

Agamben, Paul, and the Oath

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Thank you to all of you for coming and to Virgil for inviting me. I have been a sometime participant in this reading group for a long time and Virgil has brought up the possibility of me giving a talk here periodically. His original intention was for me to speak over Žižek, which is natural given that my first major publication was *Žižek and Theology*, but I'm glad to have the opportunity, prompted by my recent translation of Agamben's *Sacrament of Language*, to speak on Agamben instead—primarily because my thoughts on Žižek have basically solidified and are unlikely to change in the foreseeable future, while my engagement with Agamben's project is still a work in progress.

Before discussing Agamben's engagement with Paul in *The Sacrament of Language*, I think it might be appropriate to talk about how I came to do the translation. In essence, it grew out of a combination of intellectual urgency and what Stanford's Professor John Perry has called "structured procrastination." According to Perry, procrastination can actually boost productivity under certain circumstances—while I encourage everyone to look up his essay on Google as soon as possible, his basic point is that when one has a big enough project looming, all manner of productive activities can be ways of procrastinating from finishing it.

In my case, the big project was, predictably, my dissertation. When I stumbled across Agamben's *Il Regno e la Gloria* in the U of C library, a book in which he discussed the Christian theological tradition in greater depth than ever before, I had a perfect "structured procrastination"

project for the summer after I finished my comprehensive exams: to learn enough Italian to read this book. The impact of *The Kingdom and the Glory* (which will hopefully be published in English translation sometime this year) on my thought has been significant, and it is something I hope to deal with more seriously in a follow-up to my dissertation project, which I am tentatively planning on calling *The Prince of This World: The Devil as a Political Symbol*.

After I finished my dissertation, I found that the U of C had a new volume of Agamben, *Il Sacramento del linguaggio*, which I hurried to read before my privileges at their library ran out. While it dealt with a seemingly strange topic, namely the oath, I found it to be an amazingly fruitful contribution to the theory of religion. Since I had always wanted to do a major translation and felt that the “limbo” period of being visiting faculty at Kalamazoo and therefore not on the “tenure clock” was a good time to engage in such pursuits, I inquired with Stanford University Press about the possibility of translating it—and coincidentally, they had just purchased the rights and were looking for a translator. After submitting a sample translation, they gave me a contract, presumably unaware that I had only learned to read Italian less than a year before and had only read two books and one author in that language. Many tortured hours with an unabridged Italian-English dictionary resulted in what I hope is an adequate translation.

Virgil suggested that I talk to you today about “translation issues” in the text, but Agamben’s prose is actually remarkably clear and relatively easy to translate—and the translation issues that do exist, most notably the problem of how to translate the various Italian words for “power,” are already fairly well known. Thankfully for the purposes of this reading group, though, *The Sacrament of Language* does include what seems to me to be a substantial new engagement with Paul, and with the New Testament more broadly. This engagement is primarily situated in the aleph-note to section 16, where he attempts to demonstrate that the

Greco-Roman concept of law is intimately tied up with the concept of the curse that Agamben characterizes as a kind of “fall-out” of the oath. The passage is as follows (on page 38):

8. It is in the perspective of this technical consubstantiality of law and curse (present even in Judaism—cf. Deuteronomy 21:23—but very familiar to a Jew who lived in a Hellenistic context) that one must understand the Pauline passages in which a “curse of the law” (*katara tou nomou*—Galatians 3:10-13) is spoken of. Those who want to be saved through works (the execution of precepts)—this is Paul’s argument—“are under a curse [*hupo katara eisin*]; for it is written, ‘Cursed is everyone who does not observe and obey [*emmenei*, the same word that one finds in the law of Caronda] all the things written in the book of the law.’” Subjecting himself to the judgment and curse of the law, Christ “redeemed us from the curse of the law by becoming a curse for us—for it is written, ‘Cursed is everyone who hangs on a tree.’” The Pauline argument—and, therefore, the very meaning of redemption—can be understood only if it is situated in the context of the mutual belonging, in a juridical and not only religious sense, of law and curse.

At first glance, this seems to be typical Agamben bombast—only Agamben has noticed this crucial aspect of Paul’s argument (despite the fact that Paul is one of the most commented-upon writers in the history of humanity), and without this profound insight, one is doomed to chronic misunderstanding.

Yet here I’m reminded of a conversation I once had with Henrik. On reading a typically brief comment from Agamben on Frege, Henrik was initially unimpressed—but when he looked at it more closely, he found that it was actually a fairly rigorous and interesting commentary on Frege. I believe the same thing is going on with this passage, which I similarly found unimpressive on first reading.

What I'd like to do in this paper is to investigate Agamben's passage on Paul from *The Sacrament of Language* first in terms of what it says about Agamben—namely, where it fits within his project in this book as well as in the Homo Sacer series as a whole—and second in terms of what it says about Paul. In this latter connection, I'd like to argue that Agamben's insight here is at least potentially revolutionary in the answer it provides to one of the most important and sharply contested questions of Pauline interpretation: what Paul means by “the law.” If Agamben's interpretation is taken seriously, it means that Paul *must* be understood as a simultaneously and equally religious *and* political thinker—failing to hold together those two aspects of his thought means missing the true radicality of Paul's messianic preaching.

## I.

So first: what does this passage say about Agamben? To understand this, I'd first like to situate *The Sacrament of Language* within the Homo Sacer project as a whole. The goal of this body of political theory is to present “the West,” broadly considered, as most fundamentally a machine that attempts to claim all of life. While this machine regulates itself in various ways, its most fundamental trajectory tends toward the confrontation of sovereign power and bare life, in the words of the subtitle of the first volume of the series. The sovereign is one who is empowered to use limitless violence to enforce the claim of the machine on life, while bare life is the life that the machine has given up to destruction. Volume three of the series, *Remnants of Auschwitz*, analyzes the most extreme manifestation of bare life: the “Muselmann” of the concentration camp, the prisoners who had “touched bottom.”

Volume three was published before volume two, which goes into greater detail on the structure of sovereignty. Both are to be followed by a fourth volume, on “forms of life,” which will presumably lay out Agamben's “alternative” to the Western machine. Interestingly,

however, this fourth volume has yet to appear—and meanwhile, volume two continues to get bigger. After *State of Exception*, Agamben wrote two subsequent works that were designated as “part-volumes”: *The Kingdom and the Glory*, which is volume two, part two; and *The Sacrament of Language*, volume two, part three. As far as I can tell, these two subsequent parts were not necessarily anticipated in the initial structure, and the place of *The Kingdom and the Glory* in Agamben’s overall project is particularly problematic in my mind. Yet if we take Agamben at his word and view these three books as somehow constituting a broad analysis of sovereignty, we can see that Agamben does not think that the Western “machine” is limited to the political realm in any narrow sense: it encompasses the economy, the “society of the spectacle,” and the religious sphere.

Most radically, it encompasses language itself, and *The Sacrament of Language* is concerned not only with understanding language on the model of the logic of sovereignty, but with demonstrating how the Western stance toward language actually grounds all the other aspects of the Western machine. His way into this problem is through the phenomenon of the oath, which may seem strange—or at least unexpected, given that Agamben doesn’t seem to have paid a great deal of attention to the oath in the other *Homo Sacer* writings.

The oath turns out to be promising for two reasons, however. First, it is inherently a borderline phenomenon, incorporating the political and the religious in a way that, at least in Agamben’s view, has misled and baffled modern scholars. Given that Agamben’s methodology in the *Homo Sacer* project is so focused on finding “zones of indistinction”—most notably the correlative status of the sovereign and the homo sacer as existing in a “zone of indistinction” both within and outside the law—the attraction here is clear.

Second, the oath is a cultural phenomenon that, according to Agamben's initial point of reference, the scholar Paolo Prodi, is losing its hold or breaking down. The very fact that the oath seems like a strange thing to analyze is evidence in favor of the declining importance of oaths in contemporary culture. I for one have never verbally sworn an oath to my knowledge, and I don't pay a great deal of attention to the distinction between documents that require my signature to affirm the truth of what I've written "under penalty of perjury" and those that don't. In terms of public events, perhaps the greatest evidence of the decline in the importance of the oath was the series of events leading up to Bill Clinton's impeachment. On the one hand, the closest thing we have to the ruler of the entire Western world lied under oath—and the general public didn't think it was a serious issue, as evidenced by public opinion polling that had Clinton gaining popularity as the scandal unfolded. On the other hand, it's not as though the Republicans were acting as stalwart defenders of the integrity of the oath—they were abusing the court system in what ultimately amounted to a fishing expedition, and their attempt to impeach Clinton over a perjury charge was clearly opportunistic. For both sides, perjury was not something to be taken seriously in itself, albeit for different reasons in each case.

Yet just as Agamben's answer to the increasing pervasiveness of the state of exception isn't to return to "normal" liberal democracy, so here his solution isn't to return to the good old days when oaths were taken seriously. A great deal of his analysis is given over to demonstrating that even in ancient Greece and Rome, the oath was always-already breaking down—certain Greek cities were famous for perjury, and Odysseus was well-known for his ability to craft misleading oaths that technically meant the opposite of what he seemed to be affirming or promising. As Agamben repeatedly emphasizes, if the purpose of oaths is to compel people to be

truthful, they are amazingly ineffective, and simply prohibiting lying would surely have done a better job.

If oaths don't guarantee truthfulness, then, what do they do? A hint is found in a seemingly strange aspect of many of the ancient sources, which seem to view the purpose of the oath as combating perjury. Yet as Agamben points out, this can't make sense—there's no such thing as perjury unless an oath is already involved. Further complicating this is the fact that laws requiring both parties in a trial to swear an oath virtually guarantees that one of them will be committing perjury. The regime of the oath seems then not to prevent but to *encourage* perjury, and this becomes all the more troubling when one recalls that oaths are typically accompanied by curses that will be visited upon those who break them. If the oath is the ground of the social pact in the West and therefore of the law, this explains what Agamben calls, in the quote on Paul, the “technical consubstantiality of law and curse”—and of course, the ultimate legal curse for Agamben is *sacer esto*, that which releases a citizen into the non-status of the homo sacer.

The oath is not simply parallel to the operation of the machinery of sovereignty, but provides its ground: it is most fundamentally the oath, through its invocation of a curse, that exposes that which falls outside it to destruction. On the positive side, the oath represents, as Agamben says in his discussion of Levi-Strauss in §28, the living human being's decision to take responsibility for language—the efficacy of language is more than a matter of objective truth and falsehood, it is a profoundly ethical matter. The oath is a promise that one's words will be effective, and it entails a promise to *make* them effective. There is a reason that swearing an oath is the ultimate example of a performative speech act. The “fact” that swearing the oath performatively creates is more than just the sworn obligation—more fundamentally, it points back to the primordial bond between the living human being and language. It creates the living

human being as the responsible speaking subject, and it creates language in the sense of making it socially effective and binding.

From this primordial moment of “anthropogenesis” represented by the oath, Agamben believes that he can trace all major human institutions, beginning with religion and law. As a theory of politics and religion, I find it very satisfying and believe that it gets around many of the problems created by modern attempts to give religion its own autonomous “essence.” We can perhaps talk about this more in discussion, but for now I’d like to point out the characteristically negative “payoff” of this theoretical achievement: it means that all of Western society is structured by the logic of the curse. All of Western society follows the model found in the human claim to make language correspond to reality—and to subject what escapes this claim to destruction.

The apparent breakdown in the efficacy of the oath in contemporary society does not mean that the Western machine is running out of steam—by contrast, this machine becomes more powerful and dangerous as it breaks down. Here again, a parallel with Agamben’s better-known analysis of sovereignty is fruitful. The fact that contemporary constitutional orders are breaking down does not mean that state power is retreating and leaving people free to govern themselves and their communities. Rather, it means that the coercive power of the executive is growing ever-more unrestrained, absorbing more and more legislative functions until authority and power, law and force are no longer distinguishable. As Agamben says in *State of Exception*, the dialectic between executive and legislative, between the force of law and the authority of law, has functioned in more or less stable ways at different times in history: “But when they tend to coincide in a single person, when the state of exception, in which they are bound and blurred together, becomes the rule, then the juridico-political system transforms itself into a killing

machine” (86). To put it in terms of what passes for American political debate, a narrowing and limitation of laws and regulations does not restore us all to the status of sovereign free individuals, as Tea Partiers fantasize, but rather reduces us all, at least potentially, to the status of bare life.

Similarly, a breakdown in the efficacy of the oath doesn’t lead us to a situation in which people can simply be concerned with the truth without all the baggage of oaths, etc. Rather, it leads to a situation where all speech is cursed, where all speech is essentially blasphemy, taken in vain. To quote from §29 (70-71):

Prodi opened his history of the “sacrament of power” with the observation that we are today the first generations to live our collective life without the bond of the oath and that this change cannot but entail a transformation in the forms of political association. If this diagnosis hits at all upon the truth, that means that humanity finds itself today before a disjunction or, at least, a loosening of the bond that, by means of the oath, united the living being to its language. On the one hand, there is the living being, more and more reduced to a purely biological reality and to bare life. On the other hand, there is the speaking being, artificially divided from the former, through a multiplicity of technico-mediatic apparatuses, in an experience of the word that grows ever more vain, for which it is impossible to be responsible and in which anything like a political experience becomes more and more precarious. When the ethical—and not simply cognitive—connection that unites words, things, and human actions is broken, this in fact promotes a spectacular and unprecedented proliferation of vain words on the one hand and, on the other, of legislative apparatuses that seek obstinately to legislate on every aspect of that life on which they seem no longer to have any hold. The age of the eclipse of the oath is

also the age of blasphemy, in which the name of God breaks away from its living connection with language and can only be uttered “in vain.”

For Agamben, this situation of the breakdown of the oath, just like the situation of the breakdown of the “normal” legal order of liberal democracy, is not an aberration but rather expresses the truth of the system as a whole—the Western machine may have been better regulated and produced better results in past eras, but it was *always* heading in this direction. When we lose the benefits of the Western machine, that doesn’t mean that it’s failed or fallen by the wayside, but that its claim becomes much more intense and destructive. As Benjamin says, the “state of exception has always been the rule.” For Agamben, there is no room for nostalgia here: even at its best moments, the Western machine was heading toward Auschwitz.

For Agamben, the answer to this breakdown in the functioning of the oath is not, therefore, to get back to a point where we take the oath seriously and take responsibility for our language again, any more than the answer to the pervasiveness of the state of exception is for Congress to reclaim its constitutional prerogatives and rein in the Executive. If “the state of exception has always been the rule,” going back to a supposedly “good” instantiation of the Western machine means preserving the “bad” element that has in fact always been its motive force. To quote Benjamin again, the answer is not to undo the state of exception and return everything to normal, but to create a “real state of exception.” Again, to start with the more familiar analysis of sovereignty, the answer is not to make force the servant of the law, but to cut the relationship between law and force altogether—to render the law radically inoperative. As Agamben says in *State of Exception*, evoking Benjamin’s interpretation of Kafka:

One day humanity will play with law just as children play with disused objects, not in order to restore them to their canonical use but to free them from it for good.... This

liberation is the task of study, or of play. And this studious play is the passage that allows us to arrive at that justice that one of Benjamin's posthumous fragments defines as a state of the world in which the world appears as a good that absolutely cannot be appropriated or made juridical. (64)

That is to say, the only answer to the suspension of the law in the state of exception is to suspend the law even more radically, in a movement he identifies as messianic.

Similarly, in the case of the oath, the solution is to debase language even more thoroughly. As he says in §29 after the passage I quoted above about blasphemy: "It is perhaps time to call into question the prestige that language has enjoyed and continues to enjoy in our culture, as a tool of incomparable potency, efficacy, and beauty. And yet, considered in itself, it is no more beautiful than bird song, it is no more efficacious than the signals insects exchange, no more powerful than the roar with which the lion asserts his dominion" (71). What is truly distinctive about human language is its ethical force, i.e., the very thing that renders it so potentially vain and destructive.

What does it mean to call into question the ethical force of speech as articulated in the oath? In the final pages of *The Sacrament of Language*, Agamben breaks from his normal pattern of evoking the messianic and instead points toward philosophy, which he claims is a type of speech that "resolutely puts in question the primacy of names, when Heraclitus opposes *logos* to *epea*, discourse to the uncertain and contradictory words that constitute it, or when Plato, in the *Cratylus*, renounces the idea of an exact correspondence between the name and the thing named and, at the same time, draws together onomastics and legislation, an experience of *logos* and politics" (72). Philosophy thus represents another use for speech, beyond that articulated by the law—indeed, "Philosophy is, in this sense, constitutively a critique of the oath: that is, it puts in

question the sacramental bond that links the human being to language, without for that reason simply speaking haphazardly, falling into the vanity of speech” (72).

If philosophy rather than the messianic is the answer here, then where does Agamben’s invocation of Paul fit into the argument? Is it simply an arbitrary display of erudition connected to an author Agamben happens to like? One is often tempted to believe that his sometimes seemingly random footnotes are little more than release valves for self-indulgence, but I think that his note on Paul actually points toward an important insight into Agamben’s methodology.

In order to get at this point, I first ask: where has Agamben prepared the way for this privileging of philosophy as a discourse critical of the oath? Many of Agamben’s philosophical references are in fact seemingly quite supportive of the ideology of the oath—for instance, Cicero and Philo. He does evoke Plato as consistently critical of the oath, but one of his key examples of what a use of language not governed by the oath might look like is actually Jesus’s prohibition of the oath in the Sermon on the Mount:

‘Again, you have heard that it was said to those of ancient times, “You shall not swear falsely, but carry out the vows you have made to the Lord.” But I say to you, Do not swear at all, either by heaven, for it is the throne of God, or by the earth, for it is his footstool, or by Jerusalem, for it is the city of the great King. And do not swear by your head, for you cannot make one hair white or black. Let your word be “Yes, Yes” or “No, No”; anything more than this comes from the evil one. (Matthew 5:33-37)

What is translated as “yes yes, no no” is *nai nai, ou ou*, and Agamben argues, “The expression gains its full meaning if we remember that the Greek formula for the oath was *nai dia* (or negatively *ou ma dia*). By extracting the particle *nai* from the formula and removing the sacred name that followed, Jesus opposed one part of the oath to the whole. What is at stake, then, is a

gesture symmetrically opposed to that of blasphemy, which instead extracts the name of God from the context of the oath” (§17, 42). This formula thus corresponds to Agamben’s description of philosophy as a discourse that “puts in question the sacramental bond that links the human being to language”—in this case, by evoking the formulation of the oath in order to subvert it—“without for that reason simply speaking haphazardly, falling into the vanity of speech”—because, after all, your yes does mean yes, and your no means no.

Another example can be found in a brief reference to Paul outside the footnote I have singled out for special treatment. In §24, Agamben discusses Foucault’s notion of “veridiction,” which he believes corresponds to the originary experience of language that logically precedes the splitting up of the experience of the oath into various human institutions. A veridiction differs from either an assertorial or promissory oath in that it “has as the sole criterion of its performative efficacy its relationship to the subject who pronounces it” (57). It needs no external support—for instance, the various sacred objects that are invoked in oaths both ancient and modern, as when one swears on the Bible—and has no referent external to the subject. Having established this, Agamben evokes Paul here, specifically Romans 10:9-10: “‘The word is near you, on your lips and in your heart’ (that is, the word of faith that we proclaim); because if you confess [*homologēsēis* (a Greek term for the oath)] with your lips that Jesus is Lord and believe [*pisteusēis*] in your heart that God raised him from the dead, you will be saved.”

The messianic proclamation is thus a kind of proto-oath, where the only “objective” support is the mouth you use to speak and the only standard is your own heart. Here this may seem to position Paul as supportive of the ideology of the oath. Yet just as Agamben’s ultimate hope in returning to this moment of “anthropogenesis” is to find some way to change the relationship between the living human being and language, so also does the messianic faith as

Agamben explains it represent a different use for language—one in which the oath is actively rejected and subverted, for instance, or, as in the longer footnote on Paul, one in which the curse of the law is rendered inoperative. Indeed, Agamben contrasts this originary experience of language with the church's later institutionalization of the proclamation of faith as an assertorial oath. Thus Agamben appears to be positioning Paul's evocation of the oath here as a subversive move parallel to that of the Jesus of the Sermon on the Mount.

Overall, then, some of the key examples of people who are doing what Agamben asks of philosophy are precisely messianic teachers. I would suggest, then, that Agamben's reference to philosophy where he would normally evoke messianism does not represent a rejection or a move beyond the latter, but rather reflects the fact that for Agamben, philosophy at its most authentic has a messianic vocation. This vocation must obviously be distinguished from an ideological or propagandistic one, but it must just as crucially be distinguished from an apocalyptic one that demands the destruction of this world and its replacement by a new heaven and a new earth. The point is not to somehow destroy the Western machine, nor to let it run its course, increasing the contradictions until it exhausts itself. The point, rather, is to *stop* the machine by making that small change that makes all the difference. In the messianic imagery of Benjamin and Kafka, for instance, the law isn't destroyed or forgotten—it is the object of study and play. Similarly, Agamben is not advocating that human beings simply give up speaking altogether or speak totally at random—he wants a new stance toward language other than that which claims reality for language in the oath.

As Benjamin says of the messianic age, “Everything will be as it is now, just a little different” (qtd. in *The Coming Community*, 53). That little difference is enough to turn this world

from a body of death, caught up in the destructive machinery of sovereignty, into a “means without end,” an object of study or of play.

## II.

Having shown what Agamben’s invocation of Paul tells us about Agamben, I’d now like to turn to the second half of my presenting question. If Agamben’s use of Paul in *The Sacrament of Language* demonstrates that Agamben remains a messianic thinker, does it wind up saying anything useful or interesting about Paul? Specifically, does it give us any particular insight into the contentious question of what Paul means by “the law”? In order to assess this, I’ll observe that Agamben claims that he is providing a new insight into Paul, and indeed a decisive one. As he says, “The Pauline argument—and, therefore, the very meaning of redemption—can be understood only if it is situated in the context of the mutual belonging, in a juridical and not only religious sense, of law and curse.” The first question to ask, then, is whether Pauline interpreters in general have understood Paul in these terms.

I think the answer to this can be found in an element of the first sentence of the footnote that is surprising to those familiar with traditional interpretations of Paul: “It is in the perspective of this technical consubstantiality of law and curse (present *even* in Judaism—cf. Deuteronomy 21:23—but very familiar to a Jew who lived in a Hellenistic context) that one must understand the Pauline passages in which a “curse of the law” (*katara tou nomou*—Galatians 3:10-13) is spoken of.” *Even* in Judaism? The majority of the Christian tradition, and modern scholars in its wake, has understood the link between the curse and the law as a *uniquely and specifically* Jewish phenomenon. For instance, Luther’s amazingly influential interpretation of Paul presents the Jewish law as intended solely to trip us up, to convict us of sin and show us the *impossibility* of saving ourselves apart from God’s grace—and this in turn shows that the focus specifically on

the *Jewish* law as the object of Paul's critique functions as a way to keep Paul's argumentation within a specifically "religious" sphere.

The anti-Judaism and even outright anti-Semitism that such readings of Paul have engendered throughout Christian history, culminating in the Nazi Holocaust, have led many biblical interpreters to reopen the seemingly settled question of Paul's relationship to the Jewish law. The result has been to emphasize Paul's reverence for the Torah and the very Jewish nature of the early Christian movement. Yet few have gone so far as to question whether Paul's arguments focus primarily on Jewish law. For instance, a recent reinterpretation of Romans by Stanley Stowers includes as a methodological principle the claim that the Greek *nomos* always and only refers to the Jewish law in the Pauline corpus—and another work on Romans by Mark Danos claims that the authorities to which one must submit according to the infamous passage in Romans 13 are actually the local synagogue authorities.

This research agenda of reembedding Paul within Judaism has been undeniably productive, yet there remains an irreducible obstacle to presenting a pro-Jewish Paul according to the terms laid out in this strand of scholarship: Paul's argument in Galatians. I myself had advanced a very pro-Jewish reading of Paul in my teaching and writing, based primarily on Romans—but it fell apart for me when I studied Galatians closely, causing me no small distress. In scholarly circles, a focus on Galatians has served as a kind of "wet blanket" in Daniel Boyarin's *A Radical Jew*, which claims that Pauline universalism as represented in Galatians leads inexorably to an erasure of specifically Jewish difference and is hence ultimately anti-Jewish. Boyarin's focus is, perhaps ironically, precisely the passage from Galatians that is normally treasured by advocates of a "nice" reading of Paul: "There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in

Christ Jesus” (3:28). In this context, it is fortuitous that Agamben’s reference to Paul in the note to §16 is focused on Galatians.

It may be helpful to pause briefly and review the contents of Paul’s letter to the Galatians. It begins with a typical greeting, but is unique among Paul’s letters in not then including a “thanksgiving” passage thanking God for how wonderful the community he’s writing to is—and that’s because Paul is extremely angry at what he’s heard about his followers in Galatia. After a remarkably short time, in Paul’s eyes, the Galatian community has abandoned the gospel and sought out another, false one. Before telling us what the problem is, however, he gives a long account of his life story, starting with his zeal for Judaism as a young man, passing through the dramatic revelation in which Christ gave him the calling to proclaim the gospel to the Gentiles, continuing through his approval by the mainstream of the Christian movement in Jerusalem, and culminating in a decisive encounter with the Apostle Peter himself, in which he accuses Peter of betraying the gospel. What is Peter’s crime? He distances himself from table fellowship with Gentile believers, out of deference to the “circumcision faction,” who believe Gentiles must become circumcised to be part of the Christian community. Paul insists, by contrast, that since Jews are not justified by adherence to the law, neither should Gentiles have to be.

At this point, he turns again to his diatribe against the Galatians, saying that they should have known better because “it was before your eyes that Jesus Christ was publicly exhibited as crucified” (3:1)—what this public exhibition entailed is unclear, but it does show that Paul believes that Christ’s crucifixion is in direct opposition to what the Galatians have chosen to do, namely to submit to the demands of their own local “circumcision faction” and become circumcised. To combat this desire for circumcision, Paul develops an elaborate series of analogies from the Hebrew Bible to draw a contrast between law and grace, curse and blessing,

slavery and freedom—and it is specifically Christ’s crucifixion that provides access to grace, blessing, and freedom by undoing the law with its curse and slavish obedience. To quote the broader context for Agamben’s quoted passage:

For all who rely on the works of the law are under a curse; for it is written, ‘Cursed is everyone who does not observe and obey all the things written in the book of the law.’ Now it is evident that no one is justified before God by the law; for ‘The one who is righteous will live by faith.’ But the law does not rest on faith; on the contrary, ‘Whoever does the works of the law will live by them.’ Christ redeemed us from the curse of the law by becoming a curse for us—for it is written, ‘Cursed is everyone who hangs on a tree’—in order that in Christ Jesus the blessing of Abraham might come to the Gentiles, so that we might receive the promise of the Spirit through faith. (3:10-14)

Given Paul’s focus on the Jewish law throughout this letter, the tendency of most interpreters has been to believe that Christ died to set us free specifically from the Jewish law. Yet this fails to make sense to me on several levels. First, at what point were Gentiles ever subject to the *Jewish* law? (This puzzled me even as a child in church, when pastors would preach about how God had set us free from the demands of the Jewish law—as far as I knew, none of the people in the congregation were Jewish.) Theoretically it might be possible that Paul was preaching to a group of aspiring Jewish converts, but even so, given that they are considering getting circumcised *after* accepting Paul’s message, it does not seem as though they had subjected themselves to the full demands of the law before he arrived—after all, one can only be circumcised once.

Even more importantly, and more directly relevant to Agamben’s interpretation here, the salient feature of the “law” from which the Galatians have been set free is precisely the curse—and as Agamben demonstrates throughout *The Sacrament of Language*, Greco-Roman law

subjected citizens to a curse as well. Indeed, given Agamben's wording, Greco-Roman law presumably featured this curse to an even greater degree—for Agamben is able to say that the curse is consubstantial to the law “even” in Judaism and that in any case this consubstantiality would've been familiar to a Hellenistic Jew like Paul, which is to say that even if he hadn't noticed this curse in Judaism, he surely would've known of it from the surrounding Greco-Roman law. The same thing goes for the other salient features of the law from which the Galatians have been set free: Jewish law is far from the only legal system that demands obedience or condemns those who fail to live up to those demands. Nor is it the only legal system that seems to turn its subjects into slaves to arbitrary requirements or observances. Paul says as much in 4:8-11:

Formerly, when you did not know God, you were enslaved to beings that by nature are not gods. Now, however, that you have come to know God, or rather to be known by God, how can you turn back again to the weak and beggarly elemental spirits? How can you want to be enslaved to them again? You are observing special days, and months, and seasons, and years. I am afraid that my work for you may have been wasted.

Again, it is unlikely that Paul is referring to some pre-conversion state where the Galatians observed some aspects of the Torah without getting circumcised—he does still regard the Jewish law as a revelation of God, and so those who study and follow it do know God. He has to be referring to their previous lives as “pagans.” The problem with their new-found desire to subject themselves to Jewish law is that they're simply trading in one law for another—and the whole point of the argument is to show that everything they've escaped from through Christ is every bit as present in the Jewish law as well. In other words, he's trying to show that whatever is special

about the Jewish law, it can't be found in its legal requirements, which are "just as bad" as the pagan forms of law they've escaped.

The problem isn't that they want to join up with Judaism in specific, but that they want to be subject to *some* law, *any* law after Christ has already set them free. And he has set them free precisely by releasing them from the curse that is consubstantial with Greco-Roman law, by suffering that characteristic Roman punishment, crucifixion. There is some debate about whether it is appropriate to draw an analogy between the victim of crucifixion and the figure of the homo sacer in specific, but I think there is a strong parallel—it is first of all a punishment that is reserved for runaway slaves and rebels against Roman rule, i.e., against classes of people who have put themselves beyond the pale. And it certainly is an appropriate emblem for the unlimited violence to which the sovereign power subjects bare life, being one of the most ingeniously horrific punishments ever devised.

In the context of the Roman empire, then, the victim on the cross—of which there were tens of thousands during the early centuries of Roman rule—embodies the law's power to exclude, destroy, and curse life to the utmost extent. By taking on this curse of Roman law, Christ has set Gentiles free, not from a Jewish law they were never under any obligation to obey, but from the Roman law to which they were previously subject. Paul does find a reference in the Torah that seems somewhat parallel to crucifixion, "cursed is everyone who hangs on a tree," which has led some interpreters to believe that Paul thinks crucifixion is a specifically Jewish practice, but those living under foreign occupation rarely have the luxury of being so extravagantly ignorant of the distinctive torture practices of the occupiers. Instead of reading this reference as indicating that Christ's Roman punishment somehow represents the culmination of Jewish law, I believe we need to read it as a forceful rhetorical move, a strong reminder of the

“public exhibition” of Christ’s crucifixion that reportedly proved so decisive in the Galatians’ acceptance of Paul’s gospel.

In short, I believe that we have to view Paul’s use of the term “law” as referring to an overarching category of legal systems that includes both the Greco-Roman and Jewish legal traditions. Only in this way can we make sense of the notion that Christ came to set both Jews and Gentiles free from the curse of the law—that is, from the curse specific to their own legal traditions. In this context, we can also make sense of Paul’s pervasive use of the first-person plural in describing the relationship to law from which Christ sets “us” free. Paul has presented himself as a faithful Jew, and we have no indication that the Galatian community is made up of anything but “pagans” subject to Roman law. The only way “we” can be set free from the law is if “the law” is a general category capable of including both legal traditions. A sample passage might be helpful here:

Now before faith came, we were imprisoned and guarded under the law until faith would be revealed. Therefore the law was our disciplinarian until Christ came, so that we might be justified by faith. But now that faith has come, we are no longer subject to a disciplinarian, for in Christ Jesus you are all children of God through faith. As many of you as were baptized into Christ have clothed yourselves with Christ. There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus. (3:23-28)

In this context, the last verse here can be seen to indicate another purpose of the law: to divide us, along national, class, and even biological lines. By submitting to the demands of the “circumcision faction,” Peter was reinstating this legal division that, in Paul’s view, Christ had undone. Thus, alongside the pairings of law and grace, curse and blessing, slavery and freedom,

we should place division and unity. Like slavish obedience, division can be understood, in the terms of Agamben's analysis, as a direct consequence of the curse of the law, which ultimately serves to draw a line between the inside and the outside of the law.

Yet I don't think we can view Paul as saying *simply* that Jewish law is "just as bad" as Roman law. In terms of the category of division, this would be hard to maintain in light of Paul's examples: those whom Jewish law excludes are not invited to dinner, while those whom Roman law excludes are crucified. If Paul is extremely negative about Jewish law in Galatians, he is also extremely positive, as he does not draw evidence of God's promises from any source apart from the Torah. Jewish law is like Roman law insofar as it subjects its followers to a curse, but it is unlike Roman law insofar as it points toward God's promises. The purpose of Christ's death is not to destroy the Jewish law, but to allow access to its promises apart from its curse. Paul knows that those promises are what makes the Jewish law so attractive to the Galatians—and his point is that they already have the promises without the curse. Similarly, Paul and Peter continue to have access to those same promises without the obligation of strict obedience, as both are able to dine with Gentiles in violation of dietary laws, etc., as the situation demands.

In light of Agamben's analysis, we can thus say that Paul is proposing that Christ's death somehow brings about a "real state of exception" in which the link between law and force is broken, with force here represented above all by the curse of the law. What this allows us to do is to live according to the *intention* of the law, which is to promote beneficial behavior—or, using Paul's quotation from the Torah, to induce us to "love your neighbor as yourself"—in complete indifference to the commandments and prohibitions of the law. He exhorts the Galatians to practice "love, joy, peace, patience, kindness, generosity, faithfulness, gentleness, and self-control"—and then adds, "There is no law against such things" (3:22-23). The point is not to

violate or overturn the law for its own sake, but rather to enter into a sphere of indifference to the law, with no reference to legal reward or, especially, legal punishment.

I'd like to conclude by asking whether Paul's analysis of the law applies to the Judaism we know today. Does the Torah still operate according to the logic of the curse, such that it would still be subject to Paul's critique in Galatians? I would contend that it does not. In Paul's time, the Jewish law was enforceable, centered on Temple sacrifice in Jerusalem and supported by taxation of Jews throughout the Roman Empire. The death penalty could still be carried out and sometimes was.

The destruction of the Temple and the rise of rabbinic Judaism changed that completely. Authority in Judaism shifted from a model centered on sacrifice to a model centered on study—or play, as evidenced by the creative and bizarre interpretations often found in the rabbinic literature. Meanwhile, passages mandating the death penalty, which represent the most concrete example of the curse of the law, were largely rendered “inoperative,” to evoke Agamben's terms. The result is a non-coercive law that is able to govern all aspects of life. By contrast, in Christianity, the tendency was for the church to understand its mission in uniquely “religious” terms, abandoning much of the believer's life to the very law that Paul believed Christ had died to set us free from. While we might be subject to grace rather than law in the religious realm, in the everyday realm, we remain subject to the curse of the law.

Overall, then, it seems as though Judaism rather than Christianity would meet more with Paul's approval, instituting a new non-coercive stance toward the law that represents a “real state of exception.” I would suggest that this is why the Jewish tradition is such a continual point of reference for Agamben's own work as well—even in texts that are not explicitly “messianic,”

Judaism already represents the longest-running experiment in a messianic form of law in which the authority of law is disconnected from force.

If Agamben's reading is correct, that would indicate that at a crucial moment in the history of the Western machine, when the bond between law and force was short-circuited in the person of the emperor and the apparatus of law had become, at least for subject populations, a killing machine, Paul made it his mission in life to bring together groups of Gentiles who would attempt to embody such a messianic stance toward Roman law. The last time around, the mission failed, producing a church institution that embraced the violence of the Western machine while congratulating itself for being set free from the Jewish law.

If we are living in a similar moment of crisis, then it is unsurprising that so many are now turning to Paul. Yet given the actual result of the Pauline mission, we must ask ourselves how things could have gone so terribly wrong as to result in the monstrosity of Christianity. In light of my reflections here today, I would contend that a big part of the problem is that Paul did not have a concrete model of what it would look like to separate the promise of law from its curse. With no model for how to regulate this new community, many early Christian leaders fell back on the authority of the bishop and the demand for obedience as the only way to introduce order, making the movement dangerously open to an alliance with the authoritarianism of empire. Now, I would argue, we do have a model in rabbinic Judaism, and Agamben's reading of Paul is one that can help us to recognize it as such. The problem of the modern West, then, may be summarized as how to find a way to adopt a messianic stance toward its own legal and cultural traditions similar to that found in Judaism, how to divorce its own law from coercive force and make it into an object of study or of play.