. The main answer today given is that the four evangelists, writing at a time when the Christian community had become clearly separate from the Jewish one and wishing to find an undisturbed place for itself within the Roman empire, desired to downplay the Roman involvement in the death of Jesus, and exaggerate the involvement of the Jewish authorities. The implication of this view is that Jesus was indeed seen as a dangerous political agitator by the Romans, and was executed as such—not, indeed, as the leader of a zealot party but certainly as a potential focus of popular dissent either from Rome, or else from the established Jewish authorities. Or, of course, from both authorities. It is notable that in St. John's gospel the high priest Caiaphas is presented as fearing that Jesus could become just such a focus, and thus incite a Roman reaction (John 18:14).

The second reason for scepticism concerning the passion narratives also concerns the issue of false attribution of blame to the Jews, but is much more driven by a presumption that the early Christians were anti-Semitic, and that any continued distribution of responsibility for Jesus's death to any Jews in Jerusalem at this time is a perpetuation of such an attitude. In particular, any taking seriously of the role of the mob is seen as politically reprehensible.

However, even if one profoundly sympathizes with the underlying motivations for this attitude, there is no logic in any automatic presumption of anti-Semitism as constitutive of Christianity as such, and still less logic in the view that segments of a people too often victims, cannot in certain instances have been themselves the persecutors. Therefore we are returned to the first reason for scepticism: the sheer atypicality of the events the gospels narrate.

It is possible to whittle away the plausibility of this first reason.

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There is, first of all, a general methodological point to be made, and secondly, a series of considerations about details. The general point is that arguing against exceptions primarily as exceptions is a highly dubious historiographical procedure. It is only resorted to when there is a significant lack of confirmation that an event did in fact occur. For in point of fact, well-attested and yet extraordinary and unpredictable events are occurring all the time: as I write, I am just receiving news that the World Trade Centre in New York, and a part of the Pentagon in Washington, have been destroyed by hijacked aircraft. The immediate aftermath of this event illustrates the truth that we are often far more certain *that* something has happened than *why* it has happened. The surprisingness and often inexplicability of precisely the most *outstanding* events—since An event, to be recordable, and so to be an *event*, must be to some degree an exception to 'the normal course of events', for which only 'the course' (the instance of a particular culture etc) is really an 'event' in human history. But this constitutive exceptionality of the event means that the most event-like events are necessarily surprising and very often inexplicable, since they exceed the normal expectations of causality. Indeed, one can go further: given the complexity of human reasoning, human lack of reason and the contagion of mass behaviour, it may be true to say that the biggest events—those that most shape our experience and understanding—occur literally *without* sufficient causation.

The gospels assume that the events they are describing are unique and remarkable; even that they are the most exceptional events that have ever occurred. They are also held to be the most important and the most meaningful: so much so that they are now to be regarded as the frame of reference within which everything else is to be understood. So now we have a purported hyperbolic instance of an event which is exceptional and so singular that it vastly exceeds as effect its own occasioning causes: just as Mary's *fiat* allowed but did not cause—not even in any degree (given that she could do nothing *in addition* to God) and John's baptising of Jesus allowed but did not cause the first Hypostatic descent of the Holy Spirit at 'the down-rusher's ford' (the expression is David Jones's in his *Anathemata*). There can be no question that hyperbolic, uncaused events do occur, nor can one rule our *a priori* the possibility of a supreme instance of such an event, which renders all other events only instances within its own down-rushing course.

The claim that such a supreme instance has arrived in actuality and therefore belongs to real (not merely logical) possibility, is an aspect of the claim that God has become incarnate. It follows that liberal criticism of the Bible is in double methodological peril: not only does it tend to rule out as ahistorical what is different and unprecedented; it also can

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only contest orthodoxy by begging the very question that is at issue between itself and orthodoxy: namely, did Christ constitute an absolutely unique exception? The very 'evidence' which orthodoxy can cite for this claim, although it is indeed without genuine evidential warrant in a strict scientific sense, is seen by liberalism as evidence against the claim, but equally without genuine evidential warrant.

So much for the first methodological point. As for the details, the objections cited are less convincing than is usually imagined. Regarding Pilate's known character, bread and circuses were proverbially never adverse to Roman tyranny and there is no way of knowing what may or may not have leaked out of the Praetorium (allowing for ancient historiographical conventions of reconstructed dialogue). With respect to Jesus's infringements of Jewish law, some but not others of the pharisees at the time would have objected to things like Sabbath breaking; from Philo we know that blasphemy could be extended to any impious invocation of God; certainly Jesus's metaphorical threats to the Temple might have been taken non-figuratively and regarded gravely. One can also imagine that if Jesus claimed to be the son of God (and we have no real grounds to doubt this, outside the bias against exception) this claim would have met with ordinary judicial hostility.

When it comes to the executive powers of the Sanhedrin, then the scholarly consensus is that they did not enjoy undisputed and autonomous powers to put to death: instances where they did, fell during vacancies in the procuratorships, and otherwise (as Simon Légasse notes) Josephus records two cases where, indeed, the Sanhedrin tried to get self-appointed prophets executed by Rome for essentially Jewish offenses.

Sherwin-White explained how, as wielder of *imperium*, Pilate would have been able to try the crimes of non-Roman citizens by a process of personal *cognitio* that was *exceptional* to the regular *ordo iudiciorum publicorum*, without jury-courts, or specific criminal laws, and with absolute personal licence as to the punishments that could be meted out. Nevertheless, both the presence of accusers and the answering of a charge were normally demanded: Pilate's demurral and then deferral to the Sanhedrin in the face of Jesus's silence is highly plausible. Yet if *cognitio extra ordinem* could easily extend by *fiat* to the recognition of alien religious and other charges in the interests of good order and appeasement, it does not seem to have been the case that it allowed powers of sovereign (rather than mandated) sentencing and capital execution themselves to be alienated. 'Pliny', says Sherwin-White, 'did not understand the charges against the Christians in Pontus, but he condemned them to a Roman execution without hesitations'.[2] It is then broadly agreed that there is little reason to doubt at least *this*

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'handing over' procedure.

This still leaves us with the problem of the Passover amnesty. Much of what I would contend myself is not far removed from what Simon Légasse is prepared to accept in the most recent and extensive book-length treatment of the trial of Jesus.[3] However, along with the general consensus, he denies the historical plausibility of the Passover amnesty, the large role of the mob, and the dispensing with responsibility by Pilate. In doing so he considers the 1965 work of the Belgian classicist Jean Colin.[4] Unusually, Colin defended the crucial role of the mob in the passion narrative. He showed that in the 'free cities' of the Oriental empire, the Romans dealt with the fierce Greek sense of legal autonomy by a practice known as *epiboesis*, whereby people could be condemned and executed by popular vote and acclamation (including instances of preference between two people accused). He cites the later example of the Christian Attale of Pergamon, who although a Roman citizen, was thrown to the beasts in the arena by the Roman governor to be 'agreeable to the multitude'. Colin suggested that precisely epiboesis was resorted to in the case of Jesus. Légasse, however, summing up the general consensus of the New Testament academic guild's reaction to this book, declares Colin's appeal to the Greco-Oriental rather than to the Jewish or Roman world, to be irrelevant. He points out the obvious: Jerusalem was not a free city, and there is absolutely no evidence of this legal usage being deployed in Palestine. Naturally, though, Colin knew this, and Légasse does not discuss the case he made out in its despite.

This was as follows: Pilate is known to have been in Caesarea, a free city, where he could have become acquainted with the practice; Herod must certainly have known of the practice from the *Decapolis*, the ring of free cities surrounding Galilee, where Herod held sway. Colin suggests that we take seriously the gospel's presentation of Pilate as being at his wit's end when faced with Jesus: in such a state he might have resorted to an alien practice that was nonetheless countenanced within the *imperium.* Perhaps he thought of the idea himself—more plausibly, suggests Colin, it was suggested to him by the Greek Herod during the episode, recorded only by Luke, when Jesus is shuttled to and fro between the two Roman jurisdictions. Here it is notable that Pilate first hands Jesus over to Herod because he realizes that Jesus is a Galilean. Alternatively, one might claim that Luke—from the free city Antioch—fabricated the whole episode from his experience. This conclusion, however, conflicts with the structural consonance of the four gospel accounts, and the generally accepted historical secondariness of the Lucan version.

Once again, therefore, the issue concerns the question of an *exception*. In the face of the problems raised by Jesus's exceptionality,

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did Pilate resort to a locally exceptional legal procedure? One can only conclude that Colin's solution is not impossible, and perhaps more plausible than the now orthodox ones. As to the question of the supposed Passover custom of amnesty, it is perhaps significant that Luke *does not* mention a custom, which would be consistent with the notion that this release of Barabbas was *also* an exception; taken along with the Herod episode, this may imply that Luke's account is the most accurate one. However, given the paucity of available evidence, the silence of Josephus and rabbinic sources concerning the amnestly custom is not really conclusive, and one has no real warrant to doubt the witness of the other gospels.

This may seem to be all that one can really say on this topic. However, there is a way of going further, of increasing the plausibility of Colin's solution by showing that precisely *exceptionality* was paradoxically typical of Roman rule in general.

II

Although *epiboesis* was confined to the eastern empire, a somewhat parallel phenomenon was recorded in the case of Rome itself and Roman law in general, by Pompeius Festus, the late antique grammarian. In his treatise *On the Significance of Words*,[5] he tells us that, after the secession of the *plebs* in Rome, it was granted to the plebeians to have the right to pursue to the death (singly or collectively it is implied) someone whom they have as a body condemned. Such an individual was declared *homo sacer*, and his irregular death was not exactly homicide, nor punishment, nor sacrifice, since unlike regular capital punishment, it had to be carried out without purification rites. Such a person was sacer, simply in the sense of cast out, utterly abandoned, a sense of the word which may be more ancient than the connotation 'sacred', deriving from the specific sending forth which is sacrifice. This is the conclusion of the Italian philosopher and scholar of late antique philology, Giorgio Agamben in his recently translated book, itself entitled Homo Sacer.

Agamben argues that there are isomorphic parallels between the recorded *homo sacer* procedure and other Roman practices: first of all, the patria potestas, or absolute right of the Roman father over the life and death of his son. One should note here that the law described by *Deut.*22 (18–21) presents a certain analogy to the *patria potestas*: here a drunken and gluttonous son who habitually disobeys his father and mother is to be handed over by both parents to the elders at the gate of the city, who in turn hand him over to all the men of the city to be stoned outside the gate. This exceptional action is deemed to be purgative in its effect. Such a concept may have provided a kind of residual background

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for a fusion of cultural horizons in terms of the kind of enacted exception which was the death of Jesus.

The second parallel claimed by Agamben is the 'devotion' of oneself and one's enemies to a sacrificial death offered to the gods of the underworld in battle. If these enemies were not killed, then *simulacra* of them had to be offered instead. A similar thing was true, Agamben argues, of a dying Roman emperor, whose real life was also transferred to a simulacrum, ensuring the fiction of uninterrupted sovereignty. There are certain Israelite parallels, which could have formed the basis for a fusion of cultural horizons. Robertson Smith noted that the Old Testament speaks of a dedication (*herem*) unto utter destruction, and avoidance on pain of death (that is, contagion of such dedication) of a person, place or thing so dedicated or 'anathematised'. (Cf. Micah 4:13: 'You shall beat in pieces many people, and devote their gain to the Lord'.)

Of all these parallels, the closest and most crucial is the *patria potestas*. For this power was absolute: to kill a son was to kill what naturally belonged to you—it was not murder, nor execution, nor sacrifice. And upon this mythical and real foundation, Roman notions of political sovereignty, unlike those of ancient Greece, were themselves founded.

Agamben characterizes all these legal instances and especially *homo sacer* itself, in terms of the notion of exception. Normal legality is suspended: someone is reduced to bare-life, to sub-humanity, and can be killed indifferently, yet not murdered, sacrificed nor executed. From certain parallels with *patria potestas* however, Agamben argues that the exception is the secret foundation of Roman authority. What establishes legality is the power of authority to break its own law, and sometimes to abandon those whom it is normally self-bound to protect. At bottom, as Augustine realized, in Roman logic, legality is the self-bestowal of normativity by the *de facto* possessor of power. This means that at the limit, naked power will keep re-asserting itself, and even the citizen must be by definition, reducible to sub-human, natural, quasi-animal status, such that he can be hunted down like a werewolf. For Agamben, therefore, *homo sacer* is to be correlated with the aporetic structure of sovereignty as such: it works by including only what is simultaneously excluded, namely legal non-exceptionality. And one can add here a second *aporia*, which applies not only to sovereign will, but to will as such: for a will to be effective, something other than will must carry out what the will's order is—if my hand will not move, I cannot throw. Every sovereign needs an executive. Yet this executive is unavoidably other, and therefore always a potential rival sovereign power in itself; in addition its difference from sovereignty must be one of interpretation

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and delegation, as well as execution, so it is also necessarily a partially actual lesser sovereignty. In this way the 'handing over' to the *plebs* involved in *homo sacer* belongs to any logic of a single sovereign centre. Such a centre, by its very claim to singleness, is doomed to duality.

III

So now the inevitable question: was Jesus a *homo sacer*? Not, most probably, in any consciously identified way, but possibly in a way conforming to the deep structure of Roman law. For this structure, the exception proves the rule, the exception is the ultimate paradoxical basis of order, always liable to erupt. When it does so, it re-enacts the foundational banishment—and Agamben notes that in Greece, as in other ancient legalities, the ban was the oldest form of punishment and of community self-definition and regulation.[7] Thus it would follow that liberal Biblical criticism is doubly guilty of *petitio principii*: once, because it assumes the non-verisimilitude of exception with respect to Christ; and twice because it does the same thing with Roman law. And in the second case it is up against a certain amount of hard evidence and not simply faith.

Jesus is certainly presented by the gospels in a way that conforms with *homo sacer*. In fact he is presented as *homo sacer* three times over. Once, because he is abandoned by Jewish sovereignty to the Roman executive. Twice because he is abandoned by Roman sovereignty to the sovereign-executive mob; three times, because he is in some obscure fashion handed over by the mob to the Roman soldiers and executed after all in a Roman fashion. But did he really and exactly undergo Roman execution? It is much more as if the mob were allowed to lynch him after the fashion of a Roman execution and to place him among those truly executed according to the sovereign but exceptional power of *cognitio*. In like fashion, Jesus was only addressed and arraigned in mock fashion as king of the Jews by Pilate, but on the cross named really, king of the Jews, as if (without a simulacrum) Jewish rule were thereby really destroyed. Once again, was Jesus really condemned by Jewish law, or did the Sanhedrin altogether substitute for this condemnation the accusation that he had offended Caesar? But then the Romans sarcastically rejected this, and, apparently accorded plebiscitory authority to the mob. Yet by a final twist, it seems as if the mob enjoyed no real delegated executive power, as in the instance of *homo sacer*. Instead, Jesus was crucified only virtually, even though this really killed him: for neither Jewish nor Roman law had succeeded in condemning him. Only the mob did this—they became in effect the sovereign power and the Romans in a certain sense their irregular

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executive. But in this way sovereign power and plebiscitory delegation were collapsed into each other. The necessary exception of mob lynching coincided precisely with regular execution. One could argue that the cross exposed the structure of arbitrary Sovereign power in its ultimate exceptional yet typical instance (Mt 26–27; Mk 14–15; Lk 22–23; Jn 18–19).

Did the gospel writers really fabricate these features? If so, then how did they alight upon a narrative which makes such sense in terms of the structures of Roman law and the interactions between incompatible, yet forcibly supplementary, Roman and Jewish jurisdictions? There seem to be good reasons at least to suspend one's doubts.

IV

Even were one unable to do so, one would have to take seriously the surface structure of the text, and its implications for the interactions of *ecclesia* with *imperium*. What are these implications? First of all, that Christ, the God-Man, died precisely a purely divine and a purely human, or even sub-human death. He did not die the death of a martyr, as a witness for a universal cause. For his 'infringements' of the Law were not such for many Jews; his apocalyptic prophecies were misunderstood; all that was comprehended and denied was his claim to be God. Herein lies nothing typical, nor inevitable: the synoptic gospels say clearly that the high priests and the people resented Jesus—they envied him his unique status. No creature is in principle unreachable; hence God alone inspires ontological envy. All real envy is of God, and Jesus was envied because he was God in the flesh. The people screamed out their *ressentiment* to Pilate.

Nevertheless, Jesus did not die only a divine death. He also died the most human death—or a kenotic death of utterly emptied out humanity. He was not Socrates, dying for the truth—Pilate denied him this dignity. Nor was he seen as leader of a party, since his disciples were ignored. Indeed the first handing-over by Judas seems to have been required because Jesus was seen as belonging only to this private group, within which alone he had influence, and to which alone one had to resort, in order to know about him. No, in the end, he died at what was possibly the whim of a drunken mob. To try to give Jesus a dignified death, like that of St. Thomas More, is to miss the point: in his death, Jesus entered into absolute solidarity with each and every one of us. He died the death which any of us, under sovereign authority, in exceptional circumstances which always prove the rule, may possibly die. He died as three times excluded: by the Jewish law of its tribal nation; by the Roman universal law of empire; by the democratic will of the mob. In the whole history

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of human polity—the tribe, the absolute state, the democratic consensus—God found no place. He became *homo sacer*, cast outside the camp, abandoned on all sides, so that in the end he died almost accidentally. He died the death of all of us—since he died the death that proves and exemplifies sovereignty in its arbitrariness.

Christ then was reduced to 'bare life.' Agamben struggles nobly but perhaps futilely to imagine an escape from the aporias of sovereignty. He suggests that we exit this structure which seems to encompass humanity as such, and instead identify with the outcast position of bare life. Yet he seems to believe that the aporetic constitution of sovereignty is echoed at the ontological level: Being, like sovereignty, is itself nothing save through its inclusion of beings, whose contingency it must of course also exclude from itself as Being as such. Therefore beings, for Agamben following Heidegger, are abandoned by the Being that discloses them, and in this sense are in a condition like that of *homo sacer*.[8]

But in that case, one may well ask, what is the point of identifying oneself with bare life in order to escape earthly sovereignty, only to fall into the hands of cosmic tyranny? Is not the latter bound always to re-incarnate itself politically? And why do we still accept the metaphysical projections of Nazi ideologies like Heidegger and Schmitt (who of course informs much of Agamben's thinking about sovereignty), however brilliant? And however much we can learn from their philosophies concerning ways in which nazism and fascism were unfortunately rooted in aspects of the western legacy.

Here it is notable that Agamben does seem to elide the Christian Middle Ages from his purview. Even the presentation of Roman law seems somewhat exaggerated, since however much the patria potestas operated as a reserved foundation, Roman rulers were also bound by customary and cooperative limitations upon their powers. True, unlimited sovereignty is rather a modern doctrine, developed by Bodin and Hobbes, which assumes a metaphysical background unknown to Rome, of an infinite God. Yet this new political theology—of which Carl Schmitt was the ultimate legatee—was itself erected within the ruins of a Christocentric understanding of politics and sociality.

This understanding maintained consistency with the New Testament itself. What are the main features of the New Testament's understanding of our solidarity with Christ, the God abandoned as *homo sacer* upon the cross?

The main stress is that, upon the basis of the rejected one, a new sort of community is to be built. But this is only possible because the rejected one is, bizarrely, also the most envied, unrepeatable one. If abandonment is the last word, then, as with Agamben, there is no real

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hope. But Christ was never merely abandoned. He failed to resist human power and went freely to his death because he knew that a merely human counter-power is always futile and temporary. But he also went to his death, and therefore was innocent of suicide (and perhaps only innocent for this reason) in trust of his return, his resurrection. Hence the New Testament does not speak of Jesus's death as a sacrifice in the rabbinic sense of a death atoning for sins, nor as something lost to earth to compensate for what we have taken from God. Nothing can be taken from the impassible God, and nothing can be added to his sum.

St. Paul therefore speaks not of the offering of Christ to the Father, but instead of our dying to sin and purely finite obsessions, including negative legality, *with* Christ, in order that we might immediately pass with him into a new sort of life. Christ and ourselves are both killed by evil which is nothing, and so in dying to evil, we die to nothing whatsoever. Fully to die, for St. Paul, means already to be resurrected. (2 Cor 3; Rom 6:5–6; Eph 2, Gal 2, Phil 2; Col 1–2). If any 'ransom' is offered by Christ then it seems indeed that for St. Paul, as the Fathers divulged, it is granted to the chthonic gods who are really demons, and to the demonic intermediate powers of the air (Gal 3–5; Col 2: 14, Eph 4:9). As *homo sacer*, Christ is delivered over to the corrupt angelic forces who are the guardians of laws and nations; yet Paul's point is that these powers are nothing, are impotent, outside the divine power which they refuse: hence such a sacrifice, becomes, in Christian terms, absurd. Only in a comical sense was Christ, strictly speaking, a sacrifice. In a serious sense he was an effective sacrifice only because he overcame sacrifice once and for all. However, this power was disclosed as consisting in utter self-giving which is immediately returned, as resurrection, and therefore also gift-exchange. Already, in dying, because he is God, Christ is not truly abandoned, but through apparent abandonment is finally returned to us. In dying, as God, he already receives back from us, through the Holy Spirit which elevates us into the life of the Trinity, our counter-gift of recognition. Though to God we can really give nothing, through the humanization of the *Logos*, we are given that hypostatic indwelling of the Spirit which is the ground of our deification, such that we can, after all, in the Spirit, return the divine gift. Hence the divine answer to the original human refusal of his gift is not to demand sacrifice—of which he has no need—but to go on giving in and through our refusals of the gift. Christ's abandonment offers no compensation to God, but when we most abandon the divine donation it surpasses itself, and appears more than ever, raising us up into the eternal gift-exchange of the Trinity.

It is the same for the *Epistle to the Hebrews*: sacrifice implies multiplicity, repetition, appeasement, whereas Christ the true Priest puts

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an end to sacrifice. He does this not at all by offering a one all-sufficient sacrifice (this is to read over-literally and naively) but by passing into the heavenly sanctuary and making an 'atoning offering' there—in the one place where, of course, it is absurdly unnecessary, since offerings are only sent up to this altar from earthly ones. The point is that Christ's earthly self-giving death is but a shadow of the true eternal process in the heavenly tabernacle, and redemption consists in Christ's transition from shadow to reality. If the heavenly altar must be cleansed, then once again this must be from the impurity of the cosmic powers, which infect even the very portals of Godhead (all that is not absolutely God). Although Christ's offering is even here unto death, the death that the Logos dies is a showing, in death-dreaming cosmos, that utter ecstatic self-giving which is eternal life itself. Therefore in pouring himself as an apparent oblation upon the heavenly altar—which is the upper terminus for the escalating smoke of oblation, not its basement origin in bloodletting—Christ in truth passes beyond this altar to the right hand of the Father.

Both St. Paul and the author of the *Epistle to the Hebrews* speak of Christ rather than the law as fulfilling the 'will' of Abraham. Both argue that a 'will' only becomes effective when someone dies (Heb 9:17; Gal 3–4, esp. 3: 15–18). Something more than a banal legal reference is intended here. What is being invoked is something akin to my second aporia of Sovereignty which regards the relation of will to execution. For this, a will is only effective in its own absence, when its wishes are carried out by another, just as a political sovereign requires, but is weakened by a relatively distant executive, and an economic monopoly must bifurcate into two relatively independent parts in order to remain efficient—as symbolised for Jean Baudrillard by the erstwhile World Trade Centre, whose sinister monopolisitic character and Babelistic height made it an easy target, while its bifurcation weakened its solidity.

Hence the final guarantee of will, and for our respect for human wills, is death. That is exactly why we have legal wills, whose reality is poised somewhere between human worth and human terror (human freedom and human bondage, the honour due to father and mother, and enslavement to the past). Yet this reproduces constantly the entire sovereignty/executive problematic. By contrast, for the *Epistle to the Hebrews*, Christ's will is indeed ratified by death and by blood, but not in a way that leaves it at the mercy of an executive. Instead, Christ's will is a new sort of self-emptying will that consists entirely in its passing out of itself to be non-identically repeated in another. It is only, in appearance and for a finite gaze, the blood of a deadly sealed contract, because it is secretly the infinite blood of life that flows in the firmament (Heb 9–12). Likewise, for St. Paul, the will of Abraham cannot really be

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fulfilled in the carrying out of injunctions which only keep us from worse wrongs, suggest to us temptations, and tend to impose on us over-precise categories, but only in the single living heir who fulfills the spirit of Abraham's legacy from the eternal Father.

In both these exegeses, one finds the tendency, as throughout the New Testament, and supremely in its pneumatology, to promote the category of 'life.' It is almost as if it is suspicious of categories of human cultural institution and of the culture/nature divide.

The carrying through of 'will' involves continuity and yet rupture between 'living' voice and 'cultural' inscription. The very order of sovereign arbitrary control depends upon this. Yet for the New Testament, there is neither 'natural' will nor regular conventional performance of will. Instead there is created will which participates in God, wherein life and *logos* (Spirit and Son) communicate as one. Such a will is never the presupposed 'pure nature' of sovereignty and liberal rights theory. Instead it is already a will to reciprocity and to harmony with others according to an ineffable order and measure, which is yet not the measure of law. Such a will does not consist sovereignly in itself, and so cannot be betrayed by any executive—instead it only *is* in its always-already othering as execution: always for furtherance and not termination of life. Thus by offering ourselves in and with Christ, we do not really lose ourselves, but live the genuine and eternal absolute life that returns as it proceeds outwards.

This same promotion of life informs also the New Testament's overcoming of the first *aporia* of sovereignty. This concerns the rule of exception and the logic of inclusion which is also exclusion. For the church is founded on Christ who was only excluded. But were Christ only the abandoned one, this would constitute a politics of naturalistic nihilism, a kind of cynicism in the antique sense, to which the New Testament stress upon 'life' is curiously akin. But Christ as purely excluded is risen: therefore the life he is risen to is the possibility of life after exclusion from life, hence of a life beyond inclusion versus exclusion. Thus if Christ is supremely no more exceptional this is because he is the exception even to the law of exception: after Christ there is no more of that oscillation between norm and exception which paradoxically establishes the sphere of the norm, there is now *only* a series of exceptions, of pure outstanding and emanating (not cause) 'events' which are nonetheless consistent with each other.

Thus the New Testament is here very direct: Christ's blood makes peace, Christ's blood makes possible harmony between people; in Christ, there is no longer the inclusion/exclusion logic of race, nor of economics, nor of gender. There is in Christ no more black and white, master and slave, male and female. But this inclusion of differences does

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not mean their exclusion! No, they remain, but as pure relations, pure passages of harmonious will. To the disappointment of liberal democrats, but the delight of Socratic (and socialist) critics of liberal democracy, hierarchical relations also remain: the subordinate are to obey freely, but masters to rule generously and with care. This is not to endorse the specific hierarchies of gender and slavery which Paul within his limited historical perspectives was likely to endorse, and duly did, but it is to insist that Paul rightly recognizes the necessary educative and architectonic hierarchies of the transmission of harmonious life which no culture can ever truly dispense with.

At the centre of this new social and even 'political' institution, lies an absolute mystery: the insistence on Christ's specificity. For if there can be more to social life and hierarchy than arbitrariness, if there can indeed be 'harmony' or a passing of events in the 'right' way like music, then this suggests there is a real 'affinity' to be constantly discovered and enacted. Were this unnecessary, then Christ would be unnecessary—a mere command to 'be reconciled' would do, or a set of legal recipes, or books of wisdom. Of course we are to imitate Christ and to live ecstatically through exchange, losing our lives in order to gain them. But if only Christ reconciles us to each other—nation to nation, race to race, sex to sex, ruler to subordinate, person to person (and this is not because he has achieved something forensic outside our sharing in Christ—a reading of St. Paul that E.P. Sanders has forever destroyed[9]), then this can only mean that the specific shape of Christ's body in his reconciled life and its continual renewal in the Church (where it is authentic, which must also be ceaselessly discerned) provides for us the true aesthetic example for our re-shaping of our social existence.

We live in Christ because Christ as *homo sacer* was archetypally a human being as a creature and not simply the *bios theoretikos* who is both inside and outside the *polis*—half animal of passions, half man (sic) of political reason. We also live in Christ because this typical abandoned man was nonetheless God, in whom we all participate and from whom we all have our life. Our new political life in Christ is once more a merely natural life in the sense of created life and of specifically human life which is orientation to supernatural deification. The Middle Ages started to think through the possibility of his life, but cut itself short by a dual development which invented a forensic reading of the atonement and a voluntaristic doctrine of sovereignty in a single gesture (this is well attested by the theology of Grotius, but has earlier roots in Ockham and further back still). In the earlier mediaeval model, we are not ruled from above by a sovereign source which includes yet excludes us, but by blood flowing from the past which we imbibe, so that the outside is also the inside. For this vision we submit to the will of the past

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and its living hierarchical representatives, yet in such a way that we are to fulfill this will in the spirit not the letter and carry it beyond and above the shoulders of the giants on whom we stand—as depicted in the overwhelming blue of the windows of Chartres cathedral.

Today we must take up this project again and insist that the body of Christ is the true universality—against both the taboos of tribes and the universality of enlightenment, whose dark gothic secret is *homo sacer*. We must espouse and oppose the abandonment of potentially all of us to half-animality. We must oppose also the sacrifice without return of individuals to the state, to globalization, to the future, to ethical duty, to pagan fatality. Unlike Dante's Ulysses we must not once more abandon Penelope, sailing heroically beyond the pillars of Hercules, without hope of return, to the foot of Mount Purgatory, without hope of ascent. Instead, beyond the medieval venture, we must give ourselves to voyaging, into death if necessary, like the English sailors John and Sebastian Cabot of Bristol (whose statue still stands there by the quayside) and before them the Portuguese sailors Magellan, Vasco de Gama and Columbus. Supremely we must follow the example of the Portuguese King Sebastian, lost at sea in one of Fernando Pessoa's poems (whom the Portuguese have believed will return to save them, as the British have believed of the Romano-British King Arthur) yet in sure knowledge that the created world is round—the world, not only of sacrifice, but also of returning: 'I spy through fog your dim shape turning back'.[10]

1 I am indebted to discussion with Harry Gamble of the Department of Religious studies, University of Virginia on the current state of scholarly thinking concerning these points.
2 A.W. Sherwin-White, *Roman Society and Roman Law in the New Testament* (Oxford: Oxford University Press, 1961), p. 35.
3 Simon Légasse, *The Trial of Jesus*, trans. John Bowden (London: SCM Press, 1991).
4 Jean Colin, *Les Villes Libres de L'Orient Greco-Romain et L'Envoi du Supplice par Acclamations Populaires* (Brussels: Latonus, 1965).
5 Cited in Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life,* trans. Daniel Heller-Roozen (Stanford: Stanford University Press, 1998), p.71.
6 *Ibid.*, p. 96.
7 *Ibid.*, pp. 104–112.
8 *Ibid.*, pp. 59ff; 118.
9 E.P. Sanders, *Paul and Palestinian Judaism* (Philadelphia: Fortress Press, 1977), pp. 502–508.
10 Fernando Pessoa, 'The Last ship' in O mar sen Fin/The Boundless sea (Lisbon: Instituto Portugues de Patrimonio, Arquitectonico/Mosteiro des Jeronimos, 2000), [unpaginated].

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