

THE SACRED, THE PROFANE, AND THE MESSIANIC: Inclusionary Ethics in Giorgio Agamben's Post-Statist Project

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Abstract: Agamben employs the figure of *homo sacer*, a metaphor for the general, insecure humanity to draw one's attention to the fragility human life in the contemporary world. The political system, instead of ensuring equity, hides the most detestable and unethical of practices and it leaves people without any support. According to him, ultimately only a post-statist sphere that is the concomitant of a post-judicial and post-historical phase alone would ensure deliverance from the malaise. The methodology of such a resolution will have the exclusive shape of profanation and messianism. Agamben calls for a change of paradigm that can look beyond the nominal democracy of the era so that it would ensure an inclusive ethical framework for the world today.

Keywords: Bare Life, Bio-Politics, form of life, *Homo Sacer*, Messianism, Sovereign, State of Exception, Whatever Singularity.

1. Introduction

Giorgio Agamben, the contemporary Italian political philosopher, best known for the *homo sacer* series, by bringing to bear on contemporary life many terms such as the state of exception, bare life, whatever singularity, profane, messianism, *real* state of exception, and form of life outlines an ethical vision germane to the latter-day human life. Agamben targets the entire Western thought to demonstrate that the major categories of Western politics like the rule of law, citizenship, sovereignty and human

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rights, all of which have been the bedrock of western liberal democracy stand exhausted because as he points out, in the entire Western world, the celebrated democratic polity bears only the façade of a liberal democratic framework as it hides a deep-seated proclivity towards totalitarianism. As they remain merely nominal democracies, Agamben critiques the failed promise of democracy, not to speak of the umpteen totalitarian regimes with repressive designs beyond imagination.

Agamben mounts a scathing attack on the hollow claims of Western humanism by pointing out that human life has always remained outside legal protection. Agamben's project is very clear: the modern state that is touted out as out and out humanist, ends up ironically producing only *homo sacer*. His project explores the possibility of a post-judicial, post-statist, or even a post-historical universe. Agamben's philosophy tries to demonstrate the way the ubiquitous assertion of sovereignty in the modern era impacts individuals and institutions. Agamben's ambitious project for providing an overarching history of European thought is comparable to Michel Foucault's use of history to construct the ontology of the present.

2. *Homo Sacer* as the Laid Bare and the Unshielded

Agamben's philosophy has more and more come to be identified as revolving around his notion of *homo sacer*. He illustrates the concept of bare life through the trope of *homo sacer* (Latin for 'the sacred man' or 'the accursed man') who is an entity in ancient Roman law. Under the Roman Empire, an individual guilty of certain crime was banned from society and consequently all his rights as a citizen stood annulled. Such a figure paradoxically could be murdered by anyone with impunity yet neither legally executed nor sacrificed in a ritual. Hence, unlike what the term would suggest today, *homo sacer* then was an individual isolated from society and deprived of all rights and functions in civil religion. Legally, the killer of a *homo sacer* was not deemed a murderer, and hence, not subject to any form of punishment (Agamben, *Homo Sacer*, 73).

One explanation regarding the incidence of the status of *homo sacer* upon a person is related to oath taking. Oath in the ancient era invoked one or several deities and the event of the breaking of the oath was deemed punishable. The oath-breaker's act was considered cheating the gods he had invoked, and hence at once subject to the deity as well as falling outside the purview of human society. *Homo sacer* in this sense of an outlaw, that is, outside the security of the law continued well into the Middle Ages. The historic Habeas Corpus has become epochal mainly as part of the attempts to nullify the notion of an outlaw and bring the idea of trial by a jury. Agamben adds that *homo sacer* has a protean and a universal character: "If today there is no longer any clear figure of the sacred man, it is perhaps because we are all virtually *homines sacri* (*Homo Sacer*, 115). For him, the fundamental element is that the *homo sacer* signifies a juridical category and not a religious one, and this trope, despite its universal validity has a special contemporary universal application.

3. Bare Life and Bio-politics in Modern Democratic Polity

According to Agamben, the life of *homo sacer* is bare life which is exposed and fragile. In order to develop the concept of 'bare life,' he recalls the ancient distinction between *zoē* (natural life) and *bios* (qualified or good life): two terms designating two forms of life, where natural life remains in the sphere of the household (*oikos*), and good life for participation in *polis* (*bios politicos*). *Zoē*, biological and related to *oikos*, is private while *bios*, political and related to *polis*, is public. Notably for Agamben even the natural life, *zoē*, is politicised through a mode of abandonment of natural life to sovereign violence. Agamben demonstrates its dynamics through the problematization of the juridical sphere where exception becomes the substratum for the functioning of law because "the exception is the originary form of the law" (*Homo Sacer*, 26). This is the fact of abandonment of natural life to sovereign violence. This, in effect, is the fact of abandonment existing between life and law, a condition described by Agamben as 'originary' status of life.

Agamben argues that the history of the Western politics has been informed by the *zoē-bios* conceptual scheme. A passage from *zoē* to *bios* assumes that natural life is a necessary prerequisite for a passage to political existence. But natural life is recognized as a necessary precondition only by its being excluded from the elevated realm of politics. This is evident in the case of *homo sacer*, whose biological life is in danger as he is at the receiving end of the rigour of law, and he confronts law in the aspect of impersonal exception. Hence, one learns that rather than natural life, bare life is a politicised version of natural life, which is located between *zoē* and *bios*. A bare life is without legal protection and exposed to sovereign violence.

Such intrusion into the biological life of people and their reduction to bare life makes Agamben argue that the Western political history has been a record of the production *homo sacer* who came to include all the marginalised and unshielded groups comprising racial, linguistic and religious minorities, the disabled, refugees, comatose, the voiceless, the silenced, and so on who may be killed with impunity. Indeed, *homo sacer* is a trope for those excluded from legal security, which includes a host of detainees under various banners like refugees, terrorists, anti-nationals, criminals etc. Agamben focuses particularly on the status of refugees as he finds the logic of *homo sacer* the most familiar illustration therein. In his essay "Beyond Human Rights," he says, "As I write this essay, 425 Palestinians expelled by the state of Israel find themselves in a sort of no man's land" (25).

The need for the resolution of bare life targeted by sovereignty has become acute as the state encroaches more and more into the biological life of the individual. It may be issues of abortion, artificial insemination, organ transplant, decision regarding the moment of death, and questions concerning race, ethnicity, etc. Regarding the distinction between bare life and *zoē* and *bios*, Agamben says that bare life is the product when *zoē* is made to submerge in the *bios* and he adds that sovereign produces biopolitics whose target is bare life. Modern democracy from its inception has promised the liberation of the *zoē* and was proposed as the tool for transforming biological life (*zoē*) into a life of quality

(*bios*). This project of democracy has not come through, and democracy, in spite of itself, could not salvage *zoē* even as its fundamental and avowed project was directed towards this goal.

Agamben's account of the bio-politics explains the method of the reduction of life to bare life and he goes on to elaborate on the now normalized state of exception to explain the malaise plaguing the contemporary world. In his introduction to the *Homo Sacer: Sovereign and Bare Life*, Agamben declares the protagonist of his book to be "bare life, that is, the life of *homo sacer*" (8). Agamben's concepts can gain better clarity in terms of the key relation that he has with three great thinkers.

3. 1. Agamben's Revision of Michel Foucault

It is rewarding to view Agamben's philosophy as a critique of Michel Foucault, Thomas Hobbes, and Carl Schmitt as much as a valorisation of Walter Benjamin's ideas. While Foucault focuses, by and large, on the Enlightenment desire of societies to regulate and control themselves through discourses, Agamben goes back to pre-history to account for the present ills. And it is at this point that Agamben's departure from Foucault's bio-politics or bio-power happens. Foucault was of the view that modernity was characterised primarily by a change from sovereign power to bio power, in which the focus was the biological life of people, and who became political 'subjects' (Foucault, 135). Agamben quotes Foucault's view appearing at the end of the first volume of *The History of Sexuality* about modern life for human beings: "For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for political existence; modern man is an animal whose politics calls his existence as a living being into question" (*Homo Sacer*, 119). He disagrees with Foucault and says that Foucault's thesis has "to be corrected or, at least, completed." (*Homo Sacer*, 9). He indeed rejects the view that the emergence of bio-political power is an exclusive feature of modernity. Instead, Agamben points out that "bio-politics, is at least as old as the sovereign exception" (*Homo Sacer*, 6) and that bio power and sovereignty have always been inter-involved so much so that, as he puts it: "*the production of a bio-political body is*

the original activity of sovereign power" (*Homo Sacer*, 6). Agamben, opposing Foucault's views, says that *zoē* has been subsumed under *bios* or *polis* from the ancient era and hence rather than a modern phenomenon, life has been always part of the calculations of state power. For Agamben, it is the indistinguishability between life and politics, that is, the degree to which the realm of bare life has come to submerge with politics is what is peculiar to modernity. And law serves only to legitimate the sovereign and slide over the overlap of sovereignty and bare life. Hence Agamben says that by

placing biological life at the centre of its calculations, the modern state therefore does nothing other than bring to light the secret tie uniting power [sovereignty] and bare life, thereby reaffirming the bond . . . between modern power and the most immemorial of the *arcana imperii* [i.e. Roman mysteries of the state] (*Homo Sacer*, 6).

The bio-political focus has gained greater momentum as well as pervasiveness today and hence it has witnessed unprecedented level of intrusion into the lives of people. A variety of new technologies are at the disposal of doctors, biologists, geneticists, prison-system regulators, advertisers, and psychiatrists to delve deep into biology. Agamben refers particularly to the new medical technologies to keep people 'alive' after their 'brain-death', so much so that the situation now calls for a sovereign authority to *decide* when death would happen instead of the individual being allowed to undergo the natural process of death (*Homo Sacer*, 162). In fact, the difference between ancient *polis* and modern democracy is not so much how biological life is incorporated in politics as the way both are related. That is, what originally was excluded from politics as exception and which yet functioned as the foundation of law, now becomes the norm of modern democracy.

3. 2. Agamben's Revision of Thomas Hobbes

Agamben rejects all forms of the contractual theory of the origin of the state. He points to the state of nature, which is something other than what is characterised by war of all against all and

which is therefore resolved in the formation of the commonwealth through a surrender of everyone's natural rights to the sovereign as Thomas Hobbes would have it: "men are continually in competition for honour and dignity ... and consequently amongst men there ariseth on that ground, envy, and hatred, and finally war" (Hobbes 105). For Hobbes, there is an inevitability of war prior to the emergence of a sovereign, because "when all the world is overcharged with inhabitants, then the last remedy of all is war, which provideth for every man, by victory or death" (Hobbes 213). Instead, Agamben states that "The state of nature is, in truth, a state of exception, in which the city appears for an instant *tanquam dissoluta*" (*Homo Sacer*, 109) and that therefore, the Hobbesian "state of nature is not a real epoch chronologically prior to the foundation of the City, but a principle internal to the City, which appears at the moment City is considered *tanquam dissoluta* 'as if it were dissolved'" (Agamben, *Homo Sacer*, 105). Hence, rather than a war of everyone against everyone founding the nation, one should look at the sovereign at the source, for, "the problem that Hobbes thinks he solves is in reality the *product* of the political space he creates" (*Homo Sacer*, 102). Here, the political, instead of replacing nature, creates it. Significantly, this is the original political situation, which is doomed to fail even as we cling to it with hopes of something glorious to emerge in future. Commonwealth unfortunately remains a monument to the failed promise of deliverance from the state of exception and sovereign ban. Agamben concludes: "Thus the realm of the political is not, as in Hobbes, founded on a contract in which rights are transferred to a sovereign in exchange for peace and protection. Rather, the state of nature as the state of war is directly constituted by the political" (*Homo Sacer*, 101).

One generally believes that the state makes provision for the use of legally validated emergency powers outside the strictly legal framework during the state of exception, but Agamben is of the view that such emergency power is no longer an exception but has become the rule. "This is why in Hobbes, the foundation of sovereign power is to be thought not in the subject's free renunciation of their natural right but in the sovereign's

preservation of his natural right to do anything to anyone, which now appears as the right to punish" (*Homo Sacer*, 106).

Agamben's thesis is the inability of our present legal system to accord complete legal protection to everyone because the political system carries within its very nucleus the seeds that would engender the state of exception at any moment anywhere. If one supposes that the extra-legal provision that validates emergency is meant to effectively deal with fascism it paradoxically ends up only by abetting fascism. The legal structures as such turn people into bare life.

3.3. Agamben's Departure from Carl Schmitt

Carl Schmitt, a German jurist and political theorist of the Nazi Party, says that sovereign is "he who can decide on the state of exception" (Schmitt 5). While Schmitt stressed the inevitability of the sovereignty as no law applied to chaos and the need for deciding on the state of exception (Schmitt 5), Agamben refers to the way the state of exception has become normal and ubiquitous. In *Homo Sacer*, Agamben dwells on Schmitt's theory of sovereignty, with special reference to its paradoxical character. One might even say that it is Schmitt's political theology that fuels Agamben's *homo sacer* series, in the sense that rather than giving commentary on Foucault's bio-politics, Agamben's priority is to explain and revision Benjamin's engagement of Schmitt who is known for his decisionism that upholds the role of sovereign in deciding on exception, that is, to decide whether a situation is normal and hence whether law applies there: "There exists no norm that is applicable to chaos. For a legal order to make sense, a normal situation must exist, and he is sovereign who definitely decides whether this normal situation actually exists" (Schmitt 13). However, Agamben categorically states that "The state of exception is thus not the chaos that precedes order but rather the situation that results from its suspension" (*Homo Sacer*, 18).

4. State of Exception as Suspension of Every Law by Sovereign

The role of the state of exception is crucial. As the sovereign alone has the power to decide if the situation is appropriate for law to function and because sovereign is the ultimate arbiter with regard

to the final decision, one finds exception as more powerful than regular law and hence the "rule as such lives off the exception alone" (*Homo Sacer*, 27). This is a moment of the suspension of law and the individual is exposed to horrors beyond law. It is pointed out that the relation expresses the original structure of juridical relation: "the sovereign decision on the exception is the originary juridico-political structure, on the basis of which what is included in the juridical order and what is excluded from it acquire their meaning" (*Homo Sacer*, 19). Agamben concludes that when exception reveals its potential, there is concentration camp: "When our age tried to grant the unlocalizable (that is, exception) a permanent and visible localization, the result was the concentration camp" (*Homo Sacer*, 20). When bare life, as always, finds itself in the state of exception, concentration camp becomes the "nomos of the modern". As camp becomes the order of the day, law and life merge and bare life turns out to be the "threshold in which law constantly passes over to fact and fact into law, and in which the two planes become indistinguishable" (*Homo Sacer*, 171). It is here that Agamben stresses the absolute monstrosity that an individual is exposed to being forsaken without succour. Borrowing Jean-Luc Nancy's terminology of law's "being in force without significance" as "abandonment" and his description of the entire history of the West as the time of abandonment, Agamben says that the abandoned one is abandoned completely outside its jurisdiction, beyond law.

Homo Sacer is a trope for the campers who have neither legal rights nor political status. As the status of camp gets extended to the entire civil populations, they all become *homo sacer* and are reduced to 'bare life'. The camp is, for Agamben, an absolute political space in which power is exercised not against juridical subjects but against biological bodies. It is, in effect, a space in which "sovereignty exists but the law does not, a territory in which actions are neither legal nor illegal" (*Homo Sacer*, 53). The state of exception has a way of producing both a juridical order as well as politics. Both Agamben and Schmitt agree about the way the sovereign exception forms the basis for a juridical order. "The state of exception is thus not the chaos that precedes order but

rather the situation that results from its suspension" (*Homo Sacer*, 18). This means that the state of exception is neither chaos nor law and hence bare life would be the mode of existence in this situation.

Besides, Agamben also points out that the primary target of sovereign is something other than the enforcement of law. Instead, the sovereign's focus is on the identification of what exceeds law as far as the sovereign is concerned. For, sovereignty typically finds the best atmosphere of obedience in such a dispensation. The modern state, with no law preceding sovereign, marks a continuation of the ancient pagan concept of the *homo sacer* or sacred man which is "the life that cannot be sacrificed and yet may be killed" (*Homo Sacer*, 8). Paradoxically, *homo sacer* can be located at the centre of sovereignty because the "sovereign sphere is the sphere in which it is permitted to kill without committing homicide and without celebrating a sacrifice" (*Homo Sacer*, 83). The state of exception has become the rule now, so that rule and exception have simultaneity. And numerous situations today, which may be located at some point of the spectrum of bio-politics, define the state of exception that includes increased administrative regulation at all realms, muzzling dissent, silencing voice, refugees, comatose, as much as wars and military intervention violating international norms.

As the state plunges more than ever into the biological life (bio-politics) of individuals, life resembles ever more like emergency. William E Connolly observes: "Agamben contends that the 'logic' that binds sovereignty, the sacred and bio politics together leads [inexorably] to a state in which a supreme power can annihilate a whole minority in the name of natural unity" (27).

5. The Call for a New Politics as the Solution

Agamben's solution to the issue of *homo sacer*, scattered through many terms in his work, may be described as a call for a new politics. "Until a completely new politics . . . is at hand, every theory and every praxis will remain imprisoned and immobile" (*Homo Sacer*, 11). Similar to the way Agamben disagreed with Foucault about the time of the incidence of bio-politics, Agamben

chooses to play down Foucault's solution as well to the plague of bio-politics, which advocated "different economy of bodies and pleasures." Instead of theorizing a new body that would escape the hegemony and oppression of the state, Agamben says that the state of exception is a permanent fact and hence cannot be undone as *zoē* and *bios* have become inseparable, for, "the possibility of differentiating between our biological body and our political body was taken away from us forever" (*Homo Sacer*, 188). Having reached the status of the *zoē-bios* inseparability, Agamben's resolution reads: "This biological body that is bare life must itself be transformed into the site for the constitution and installation of a form of life that is wholly exhausted in bare life and a *bios* that is its own *zoē*" (*Homo Sacer*, 188). The term 'form-of-life' is explained in his *Means Without End* where it is defined as a "life that cannot be separated from its form" (10-11) which is living and happiness.

Significantly, the new politics and the form-of-life together would ensure a new world order through the profane, the messianic, and *katechon*. It is also of interest to note how Agamben exploits the semantic amplitude of the Judeo-Christian theological terms for his political theory, for, as he puts it: "the theory of the State . . . is the reef on which the revolutions of our century have been shipwrecked" (*Homo Sacer*, 12). Agamben notes that these terms are not meant to be a critique of any religion but employed for his political theory by leveraging their theological association. Besides, he also believes that metaphysical, religious, and theological paradigms alone enable one to approach the political situation today. With theology as a handmaiden to his political thought for the resolution of the issue of sovereign and bare life, Agamben, demonstrates the way to finally arrive at a post-juridical and post-statist realm whose experience would be that of the 'form-of-life' and the methodology that of profaning and messianism. Agamben's meaning falls into place if one looks into his idea of the profane and messianic.

6. Enter Profane

The term profane is not to be associated with any religion per se as Agamben maintains that *homo sacer*, is "a figure of the sacred

that [is] before and beyond the religious (*Homo Sacer*, 9). His concept of profane, instead, dwells on the immanent dimension of the sacred as opposed to its transcendental aspect. Besides, Agamben's exploitation of the embedded religious terms for his theoretical framework suggests that "religion can be part of the solution for the contemporary . . . problems" (Nandhikara 340) and that "*Homo ethicus* and *homo religiosus* are constitutive dimensions of being human" (Nandhikara 342). Agamben, in his *Profanations*, says: "Sacred or religious were things that in some way belonged to the gods. As such they were removed from the free use of men" (73). For the *homo sacer*, irremediably at the mercy of the sovereign, and confronted with unrelieved suffering, the idea of the sacred is far from balmy. Agamben seeks to deconstruct the idea of the sacred: "And if to consecrate (*sacrare*) was the term that indicated the removal of things from the sphere of human law, 'to profane' meant, conversely, to return them to the free use of men" (73). Citing the great jurist Trebatius, Agamben asserts that "In the strict sense, profane is the term for something that was once sacred or religious and is returned to the use and property of men" . . . 'pure' . . . was now 'neither sacred, nor holy, nor religious, freed from all names of this sort" (73).

Something returned to the common use is "pure, profane and freed" (73) from sacrality. Freedom to use comes to pass through profanation. Agamben points out that the word religion, as generally assumed, does not come from *religare* meaning binding human and divine, but from *relegere* that "indicates the stance of scrupulousness and attention that must be adopted in relations with gods" (74-75). Again, "*Religio* is not what unites men and gods but what ensures they remain distinct. What is opposed to religion is 'negligence', hence, "to profane means to open the possibility of a special form of negligence, which ignores separation or, rather, puts it to a particular use" (75). Profane also can come through inappropriate use that is play. As Derrida says that there is "sure play" (369), and as the spheres of game and play are closely linked, play becomes an "overturning" (Agamben, *Profanations*, 75) of the sacred. Hence, "play frees and distracts humanity from the sphere of the sacred" (Agamben, *Profanations*, 76).

In profaning and bringing back to new uses, the old use will have to be waylaid. "The creation of a new use is possible only by deactivating an old use, rendering it inoperative" (Agamben, *Profanations*, 86). To put to new use and to play are central to profanation though all separations possibly cannot be done away with. However, a new use can always be devised: "For to 'profane' means not simply to abolish and erase separations but to learn to put them to a new use, to play with them." (Agamben, *Profanations*, 87). The idea of profane has had a privileged bonding with the sovereign. The sovereignty-sacred linkage has come to be expressed in terms of divine right of kings, but it only shows how it served a practical purpose.

Agamben concludes the section by a call to the coming generation for profanation. "The profanation of the unprofanable is the political task of the coming generation" (Agamben, *Profanations*, 92). Anything that blocks a return to use is unacceptable. Indeed, *Profanations* is also about the destruction of the injustice inhering in the world of our construction, for making it a 'happy world', by putting it to new use. The chapter "In Praise of Profanation" stresses the necessity of arresting the sacralisation and reverting to profanation. A rejoinder to this has been anticipated in his *The Coming Community* with the concept of 'whatever singularities' through which, even as it calls for plurality, Agamben tries to formulate a 'community' without a common identity binding them. On the other hand, it is a community recognizing each one's singularity, and without an attempt to sacralise humanity: "The irreparable is that things are just as they are, in this or that mode, consigned without remedy to their way of being. States of things are irreparable, whatever they may be: sad or happy, atrocious or blessed" (Agamben, *The Coming Community*, 90).

In a sense one might describe his oeuvre as having potentiality as its focal point and his books, especially the *homo sacer* series as an attempt to focus on the question about potentiality, which examines whether one is here to realize a predetermined potential. According to Agamben, "until a new and coherent ontology of potentiality ... has replaced the ontology founded on

the primacy of actuality and its relation to potentiality, a political theory freed from the aporias of sovereignty remains unthinkable" (*Homo Sacer*, 44). Deliberately desisting from sacralisation assumes great urgency in the context of his call for profanation, and as a political response to the egregious status of the homo sacer in the world.

7. The Messianic, the *Real* State of Exception and the Post-Statist Project

Agamben's notion of messianic is linked to his view of the profane, which in a way is quite contrary to religious messianism of the apocalypse. For Agamben, messianism is something that happens here and now, immediate and which comes to pass when one is fully alive to the potentialities of the given moment. Hence, in the meantime, one must make sense of the world while one of the twin figures of the messiah and *katechon* who are awaited and seem to take forever. Besides, Agamben refers to a peculiar feature in monotheistic religions like Christianity where the coming of the messiah is both a fulfilment of the *Torah* as well as the transgression of the law: "What is implied instead is that the fulfilment of the *Torah* now coincides with its transgression" (*Homo Sacer*, 57). The messianic, being at once the fulfilment and transgression, is the moment of the inauguration of the post-static and the post-judicial phase.

Agamben's post-statist project comes not from the destruction of the state but rather consists in the *deactivation* of its ordering power. "This is what Agamben, following Benjamin, terms the *real state of exception*, i.e. the *reappropriation* of the inoperativity of the law from its confinement in the sphere of sovereignty as a general condition of human existence without any relation to the law or state" (Prozorov 93). One should note that Agamben refers to a fictive state of exception as well as a *real* state of exception. The former is characterised by oppressive regulation by the sovereign while the latter is the desirable phase where the individual is untouched by the regulations either of the sovereign or of the law. Evidently, Agamben seeks a change in the status quo from a state of exception to a *real* state of exception, from ban

to pure ban, from the ordinary use of language to that one which would allow one to express the unsayable, from the present ethics to the ethics that prescribes nothing and a change from law to a pure form of law which being "in force without significance, coincides with life" (*Homo Sacer*, 55). The pure form of law corresponds to the post-historical phase as well, where "the experience of abandonment is freed from every idea of law and life, which is to say, a state of exception" (*Homo Sacer*, 59). Agamben calls for a time in which "law, political forms, substantive forms and vocations have been stripped of its content" (Whyte 9). Messianic is the real state of exception, where the power and hegemony of the state of exception gets neutralized. Thus, Agamben demonstrates the way law begins to coincide with life once it has become the pure form of law, that is, the law's mere being in force without significance. One hence has a situation in which life gets transformed into law based on the real state of exception.

8. The Post-Statist and Post-Juridical Phase

In the real state of exception, significantly, there is the impossibility of distinguishing law from life. Interestingly, the state of exception in which we live as well as the desired real state of exception is a case of being so close yet so far. For instance, about the form of law, referring to Kafka's story "Before the Law," Agamben says that it adequately illustrates the state of "*being in force without significance*" (*Homo Sacer*, 51). In fact, Agamben seems to revel in the additional sense of the word 'before' as 'prior to' apart from 'up front', which would imply a post-juridical realm which also will have the "nothing of Revelation." (Agamben, *Homo Sacer*, 51). For Agamben the *real* state of exception characterised by *pure* form of law is illustrated in Kafka's story. Referring to the time in which "law begins to coincide with life once it has become the pure form of law, law's mere being in force without significance," Agamben rejoins: "Law that becomes indistinguishable from life in a real state of exception is confronted by life that, in a symmetrical but inverse gesture, is entirely transformed into law" (*Homo Sacer*, 55). The

deliverance of justice to the *homo sacer* can be realised only at this point of time because he would find himself no longer at the mercy of the law. This is the shape of the post-historical phase.

Yet another aspect of the post-historical phase is to show the sovereign his place by putting him off. Agamben's notion of the shape of "the figure of sovereignty in the age of the fulfilment of human history" (*Homo Sacer*, 61) is noteworthy. Following several thinkers like Kojève, Blanchot, Nancy and Bataille, Agamben identifies "the theme of *desœuvrement* [laziness] – inoperativeness as the figure of the fullness of man at the end of history" (*Homo Sacer*, 61). Inoperativity is not idleness but "a generic mode of potentiality that is not exhausted in *transitus de potential adactum* (the transition of power to act)" (*Homo Sacer*, 61).

9. Conclusion

Agamben has been accused of advocating an idealistic, if anarchic, political theory. And the nihilistic undertone in Agamben is not easy to overlook. Whether "political nihilism" is Agamben's "ultimate message" (Laclau 22) is to be debated and addressed at length. Yet, notably, Agamben presents a comprehensive vision with the help of the many terms that he employs and it definitely is an engagement with the given world itself so much so that Agamben jolts us into the realisation of our own complicity in a world that has become an unethical limbo for many people.

Both messianic and profane are two aspects of the way one approaches a world peopled with *homo sacer*. While profanation would ensure a return of things for ordinary use, messianism sees to it that the fulfilment of history happens in the form of a fulfilment and transgression, where all of them would secure a post-statist as well as a post-judicial existence for the *homo sacer*. Agamben says that "from a juridical-political perspective, messianism is . . . a theory of the state of exception—except for the fact that in messianism, there is no authority to proclaim the state of exception; instead there is the Messiah to subvert its power" (Agamben, *Homo Sacer*, 57-58). The most interesting part of Agamben's thought is the way he delicately juxtaposes the state of

exception tantalisingly close to the real state of exception, and the form of law as being in force without significance in a post-judicial phase. Evidently, Agamben's concern is the delineation of an ethos for the happy and sustainable framework for a dignified life for everyone.

Modernity has set great store by the human ability to rationally organise its polity through what was deemed to be the crowning glory of political life called democracy. Agamben lays bare the glaring lacunae in such a celebrated political organization and discomposes his readers with a rather gloomy prognosis regarding the plight especially of a variety of minority groups. Secularism is a far cry from Agamben's project, because for him, "Secularization is a form of repression. It leaves intact the forces it deals with by simply moving them from one place to another. Thus, the political secularization of theological concepts . . . does nothing but displace the heavenly monarchy onto an earthly monarchy, leaving its power intact" (*Profanations* 77). Additionally, less said, the better it is about the pseudo-secularisms of the day, as the sovereign "through certain manipulative machination could engender a situation of insufferable compromises to the religious freedom, rites and rights of another group, while at the same time placing the onus of the constitutionally-nuanced project of secularization on the doormat of the weak-need state" (Bilimoria, 243). Modern nations have been reduced to nominal democracies underpinned by a powerless legal system. As the elaborate surveillance mechanism makes relentless inroads into the biological life of its citizens, ethical issues are bypassed with reckless abandon. This leaves the world still in want of a more sustainable ethical framework that can ensure the dignity of all its stakeholders.

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