

# “Christ the Exception”

The very strangeness of the Passion Narrative may present some warrant of verisimilitude, and provide new ground for historical plausibility that casts light upon the universal significance of Christ's death, as claimed by the first Christians.

... it's as if we had left our house for five minutes to mail a letter and during that time the living room had changed places with the room behind the mirror over the fireplace.

W.H. Auden *For the Time Being: A Christmas Oratorio*

I

**W**HY 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 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 him: "... but Jesus he delivered up to their will. And as they led him away they seized on Simon of Cyrene..." (Luke 23: 25-26) Yet this 'doing what they like' took the form of appropriating the Roman judicial punishment of crucifixion: 'Pilate said to them, "Take him yourselves and crucify him, for I find no crime in him."' (John 19:6) In Matthew's

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gospel, Pilate elaborately washes his hands before the crowd and declares “I am innocent of this man’s blood: see to it yourselves” before ‘delivering’ Jesus to be crucified (Matthew: 27:26) Even Mark’s gospel says, ambiguously, that “Pilate, wishing to satisfy the mob . . . delivered him to be crucified” (Mark 15:15). Comparison with Matthew’s version plausibly suggests that this means indeed that Pilate ‘handed over’ Jesus to the mob. Given this near unanimity, there is really no clear reason, as we shall further see below, to assume that the gospel writers merely invented the role of the crowd in order to exonerate the Romans. It is true that in Mark (15:16) it is the soldiers not the crowd who lead Jesus away, but this does not render impossible a joint mob-military action, as Mark’s ‘deliver’ may indicate. By now we should know that Mark’s brevity is no necessary sign of greater historicity, and is as literary a matter as the other’s gospel’s relative prolixity.

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, 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 New Testament scholars is to doubt its veracity, to such a degree that little of the Passion Narrative is seen as plausibly historical. I want 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 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. There is no mention of this in Rabbinic sources, nor in Josephus, who was favorable to the Romans, and likely to have mentioned any instances of their mercy. 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 exactly how early Christians could have been privy to private proceedings that took place between Pilate and Jesus in the Praetorium.<sup>1</sup> 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 pronouncement of the secret name of God? If the Sanhedrin 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.<sup>2</sup> 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 real and metaphorical 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 wished 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 (else why would the disciples not have been arrested also?) but certainly as a potential focus of popular dissent either from Rome, or else from the established Jewish authorities—which, for Rome, could be almost equally inconvenient.<sup>3</sup> 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 eventually incite a terrible 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 attribution 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.<sup>4</sup> 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, I think, to whittle away the plausibility of this first reason—before stating my positive reason for believing what the gospels tell us. 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 renders them the most typical 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 in reality only 'the course' (the instance of a particular culture etc) is really an 'event' in human history. 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. Causal explanation of, for example the first World War, runs the danger of seeing it as, with hindsight, an inevitable event. In reality it is much more plausibly seen as arriving according to the gathering pace of its own mad momentum. There were preceding occasions, for this as for other greatest and most event-like events, but no causes in the strict sense.<sup>5</sup>

Of course, where events are insufficiently well-attested, then the problem is not simply one about cause and occasion, but a fuller reconstruction both of what took place, and of what led up to this taking-place. In the absence of much evidence, one has to resort to what is known in general about the circumstances in which the events

are alleged to have taken place, in order to establish analogies and plausibilities and so forth. However, one should only do so in a tentative spirit, and should try to discriminate between more-or-less-possible exceptions on the one hand, and more-or-less-impossible exceptions on the other—while remembering that this exercise is itself more impossible than possible—given the foregoing methodological caution regarding the exceptional character of all events as such.

This caution is especially pertinent in the case of the gospels—indeed one could argue that here it is most of all pertinent. For the gospels themselves assume that the events they are describing are unique and remarkable; even that they are the most exceptional and singular events that have ever occurred. In addition, 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 the Incarnation—not even in any degree (given that she could do nothing *in addition* to God) and John the Baptist'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 out *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, in consequence, 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 only contest ortho-

doxy 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.

Even if one were to set aside the claims of orthodoxy to recognize in the life of Christ a hyperbolic and final event (announcing already the end of history), one would still be left with undeniable evidential warrant for the instance of an event in the strong sense of something unique and unprecedented. Without question, the gospels constitute, if not the record, then at least some sort of trace of the arrival of, an in many respects entirely new sort of religious institution, practice and belief. The danger, then, for liberal criticism, if it loses its sense of discriminatory balance, is that it will so disallow all that is exceptional in the gospel narratives, that it will merely have postponed the problem of manifest exception for the consideration of the historical fact of the Church, and in such a way that the Christocentric aspect of this phenomenon will have to be implausibly played down or evaded—a mistake which is as great as trying to conceive of a Christ-event which prescind from the always-already given presence of the reception of Christ by the Church—beginning with Mary and the disciples. (Here also the issue arises of why one should treat Josephus and rabbinic texts as independent background sources, and not accord the gospels the same status: is this to privilege official and established literature over insurrectionary and emergent voices?)

So much, then, for the first, general methodological point. As for the details, the objections cited are perhaps less convincing than is usually imagined. Regarding Pilate's known character, bread and circuses were proverbially never adverse to Roman tyranny and the idea that a cruel and non-concessionary ruler would never have been obliged to let the populace have their way in certain circumstances is simply naïve. As to conversations that could not have been overheard,

there is simply no way of knowing what may or may not have leaked out of the Praetorium, but the main point is that one must allow for ancient historiographical conventions of reconstructed dialogue which by no means betray a cavalier disrespect for historicity. With respect to Jesus's infringements of Jewish law, certainly 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.<sup>6</sup> 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 extraordinary claim would have met with ordinary judicial hostility.

When it comes to the executive powers of the Sanhedrin, then the scholarly consensus now 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 Legasse notes) Josephus records two cases where, indeed, the Sanhedrin tried to get self-appointed prophets executed by Rome for essentially Jewish offenses—one of them another man named Jesus. 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 hesitation".<sup>7</sup> It is then broadly agreed that there is little reason to doubt at least *this* 'handing over' procedure.

This still leaves us with the problem of the Passover amnesty. Before discussing this, however, let us consider briefly the historical explanation given for the evangelists purported falsification of history. Is it really plausible? Certainly, it is highly speculative, because we do not really know whether the synoptic gospels were written by Christians with a clear and distinct sense of their separation from Jewry. In addition, even John's gospel, let alone the synoptics, still attributes a great deal of blame to Pilate, and indeed presents him as cynical, skeptical, vacillating and submissive to the mob, rather than as tolerant and concessionary. If Rome was to be exonerated, could not the job have been done better? One can protest here that the gospel writers could not evade the undeniable fact of a Roman execution—but there remains their superfluous presentation of Pilate as uncertain (especially in Luke) as cruelly playful (especially in John) and as a witness to the truth merely despite himself. Most of all, it is striking that no attempt was made to present Pilate as indeed simply acceding to the Sanhedrin's wishes, even though the idea that Christ died under the Jewish law is expressed within Pauline theology and is semi-implied by the gospels themselves. Notably, the gospel writers do not present the Romans as executors of a Jewish sovereign will—and in this respect they accord with what we know of circumstances in the technically 'unfree' city of Jerusalem under the Roman jurisdiction.

If the evidence of a desire to exonerate Rome is after all not so clear, then what of the evidence for anti-Semitism? Again, it is far weaker than usually claimed. Certainly John's gospel speaks of 'the Jews' in general as an actor, but this may reflect only the distance from Jewry of a Hellenistic or Hellenized Christian community. But even if the anti-Semitism of John's gospel is allowed, no general case is thereby established, since the synoptics report basically the same

structural feature of the passion proceedings—that is to say, a handing over by accusing Jewish authorities to the Romans, and a later semi handing-over by Pilate to the mob. A recent and careful study by Jon A. Wetherby of the attitude of Luke-Acts towards the Jews, concludes that there is no evidence of anti-Semitism, and that these books specifically make the leaders and people in Jerusalem in part responsible for Jesus' death and certainly not the Jews as a whole.<sup>8</sup> Indeed Luke (if it is he) in Acts is careful to record the defense of Paul by some Pharisaic scribes (Acts 23:9). Wetherby also notes that Luke is, amongst the gospel writers, especially careful to portion out the guilt also to Pilate, Herod (a non-Jew) and the Roman soldiers. What Luke stresses is the division of Israel with regard to Jesus, just as in Acts he stressed the division of the whole of the known world. Of course the idea that all nations are complicit in the death of Jesus, just as this very event brings all nations together (Acts 2), is in Luke a theological theme, but this does not prove that it is not also a meditation upon the actual course of events (see further below). As to his recording in Acts of repeated Roman defenses of Paul against some Jewish elements, since Paul was a Roman citizen and the case in question would have been seen by the Romans as a Jewish sectarian dispute, there is little reason to ascribe this repetition to theological motives rather than the protractedness of the proceedings which Paul really underwent.

One can conclude that if Luke evinces no especial drive to blame the Jews, nor any in exonerating the Romans (which is unlikely given his evident concern for the distressed and marginalized) then the shared structured features of the passion procedure cannot really be accounted for by ideological motivations. In that case, at the very least, we cannot be so sure that the Passover amnesty is a typological construct based, for example, on the freeing of Jehoiakim in 2nd Kings and Jeremiah, or written as a fictional fulfillment of Isaiah 53's prophecy concerning the suffering servant taking the punishment of the criminal upon himself. Even skeptical critics allow that 'Barabbas'

is not an invented name, and that his release, if not under a regular amnesty, and not as a result of a plebiscitary choice, may well have occurred.<sup>9</sup>

These positions are taken up by Simon Légasse in the most recent and extensive book-length treatment of the trial of Jesus, portions of which have been translated by John Bowden for SCM Press. Much of what I have contended so far is not so far removed from what Légasse is prepared to accept. 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 1985 work of the Belgian classicist Jean Colin, entitled *Les Villes Libres de L'Orient Greco-Romain et L'Envoi du Supplice par Acclamations Populaires*.<sup>10</sup> 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.'<sup>11</sup> 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 Luke's 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 Lukan version.

Once again, therefore, the issue concerns the question of an *exception*. In the face of the problems raised by Jesus' exceptionality, did Pilate resort to a locally exceptional legal procedure? It seems that 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, Philo and rabbinic sources concerning the amnesty 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*,<sup>12</sup> 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*.<sup>13</sup>

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 Deuteronomy 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—though whether it was ever actually effected is debatable. Nevertheless, such a concept may have provided a kind of residual background for a fusion of cultural horizons in terms of the kind of enacted exception which (I shall further argue below) was the death of Jesus.

The second parallel claimed by Agamben is the 'devotion' of one-

self 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, while the dedicated enemies from thenceforwards occupied a kind of ontological no-man's land, having no place amongst the living or the dead. 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. Here again, there are certain Israelite parallels, which could have formed the basis for a fusion of cultural horizons. Robertson Smith noted (and in this case Agamben notes also) 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'. (Micah 4:13: "You shall beat in pieces many people, and devote their gain to the Lord".)<sup>14</sup>

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. Here, normal legality is suspended: someone is reduced to bare-life, to sub-humanity, and can be killed indifferently, yet not murdered, sacrificed nor executed—for the Roman power is *indifferent* to merely plebeian judicial decision. 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 (never mind the sub-citizen) by definition as a citizen, 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 illegal exceptionality. And one can add to Agamben 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 the will's order—if my hand will not move, I cannot throw. So for political will to be effective, someone else must always perform the sovereign's will—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 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.

One detail of Agamben's analysis can, however, be called into question, from his own evidence. Is it so clear that *homo sacer* is not offered as a sacrifice? All that is certain is that he was to be killed without ritual purifications—but this is still consistent with a total offering, as indeed the Israelite examples attest: totally unclean towns were to be offered to Yahweh. Agamben himself at one point says that the *homo sacer* was delivered over to chthonic gods.<sup>15</sup> Perhaps the difference from more ritualized expulsions concerned precisely a degree of impurity, or else, to the contrary, official indifference one way or the other. In either case, total absence of ritual still belongs to ritual, especially as the event was to take place within certain circumstances and therefore was brought within regularity, yet not within a punitive response to officially criminal irregularity. It would also follow that 'sacralise' as expulsion might always have had sacrificial connotations. Certainly one should not confuse all banishing, including scapegoating, with

vertical sacrifice (after the fashion of Rene Girard); nonetheless a horizontal banishing could often be construed as a sending downwards and occasionally as a sending upwards.

### 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 which Agamben diagnoses. 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.<sup>16</sup> 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—when this is the very thing at issue; and twice because it does the same thing with Roman law, when again the role of exception is what needs to be debated. 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*. And 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 (at least according to Luke and John) 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 fash-

ion 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 (under instigation from the priests and elders) and the Romans in a certain sense their irregular 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. Accordingly, one could argue that the cross exposed the structure of arbitrary sovereign power in its ultimate exceptional yet typical instance (Matthew 26-27; Mark 14-15; Luke 22-23; John 18-19).

Did the gospel writers really fabricate these features (as most New Testament critics now think). 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*. Does that then mean that the above conclusions are only an interesting curiosity as far as theology is concerned? No, for two reasons.

First of all, even in the case of mythical and fictional thought, meaning and events are normally inseparable. There are no events outside the assignment of meanings, and there are no construable meanings not ultimately including some reference to an active rearrangement of things in time. The salt passes after I have asked for the salt to be passed: it is a mineral, but also a condiment, subject to meaningful convention. The situations where one deliberately drains events of meaning in order to confront their strangeness, as in physical or even historical science, or inversely one abstracts events from the normal course of events through mimicry in order to heighten meaning, as in drama, are clearly secondary and parasitic. Thus in the case of new legends, ideologies and fictions, one legitimately asks after the real occasions that have helped to give rise to such novel configurations of sense.

Secondly, there is the question of genre. Despite the normativity of a coincidence of meaning and action, there is always also a perceived interval which allows both science and drama to emerge: I know the salt lay for countless ages in fathoms indifferent to humanity; I know that it is the subject also of superstition and metaphor. So do the gospels ally their narrations more to the side of science or of drama?—given that all human language must ultimately partake of both: event and meaning being originally inseparable. The simple answer ‘drama’, entirely misses the point of the specific drama which the gospels re-stage. For the entire content of *this unique* drama is the presentation of a situation in which, for the first time, there is no interval whatsoever between meaning and action. What they seek to present is the *logos* become flesh: a situation in which the surplus of fictional and metaphoric meaning is here *none other* than the surplus of unknown consistency and causation. None of Jesus’s imaginings are ineffectual, unlike ours; none of his actions lack an infinite depth of meaning. There is no possibility that the consistency and causes of his actions might be meaningless for humanity, since the depth of Jesus is God, the eminent locus of meaning and exemplar for our humanity.

It follows that every claim that the gospels are ‘merely legendary’ must ironically rebound. For it entirely begs the claim of the gospels to present an absolutely exceptional phenomenon. Normally, a suggestion of fictive drama must count against scientific and historical accuracy, but if (although only if) the gospels presentation of ‘Incarnation’ is successful, then here alone, where fictionality abounds, historicity must all the more abound. Of course the reverse equally applies.

The implication of this unique state of affairs is that the gospel is immune to an idealist reading. Its meaning is that meaning has sloughed off its fallen impotence and is now fully actual and effective. If Christ be not raised, then our faith is in vain, because the new meanings offered in Christ only have significance (unlike all other meanings) if they are entirely effective. They must have arisen originally as events, indeed as hyper-events that more truly occurred than any other occurrences, else they would have no power now to be effective and to generate the event of reconciliation.

So theologically speaking, given the second reason, the broad accuracy of the gospels with respect to the passion narratives is not dispensable. But given the first reason, even a secular outlook, besides a theological one, has to be concerned with the active occasioning of new significance. *Something* must have occurred to create a new exposure of the violence and terror latent in given social and political structures, and to give rise to a new social alternative. I have already tried to show that the alternative ‘somethings’ of New Testament critics are not adequate to the scale of the new irruption, unlike the gospels own understandings of what this something was.

So let us ask again about the implications of the surface structure of the texts for the interaction of *ecclesia* with *imperium*, given that, theologically speaking, these surfaces must be understood as immediately conveying (without the usual interval of suspension of assent) the full depth of actual occurrence.

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, although later martyrs have died in cause of *him*. 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, his absolute unreachability, his absolute height beyond height. 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 *resentiment* to Pilate.

Nevertheless, Jesus did not die only a divine death. He also died the most sheerly human death—or a kenotic death of utterly emptied out humanity. For he was not Socrates, dying for the truth—jesting Pilate denied him this dignity. Even if the gospels ironically know that Jesus did die for the truth since he was the truth, there is no clear question of truth being publicly displayed here, nor can the disciples see why Jesus has to die. 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 summed-up history of human polity—the tribe, the universal absolute state, the democratic consensus—God found no place. He was shuttled back and forwards,

with an undercurrent of indifference, as though not really dangerous, between their respective rules. 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.

In this respect, it is ironically only by disallowing an anti-Semitic bias to the gospels (which is supposed to account for the story about the mob) that one can directly relate the death of Jesus to the death of those who died in the holocaust. For Agamben points out that the holocaust victims became in a sense *homo sacer*—killed in a way that was characterized neither as murder nor execution nor indeed—now for certain—sacrifice (despite the misnomer ‘holocaust’). Jesus imbued with his divine height precisely the death of absolute innocence, the death of the outcast, of people reduced beneath humanity into half-animality. Moreover, Agamben rightly warns us not to be sanguine about the end of totalitarianism, because the line between totalitarianism and liberal democracy is not after all so distinct. The liberal notion of natural rights conveyed by a sovereign state, itself plays directly into a first constitutive *aporia* of sovereignty: if these rights are ‘natural’, as if belonging to an animal, yet only operative and recognized—and therefore existent—within the state, then the state assumes to itself a power over nature, a right even to define nature, and indeed defines itself by this power, and therefore secretly reserves to itself alone a supreme *de facto* right of pure nature prior to contract, by which in exceptional circumstances, it may withdraw any right whatsoever. Agamben cites instances of reduction to half-life by liberal democracies and especially the United States: dangerous experiments upon prisoners condemned to death; drug testing in the third world, the dubious treatment of brain-dead organ donors—and one could of course add experiments upon fetuses and late abortion which is but disguised infanticide. Nowadays, indeed, we can see a continuity between our bad treatment of sensitive animals and our bad treatment of weak and failing or excluded human beings (espe-

cially refugees). But Christ speaks even to this; as slain he becomes a *sacrificial lamb*—and one should surely not interpret our release from Jewish dietary taboos as a license to mistreat nature, but rather as the freedom to extend further the inhibition of all cruel and unnecessary bloodshed, as part of a work of cosmic pacification.

Christ then, in Agamben's terms, 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 Agamben 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—as the reality that there is being at all, whose secret every particular being assumes but can never disclose. 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*.<sup>17</sup>

But in that case, one may well ask, just what is the point of identifying oneself with bare life in order to escape earthly sovereignty, yet 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, defined mainly by an unlimited will. Yet this new political theology—of which Carl Schmitt was the ultimate (one might vainly hope) 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?

First of all, 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 hope. But Christ was never merely abandoned, even for a single instance. The cry of dereliction upon the cross recorded by Matthew and Luke (Matthew 27:46; Mark 15:34) involves no abandonment by the Father, but rather Jesus' deepest entering into the self-separation of sinful humanity from God: hence it is to God, not the Father ('My God, my God . . .') that Jesus as Son in his humanity cries out. When, by contrast, Jesus in his divine nature speaks as the Son to the Father, it is a question of serene deliverance in contrast to the cruel human handings over: "Father, into my hands I commit my Spirit!" (Luke 23:46). (I owe this point to David Hart: see his unpublished essay "No Shadow of Turning; On Divine Impassibility") Christ 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' 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 impassable God, and nothing can be added to his sum. This is why John's gospel is always

ironically instilling the point that Jesus is the real initiator who *gives* himself, even when he appears to be being constantly handed over. This does not at all denote an indifference to the historical causality of the latter proceedings (into which, to the contrary, John offers us a certain unique insight) but rather the coincidence of Christ's personhood with that of the *Logos*, so that Christ, moving genuinely in the realm of secondary causes, is also himself the first cause behind the very being of these causes. Jesus only submits to being handed over, because he is in himself the very heart of all transition as really loving gift, and thereby able to subvert every betrayal and abandonment.

St. Paul therefore speaks not of the offering of Christ to the Father, with whom he is really identical, 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 and automatically to be resurrected. (2 Corinthians 3; "we are convinced that if one died for all, therefore all have died"; Romans 6: 5-6; Ephesians 2, Galatians 2, Philippians 2; Colossians 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 (Galatians 3-5; ". . . we were slaves to the elemental spirits of the universe. But . . . God sent forth his son . . . to redeem those who were born under the law". And see Colossians 2: 14 plus Ephesians 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—only because, in

the absolute kenotic impotence of refusing to fight finite potency with finite potency, the ultimacy of infinite irresistible power was disclosed. 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, to the point where these refusals are overcome. 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 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—which is also, mysteriously, his 'return' to cosmic omnipresence and irradiating of the shadows (Hebrews 9). 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, within a death-dreaming cosmos, of 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 (Hebrews 9:17; Galatians 3-4, esp. 3: 15-18). It seems to me that something more than a banal legal reference is intended here. What is surely being invoked is something akin to my second *aporia* of Sovereignty which regards the relation of will to execution. For this *aporia*, 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 monopolistic 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 (Hebrew 9-12). Likewise, for St. Paul, the will of Abraham cannot really be 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.<sup>18</sup> The carrying through of 'will' involves a 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—by imperial Rome, by tribal-cum-city-state Israel, by modern democracy. 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 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 caused) ‘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 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 (and surely we are all *this* ‘liberal,’ unless we are members of the Ku Klux Klan), 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 Paul that E.P. Sanders has forever destroyed),<sup>19</sup> 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 medieval 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 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 (even though the law of Christ extends as well as abolishes taboos) 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 da 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. So Pessoa invokes him: "I spy through fog your dim shape turning back" (*Vejo entre a cerracao tue vulto baco que torna*)<sup>20</sup>

## Notes and References

1. See for example, John Dominic Crossan, *Who Killed Jesus? Exposing the Roots of Anti-Semitism in the Gospel Story of the Death of Jesus* (San Francisco: Harper Collins, 1995) 111. I am indebted to discussions with Harry Gamble of the Department of Religious Studies, University of Virginia on the current state of scholarly thinking concerning these points.
2. The view that the Sanhedrin had strong autonomous powers of judgement and execution was put forward by Lietzmann and Juster and repeated by Paul Winter in his book *On the Trial of Jesus* (Basel: 1961) It is demolished by A.N. Sherwin-White in his *Roman Society and Roman Law in the New Testament* (Oxford: OUP 1961) and Simon Légasse, *The Trial of Jesus* trans. John Bowden (London: SCM 1991), p. vi and 52 ff. However, they both still reject the historicity of the role of the mob (Sherwin-White with Anglican discretion—or cynicism?— *Roman Society*, p26: "One may here leave aside the worked-up sections concerning the release of Barabbas, and other material, such as the story of Pilate's wife in Matthew, and the sending of Christ to Herod in Luke, none of which is part of the *cognitio proper*").
3. See Légasse, 65 ff.
4. Again, this is Winter's view. And Légasse's at 69. See also Crossan, *Who Killed Jesus?* 82-133
5. See Jean-Luc Marion, *Etant Donnee* (Paris, P.U.F. 1997), 169-251.
6. See A.C. Harvey, *Jesus on Trial* (London: SPCK 1976), 77.

7. Sherwin-White, *Roman Society*, 35. And see Légasse, 138.
8. Jon A. Wetherby, *Jewish Responsibility for the Death of Jesus in Luke-Acts* (Sheffield: Sheffield Academic Press, 1994).
9. Légasse, 68 and 144.
10. Jean Colin, *Les Villes Libres de L'Orient Greco-Romain et L'Envoi du Supplice par Acclamations Populaires* (Brussels: Latonus, 1965).
11. Colin, 16.
12. Cited in Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roozen (Stanford, CA: Stanford U.P., 1998), 71.
13. Agamben, *passim*.
14. Agamben, 76-77.
15. Agamben, 96.
16. Agamben, 104-112.
17. Agamben, 59 ff, 188.
18. See Michel Henry, *C'est Moi la verite: Pour une Philosophie du Christianisme* (Paris: Eds du Seuil 1996), *passim*.
19. E.P. Sanders, *Paul and Palestinian Judaism* (Philadelphia, Fortress, 1977), 502-508. But those who read Sanders as denying Paul's antinomian bent, are surely suffering from wishful thinking. Sanders rightly asserts (1) that justification in Paul means participation in the body of Christ; (2) that death does not, for Paul, as for the rabbis, atone for transgressions, but that we are to die to the power of sin and live to another power and (3) that Paul denies the salvific efficacy of the Jewish covenant.

Sanders only goes wrong in (4) arguing that participation in Christ, though it substitutes for the covenant does not involve belonging to a new group: *ecclesia* does not imply 'church' (in the later sense.) However, 'Church' (at least up till the late Middle Ages) was participation in the body of Christ.

20. Fernando Pessoa, "The Last Ship" in *O Mar sen Fin/ The Boundless Sea* (Lisbon: Instituto Portugues de Patrimonio, Arquitectonico/Mosteiro des Jeronimos, 2000 [unpaginated]).