Toward a More Hospitable Conception of Race & The Political: The Play of Difference & Economy in a Politic of Disruption

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TOWARD A MORE HOSPITABLE CONCEPTION OF RACE & THE POLITICAL: 
THE PLAY OF DIFFERENCE & ECONOMY IN A POLITIC OF DISRUPTION

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by
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Abstract

The body of this thesis is framed around Carl Schmitt’s articulation of the political as the distinction between friend and enemy; more importantly, though, it revolves around opposition as the necessary foundation of the political. Making use of Derrida and Agamben, this particular argument critiques/radicalizes Schmitt’s notion.

After establishing the necessary limits and boundaries at play in the binary opposite embedded within Schmitt’s understanding of the political, this essay aims to level a certain generative critique of Schmitt’s definition. A certain appropriation of Agamben’s *homo sacer* reveals that the presence of those bound up in the fate of the state who have no legitimate say in the formation of that state itself. An examination of a certain genealogy of the African-American identity reveals the reality of such aporiatic figures. The figure of the *homo sacer*—i.e. a particular black body in this context—stands as an exception to Schmitt’s clean definition, thereby revealing the inevitability of the coming of what Derrida refers to as the ‘third.’

This new category of abjectness must be accounted for in the construction of the political; the reality and presence of the figure of abjectness demands that a reconceptualization of the political take place. The question of the political, then, is inherently a question of value, and in the American context, the figure of the African-American body exists as the *homo sacer*: a figure whose fate is determined by the state, but one who has no say in the process.
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Many thanks to Dr. Carl Raschke for his incessant pushback and evental mode of teaching; his challenge is deeply rooted in love, his lectures are disruptive, and his friendship is dear. To Dr. Luis Leon for his honesty and advice, for his encouragement and comradery. To Dr. Thomas Nail for his willingness to help at a simple ask. And to Meg Settle for her ceaseless support and love, and her staunch belief in the topic at hand.
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A BRIEF DISCURSIVE ON THE SPHERE OF WHITENESS

Before proceeding to the thrust of the argument, the context demands a sort of momentary, discursive articulation. Rather than being a legitimate addendum to the argument of this essay, though, these discursive comments aim to shed light on the nature of the manifestation of blackness itself.

Apart from articulating any sort of metaphysical reality, rather than drawing a certain picture of the black body per se, the object of consideration in this particular essay is the sphere of whiteness, a sphere which my own embodied nature has placed me within. It is from within this embodied space that I investigate the discourse that has historically sized, labeled, named and owned black bodies; that is, I am not examining and naming the nature of the black body as such in this essay. Rather, this piece serves as a bit of commentary on the nature of that body within a particular space of whiteness, which is of particular importance in the American context. There is a long tradition of educated white men narrating the black body – this is precisely the discourse I want to disrupt. I aim to point to the reality of this narration within the field of whiteness as the prevailing discourse.

That being said, it is whiteness itself that is in question here: the existential mode of stubbornness that refuses to adjust, to account for the difference of that other body. This project, then, aims to grow out of a mode of thought that faces racial formation
forwardly and honestly while simultaneously resisting the assumptions at play in the prevailing sets of racial discourse.

There is no space of non-racialized vacuity from which to write philosophical or religious texts. We now exist within a racialized framework, and whiteness does not exempt one from the responsibility of navigating that nexus carefully, ethically and with brutal honesty. The question, then, is not whether or not we should write about the phenomenon of race in America; rather, it is about how to proceed with an awareness of ideologies being produced by and in a racialized world. This project aims to shed light on the nature of racial formation in the American context, and it aims to do so from within the confines of the sphere of whiteness, in a demonstratively disruptive manner.
I

INTRODUCTION

Rather than referring to any specific set of juridical orderings, the political as such refers to a set of forces at play in the inevitable confrontation with otherness, with difference. These forces certainly manifest themselves in social encounters and organization, even sometimes in the formal juridical order, but the political remains utterly distinct from politics going on in the name of the political. Carl Schmitt argues that the political results from nothing less than the distinction between friend and enemy. Schmitt’s articulation of this distinction is grounded in the reality of opposition, of forces clashing on an ideological, subjective level. For Schmitt, though, this harsh, binary distinction between friend and enemy—i.e. the political itself—is only maintained through the possibility of legitimate warfare for the sake of preserving states’ boundaries.

Making use of Derrida and Agamben, this particular argument critiques/radicalizes Schmitt’s notion. The problem with Schmitt’s notion is found in the presence of individuals necessarily involved in the project of the construction of the political that qualify as neither friend nor enemy. Having established the necessary limits and boundaries at play in the binary opposites embedded within Schmitt’s understanding of the political, this thesis aims to level a generative critique of Schmitt’s definition. A certain appropriation of Agamben’s homo sacer reveals the presence of those bound up in the fate of the state who have no legitimate say in the formation of that state itself. An examination of a certain genealogy of an African-American identity reveals the reality of
such aporiatic figures. The figure of the *homo sacer*—i.e. a particular black body in this context—stands as an exception to Schmitt’s clean definition, thereby revealing the inevitability of the coming of what Derrida refers to as the ‘third.’ This new category of abjectness must be accounted for in the construction of the political; the reality and presence of the figure of abjectness demands that a reconceptualization of the political take place.

Making use of Derrida’s notion of the *aporia*, this thesis demonstrates that Schmitt’s concept of the political must be expanded to account for difference. Derrida refers to the ‘third’ as a means of overcoming the constrictions and limitations at play in sets of binary opposites. Only after accounting for the notion of difference through hospitality can the political shift towards responsibility. This project argues that it is only through a new political disposition, a politics of disruption, that the political itself can shift to a mode of ethical existence that actually accounts for the presence of difference in an ultimately hospitable manner.
II

DEFINING THE POLITICAL

This chapter aims to define and set a working understanding of the political, a definition that will be continually at play in the rest of this work. Rather than referring to any specific set of juridical orderings, the political as such refers to a set of forces at play in the inevitable confrontation with otherness, with difference. These forces certainly manifest themselves in social encounters and organization, even sometimes in the formal juridical order, but the political remains utterly distinct from politics going on in the name of the political.

The Political

The political, as such, stands apart from its contemporary manifestations, from the goings on in the name of politics. The political is foundational, and contemporary institutions are only built on top of this most basic, fundamental space. The political as such is the play of forces at work in the self’s necessary, inevitable encounter with alterity, with that which is other than the self. The political, then, is the most basic aspect of human beings living in a social world, living in relation to one another.

When author Tobias Wolf was asked about the political nature of his writing, he profoundly noted that his writings were indeed political, although not in any typically understood fashion:

The most radical political writing of all is that which makes you aware of the reality of another human being. Self-absorbed as we are, self-imprisoned even, we don’t feel that often enough. Most of the spiritualties we’ve evolved...
to deliver us from that lockup, and art is another way out. Good stories slip past our defenses—we all want to know what happens next—and then slow time down, and compel our interest and belief in other lives than our own, so that we feel ourselves in another presence. It’s a kind of awakening, a deliverance, it cracks our shell and opens us up to the truth and singularity of others—to their very being. Writers who can make others, even our enemies, real to us have achieved a profound political end, whether or not they would call it that.\(^1\)

The political, then, is not a determined space of legislation. Rather, it is the sphere regarding interpersonal relationships, relationships that are designated through association and distinction, thereby leading to the possibility of distinguishing between friend and enemy, between sameness and otherness.

The analysis and investigation of the political gets at the most fundamental questions of human existence. Theorist and historian Mark Lilla writes:

Once a human becomes aware of himself, he discovers that he is in a world not of his own making, a whole of which he is a part. He notices that the is subject to the same physical laws affecting inanimate objects in the world; like the plants, he requires nutrition and reproduces; and like the animals, he lives with others, builds shelters, struggles, and feels. Such a person can remark his differences from all these natural objects and creatures, but he will also recognize what he shares with them. He does not observe the world from without, as an external object of contemplation he views it from within and sees he is dependent on it. The thought can then occur that if he is ever to understand himself, he will need to understand the whole of which he is part. If man is imbedded in the cosmos, knowledge of man will require knowledge of the cosmos.\(^2\)

The newly emerging field of political theology aims to theorize and articulate the play of forces at work in the understanding and articulation of the political as such.

Put succinctly, political theology—as it is primarily interested in articulating the ideological foundation of the political, typically seen as the hybridization of Christian

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theological concepts—is the articulation of the self’s place within history. In particular, political life exists around the concept of authority, of the play of power in systems and interpersonal relationships. Political theology aims to articulate disagreements over the exercise of that authority. As Lilla explains, this discourse analyzes, “Who may legitimately exercise power over others, to what ends, and under what conditions.”

*The Construction of the Political*

The political is only ever shaped as the result of ideological positioning which manifests itself in concrete, embodied practices and engagement. Many of these engagements, though, stem from deeply rooted ideological prejudices. This is precisely where the work of Pierre Bourdieu becomes so helpful. As theorist Saba Mahmod argues:

> The term *habitus* has best become know in the social sciences through the work of Pierre Bourdieu, who uses it as a theoretical concept to explain how the structural and class positions of individual subjects come to be embodied as dispositions—largely through unconscious processes.

The process of acquiring such a *habitus* is referred to as ‘practical mimesis.’ Bourdieu asserts:

> ‘Practical mimesis’ has nothing in common with an imitation that would presuppose a conscious effort to reproduce a gesture, an utterance or an object explicitly constitute as a model . . . [instead] the process of reproduction . . . take[s] place below the level of consciousness, expression and the reflexive distance which these presuppose. . . .What is ‘learned by the body’ is not something one has, like knowledge that can be brandished, but something that one is.

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3 M. Shawn Copeland articulated this understanding of political theology to me in an interview in January, 2014.

4 Lilla, 22.


These pre-cognitive interpretations of the world are so highly politically charged because of their necessary affect on the sphere of concrete human organization. Carl Raschke notes that:

The genesis and formulation of ongoing active political ideas cannot be separated from transcendental arguments, particularly when it comes to the enunciation of moral imperatives, such as human equality and the promotion of human rights. Political theology, therefore, discerns deeply the ‘force of God’ behind the *force of politics* itself. And it constructs its analysis and orchestrates its positions around this important controlling assumption.

This is precisely the sort of connection that philosopher Giorgio Agamben is so concerned with in his now infamous *Homo Sacer* trilogy. In *The Kingdom and the Glory*, Agamben’s primary aim is to demonstrate the historical development and evolution of Trinitarian concepts, which eventually evolved into the most basic political notions. Like any compelling work of political theology should, *The Kingdom and the Glory* aims to articulate the self’s place in history; it sheds light on the ideological foundations of contemporary social and political organization. Agamben’s primary interest in articulating such genealogies seems to be shedding light on the interplay between religious and political ideologies throughout the history of the West. Agamben’s argument operates on the assumption that ideological convictions and prejudices necessarily shape political organization. He identifies the necessary connection between assumed ideological constructs and practiced material reality.

As Nietzsche so aptly pointed out, formation is, at base, a question of value. The question of the political is itself one of ideological constructs in the political

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consciousness and landscape, as the transition of social realities emanate from the
cognitive, which is necessarily produced by the self’s embodied, material practices.
Popular doctrine and dogma result from the reproduction of popular sentiment in the
consciousness of the people itself. Agamben argues that, “The economic-governmental
vocation of contemporary democracies is not something that has happened accidentally,
but is a constitutive part of the theological legacy of which they are depositaries.”

This is of particular importance because of the ways in which concrete political
organization directly stems from the ideological foundation of the people. That is, the
popular value of the people itself determines the play of forces at work in the political.
While there is obviously a cyclical relationship at work between concrete organization
and its ideological counterparts, the political landscape cannot be properly evaluated
apart from the ideological prejudices of its constituents. Only after getting at the heart of
value in the people themselves can a genuine critique of the oppressive tendencies at play
in any given political system be properly posited.

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8 Giorgio Agamben, The Kingdom and the Glory: For a Theological Genealogy of Economy and
III

SCHMITT'S CONCEPT OF THE POLITICAL

This chapter aims to transition from a working understanding definition of the political as the play of forces resulting from the inevitable encounter with difference to Carl Schmitt’s articulation of the nature of the political. Schmitt argues that the political results from nothing less than the distinction between friend and enemy. Schmitt’s articulation of this distinction is grounded in the reality of opposition, of forces clashing on an ideological, subjective level. For Schmitt, though, this harsh, binary distinction between friend and enemy—i.e. the political itself—is only maintained through the possibility of legitimate warfare for the sake of preserving states’ boundaries.

A Biographical Note

Much like Martin Heidegger, Carl Schmitt’s infamous involvement with the Third Reich has tainted his legacy as a thinker, especially as a political jurist. This project, nonetheless, draws heavily from Schmitt’s work on the notion of the political in its most basic sense. While Schmitt must certainly be held accountable for the oppressive ideological position he took, this project is only possible in light of a generous read of Schmitt, one that makes sense of his place in history rather than condemning him for it. Even in spite of his troubling affiliation with the Third Reich, Schmitt’s contributions to the field of political theology cannot be overstated, and a certain understanding of the nature of textuality itself demands that we take the author’s words seriously, apart from
his biographical shortcomings. Even participation in the Third Reich cannot undermine the veracity of Schmitt’s articulation of the nature of the political resting in opposition, and it certainly cannot detract from the popularity of his understanding of the friend/enemy distinction being the most basic political relation.

**The Friend-Enemy Distinction**

Much like the rest of Schmitt’s works, which have since been appropriated into—or perhaps more appropriately, *inaugurated*—the canon of political theology, *The Concept of the Political* gets right at the most fundamental questions and issues of any discussion of the theoretical and ideological underpinnings of political and social organization. From the beginning of the work, Schmitt identifies his target as the ideological conception of the political. Schmitt is not interested in examining the ontological status of a specific political system or of a set of laws. Rather, he is aiming to define the political *as such*. In a similar fashion, Schmitt argues that the political is the arena of authority rather than the general law itself. This is precisely why Schmitt records that, “The concept of the state presupposes the concept of the political.” Such an enquiry aims to highlight, define and analyze one of the most basic aspects of human life: political organization. Schmitt sees this as an enquiry into the “order of human things.” That being said, Schmitt’s primary goal in *The Concept of the Political* is to argue that the friend and enemy distinction is the most bare political relation. Schmitt

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10 Schmitt, xiv.

11 Ibid., 19.

12 Ibid., xviis.
inscribes, “The specific political distinction to which political actions and motives can be reduced is that between friend and enemy.”

Schmitt’s understanding of the political unity entails a collection of people. Theorist Duncan Kelly believes:

Schmitt’s understanding of the political was that it represented an entity, an entity which contains within it the possibility of the most intense antagonism—physical killing. The political was therefore defined in relation to the ‘Other’, which represents the existential threat.

This is important to note because Schmitt ultimately believed that a hyper-individualized society existing apart from any sort of developed body was impossible. Even in the wake of each person’s decision of their own enemy, the lack of a standardized political authority would itself necessitate a collective identity, one that could authoritatively decide on a legitimate threat. It is this formative, collective aspect that is so important in Schmitt’s work. The phenomenological moment in Schmitt’s discussion of the distinction between friend and enemy, which is a collective reality, rests in the decision that constitutes a bonding union formed, acknowledged and recognized between a single group and their existential enemy. As Kelly imagines, “It is the ability to unite around

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13 Ibid., 26.

14 Bockenforde, ‘Concept of the Political,’ 37


16 Kelley, 221.

17 Kelley, 219.
and then decide upon this threat which both renders an entity political, and by definition presupposes the concept of the (public) enemy.”18

While the importance of the actual distinction between friend and enemy is a sorely debated subject, the real thrust and value of Schmitt’s argument lies in his acknowledgment of the political’s foundation in opposition. Thomas Mautner surmises:

With a keen sense for the weak points in liberal and democratic theory, Schmitt rejected as unrealistic both the ideals of parliamentary democracy and the ideal of a peaceful international world-order. Instead, the relation friend/foe emerges as the basic category of his political theory: antagonism is the basic category of politics.19

Enmity, then, is the life-force of the political. Kelly supposes, “Precisely because enmity, or more specifically the decision regarding the enemy, lies at the heart of the political, Schmitt suggested that enmity therefore also presupposes the existence of other political entities.”20 This is why Schmitt concludes, “The political world is a pluriverse, not a universe.” The political entity, he continues, “cannot by its very nature be universal in the sense of embracing the whole of humanity.”21

The Political as Confrontation

The political, then, is defined by a certain existential confrontation, an ontological encounter with that which is alien to the self.22 This is precisely why political

18 Ibid., 218.


20 Kelley, 222.

21 Schmit, The Concept of the Political, 53.

identification is preserved through polemical bonds in confrontation rather than similarities and overlapping ideologies.  

Schmitt determines that, “The distinction...denotes the utmost degree of intensity of a union of separation, of an association or disassociation”.

Similar to the way in which subjectivity is formed through the encounter with the other, the political collective’s self-identity and ethical awareness is formed through its encounter with the enemy. Schmitt argues that binary opposites such as beautiful and ugly (aesthetics), good and evil (ethics) and profitable and unprofitable (economics) are related to the political, but they are not constitutive of the political as such. That is, they only become political categories in the wake of the possibility of one collectivity being willing to kill another. These binary opposites contain within them intensities that may turn toward violence, and they are thereby politicized. They become catalysts for such responses.

This threat of violence is itself the constitutive factor of the political for Schmitt. The identification of otherness in the enemy is not framed in terms of morality, aesthetics or profit. Rather, that difference is itself enough to warrant the hard-lined distinction of enemy, which itself warrants the possibility of violence—ultimately elimination. Schmitt wants these distinctions to be read in their concrete, existential senses; becoming a political entity is always possible. The political, for Schmitt, is about the concrete shifts.

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23 Shapiro, 17.
24 Schmitt, 26.
25 Ibid.
26 Shapiro, 41.
in social organization, so the act of becoming a political entity rests in a collective group’s willingness to enter into the political struggle.\textsuperscript{27} This is true for nations, as well as sub-sets within those larger nations. The binary opposites contained within these sub-sets are capable of being intensified and can thereby turn toward violence, which entails a certain politicizing process. They become catalysts for such responses.\textsuperscript{28} It is not about outright violence \textit{per se}, though. Shapiro reasons, “The political character of an entity resides in its capacity to distinguish friend and enemy, that is, the capacity for the \textit{decision} that distinguishes the properly war-making situation from the banalities of everyday conflict.”\textsuperscript{29}

The political distinction is not rooted in love or pleasure; it does not refer to the separation of those beloved from the targets of hatred. Rather, the issue is that of locality, the proper place of belonging, as the political entity is “the utmost degree of a union or separation.”\textsuperscript{30} He continues by reckoning that the enemy “is, in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible.”\textsuperscript{31} The ultimate degree of association, then, lies in the willingness to kill another person—an other of another group—merely because of their identification with the enemy group.\textsuperscript{32} Shapiro figures, “Antagonism becomes political or ‘public’ at a

\begin{itemize}
  \item \textsuperscript{27} Schmitt, 27.
  \item \textsuperscript{28} Shapiro, 41.
  \item \textsuperscript{29} Ibid., 42.
  \item \textsuperscript{30} Schmitt, 38.
  \item \textsuperscript{31} Ibid., 27.
  \item \textsuperscript{32} Ibid., 32-33.
\end{itemize}
crucial *threshold of intensity* beyond which it transcends the normative or ideological distinctions from which it arose.”\textsuperscript{33} Politics begins with the mere possibility of violence. That is, the becoming reality of a violent outbreak is not the necessary constitutive factor of the political. Killing may be the marker of political enmity, but opposition is its ultimate foundation.

\textsuperscript{33} Shapiro, 41.
IV
CRITIQUE OF SCHMITT’S DEFINITION OF THE POLITICAL

Making use of Derrida and Agamben, this chapter critiques/radicalizes Schmitt’s notion. The problem with Schmitt’s notion is found in the presence of individuals necessarily involved in the project of the construction of the political that qualify as neither friend nor enemy. After establishing the necessary limits and boundaries at play in the binary opposites embedded within Schmitt’s understanding of the political, this chapter aims to level a generative critique of Schmitt’s definition. A certain appropriation of Agamben’s *homo sacer* reveals the presence of those bound up in the fate of the state who have no legitimate say in the formation of that state itself. An examination of a certain genealogy of an African-American identity reveals the reality of such aporiotic figures. The figure of the *homo sacer*—i.e. a particular black body in this context—stands as an exception to Schmitt’s clean definition, thereby revealing the inevitability of the coming of what Derrida refers to as the ‘third.’ This new category of abjectness must be accounted for in the construction of the political; the reality and presence of the figure of abjectness demands that a reconceptualization of the political take place.

*A Refusal of Alterity*

Schmitt’s articulation of the political as the distinction between friend and enemy is itself a refusal of true alterity. He rules out the possibility of third-party mediation in
truly political conflict. Only the group itself can decide on the nature of the situation.\textsuperscript{34}

On this very notion, Shapiro supposes:

When a conflict becomes political, it sheds the normative distinctions [binary opposites] from which it arose. One finds oneself confronted by a minority other, and it no longer matters how one got to this point. As the intensity of alignments approaches this extreme, the enemy becomes a palimpsest and finally blurs, ultimately losing any recognizable form. At this crucial threshold, conflict is purified of ideological content and becomes properly existential, or political. The political other is not a familiar opponent, a competitor of the same field, but a stranger.\textsuperscript{35}

The problem with Schmitt’s proposal is that is no objective standard by which an existential threat can be measured. Schmitt is even well aware of this reality; he concludes, “Each participant is in a position to judge whether the adversary intends to negate his opponent’s way of life and therefore must be repulsed or fought in order to preserve one’s own form of existence.”\textsuperscript{36}

Such a distinction, though, is troubling for a group of others whose fate is bound up in the project of the state, whose presence plays no role in constructing the identity of that state, as they are designated neither friend nor enemy: i.e. the \textit{homo sacer}. This is particularly troubling when such a distinction is ultimately determined by the subjective prejudices of those in a seat of power. Schmitt is also acutely aware of the possibility of people in a group who do not identify with the substantive characteristic. They still are bound up in the norms of the positive constitution, though. This is precisely what Schmitt identifies as the primary problem with liberal states who fail to properly distinguish

\textsuperscript{34} Schmitt, 45-53.

\textsuperscript{35} Shapiro, 42.

\textsuperscript{36} Schmitt, 27.
friends and enemies. That is, the borders are not strict enough: the prevailing, supposed solution is to further exclude based on the ideological foundation rather than to theorize around the other.\(^{37}\)

Such an understanding is also closely connected with Schmitt’s intensive critique of liberalism. He argues that liberalism cannot provide substantive identity markers grounded in a truly political decision for its constituents. Rather, liberalism attempts to domesticate all politics in the name of individual protection and freedom.\(^{38}\) Schmitt determines, though, that one cannot escape the conflict. The most important issue at stake, then, is that of opposition itself. The problem is not opposition or confrontation \textit{as such}; rather, the issue lies in the response removed from the realm of ethics. Such an understanding is nothing less than a certain subjectivity removed from ethics. Sharpio reasons, “Politics, it would seem, had become a mushroom. Rather than a stable set of traditions or an ethos of belief, friend-enemy distinctions arouse out of a set of volatile interactions of domestic and international economic, social, and ideological conflicts.”\(^{39}\) The problem of the political, then, is not opposition \textit{as such}; rather, it is the political response removed from the realm of ethics, subjectivity apart from ethics. The self must reach a state of openness in the midst of such opposition, a state of full disclosure, of willingness to make vulnerable rather than being willing to kill.

\textit{Homo Sacer}


\(^{38}\) Ibid.

\(^{39}\) Shapiro, 44.
The most compelling critique of Schmitt’s definition is only possible through the work of philosophical appropriation. Giorgio Agamben’s fascinating work on bio-politics and flesh management reveals that contemporary politics functions along the lines of the execution camp; the *homo sacer* is now the norm.\(^{40}\) The figure of *homo sacer*, Agamben explains, originated in the ancient Roman world as ‘one who could be killed but not sacrificed.’ After committing certain kinds of crimes, the fugitive, thus deemed *homo sacer*, was stripped of her rights as a citizen. According to Roman law, the *homo sacer* was a prisoner who could not be sacrificed in a religious ritual. They constantly existed, though, in a zone of death, as their illicit murder did not technically qualify as homicide. The *homo sacer* was thereby simultaneously forced outside of both sacred and political law, and thereby ultimately abandoned by the fidelity of both.

The figure of the *homo sacer*, then, stood outside—just beyond—the law, but their status as a fugitive in threat was itself determined by the very law it was excluded from. This is precisely why Agamben defines the figure as, “An obscure figure of archaic Roman law, in which human life is included in the juridical order solely in the form of its exclusion (that is, of its capacity to be killed).”\(^{41}\) Agamben continues:

What is more, his entire existence is reduced to a bare life stripped of every right by virtue of the fact that anyone can kill him without committing homicide; he can save himself only in perpetual flight or a foreign land. And yet he is in a continuous relationship with the power that banished him precisely insofar as he is at every instant exposed to an unconditioned threat of death. He is pure *zoe*, but his *zoe* is as such caught in the sovereign ban and must reckon with it at every


\(^{41}\) Ibid., 8.
moment, finding the best way to elude or deceive it. In this sense, no life, as exiles and bandits know well, is more ‘political’ than his.\textsuperscript{42}

Such an analysis is of particular interest and use for the topic at hand because of the way in which Agamben argues that such exclusionary practices have become the norm of twenty-first century politics. This sort of governance no longer refers to a state of exception in a time of crisis; rather, this sort of governance is now the norm, as it is indeed mandated by the authority of the government itself: the law. He reckons:

The correct question to pose concerning the horrors committed in the camps is, therefore, not the hypocritical one of how crimes of such atrocity could be committed against human beings. It would be more honest and, above all, more useful to investigate carefully the juridical procedures and deployments of power by which human beings could be so completely deprived of their rights and prerogatives that no act committed against them could appear any longer a crime. (At this point, in fact, everything had become truly possible).\textsuperscript{43}

The question of contemporary politics, then, actually revolves around the sphere of the unpolitical, around the exclusionary tendencies of flesh management, particularly as they are mandated by the state.\textsuperscript{44} These tendencies of exclusionary flesh management and body control, as we have seen, are legitimated by the state according to the letter of the law, and the often even function in the name of justice, in the name of ‘a more just union.’ The unpolitical, then, is itself the most fertile ground for politico-theological analysis. This is precisely why Agamben finally concludes that, “In this light, the birth of

\textsuperscript{42} Ibid., 184.

\textsuperscript{43} Agamben, \textit{Homo Sacer}, 171.

\textsuperscript{44} Ibid., 173.
the camp in our time appears as an event that decisively signals the political space of modernity itself.\textsuperscript{45}

Agamben’s appropriation of \textit{homo sacer} is nothing less than an \textit{aporiatic fissure}, an opening in the political landscape that rests on the foundational level while simultaneously offering new horizons and opportunities. Such an articulation closely mirrors the mechanics of Derrida’s \textit{aproia}. \textit{Aporia} is a Greek term, originally used to refer to a logical contradiction, although Derrida employs it to refer to the ‘blind-spots’ of any particular metaphysical assertion. The term literally translates to ‘an unpassable path.’\textsuperscript{46} Derrida uses the term \textit{aporia} to speak of the undecidability of terms that cannot be reduced to a play of binary opposites, such as those at play in Schmitt’s articulation of the nature of the political (i.e. the distinction between friend and enemy).\textsuperscript{47} It is Schmitt’s dedication to a predictable, understandable definition that Derrida’s \textit{aporia} aims to undo. As Derrida constantly reminds his readers, there is always more involved in the text that can be properly conceptualized. The reader is only ever left with a \textit{trace} of the content itself, as precise definitions fail to grasp the fullness of the play and movement of language.

Such a literary understanding is all too appropriate when working with precise definitions of the political. As political theologian J. Kameron Carter so poignantly expressed:

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{45} Ibid., 174.
\item \textsuperscript{47} Jacques Derrida, \textit{Aporias} (Stanford: Stanford University Press, 1993), 17.
\end{itemize}
\end{footnotesize}
One might then see that the friend-enemy distinction that drives modern political theology and that works in lockstep with racial governance requires a third term to explain what’s going on: not only is there the subject (the “friend”) and the object (the “enemy”), but there is also abjection (the “abject”), that is, the one who is neither friend nor enemy, the one who is the no-body, *homo inimicus*, the inimical. What does it mean to think about an entity whose very constitution is as the no-body?48

It is the figure of the *abject*, of that which is completely excluded, that serves to ultimately disrupt and re-orient Schmitt’s articulation of the political. The figure of *abjectness* stands as that which does not technically qualify as a member of the definition; they do not have a specific place within prevailing discourse of political realities, though their bodily presence offers a different reality to that discourse altogether. The *abject* is forced to the margins of the political by the play of the political itself, though it is not properly eliminated, and its presence, when properly accounted for, serves to disrupt those prevailing discourses altogether.

Agamben has a specifically concrete understanding and usage of *homo sacer*. His usage refers to the death camps of World War II as a means of highlighting the ways in which individuals were stripped of their status of personhood, completely dehumanized, in such a way that altogether removed them from the juridical order. That is, there was no specific law granting the extermination of the Jewish population in Germany. The project of the state, though, sought to remove the rights of the individuals for the sake of being able to eliminate them; they existed in the prison camp completely outside of the law. This is of particular importance when contextualized and appropriated from the ancient

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roman law of *homo sacer*. In the ancient Roman world, the figure of *homo sacer* was also excluded beyond the law, —their status of a legal entity was completely stripped of them—but this process was nonetheless built into the law itself. That is, it was the law, the very norm, of *homo sacer* that granted their exclusion. This particular project aims to appropriate Agamben’s notion along these qualified lines. I aim to make use of the concept of *homo sacer* in the American context as one whose fate is bound up in the project of the state who has no legitimate say or participation in the trajectory of that state’s identity according to a set of exclusionary tendencies in the law itself. In the American context, then, the figure of the *homo sacer* has not been altogether removed from the status of a legal entity. Rather, from the inception of the American project, the *homo sacer* has been bound up in the American project without having a legitimate say in the construction of the American identity, without having a say in the trajectory of that force. Uniquely, though, the exclusion mandated by the American state forces these figures into a category of *abjectness* rather than altogether exclusion from the law. This is itself a recontextualization the figure of *homo sacer*.

**The History of Racial Formation**

Religious Studies scholars almost unanimously agree that the notion of race is a recent historical construct.\(^49\) This is precisely why Nell Irvin Painter holds, “Race is an idea, not a fact, and its questions demand answers from the conceptual rather than the factual realm.”\(^50\) In all actuality, the concept of *race* only came into prominent discussion

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\(^{50}\) Nell Irvin Painter, *The History of White People* (New York: Norton, 2010), ix.
in the past few centuries, largely resulting from Europe’s imperialist project, a project
which only functioned according to the classification and division of certain people
groups along racialized lines.\textsuperscript{51}

As Cornell West documents, “The initial basis for the idea of white supremacy is
to be found in the classificatory categories and the descriptive, representational, order-
imposing aims of natural history.”\textsuperscript{52} The rise of a certain genealogy of racism perfectly
coincides in the West with the inauguration of classificatory systems in natural history
that were so prominent in the seventeenth and eighteenth centuries.\textsuperscript{53} West continues:

The category of race—denoting primarily skin color—was first employed as a
means of classifying human bodies by Francois Bernier, a French physician, in
1684. He divided humankind into basically four races: Europeans, Africans,
Orientals and Laaps. The first authoritative racial division of humankind is found
in the influential \textit{Natural System} (1735) of the most preeminent naturalist of the
eighteenth century, Carolus Linnaeus.\textsuperscript{54}

The prominence of racial division was itself a result of European imperialist and
Enlightenment projects.

In the second state of the emergence of modern racism, though, racial discourse—
particularly white supremacy—took prominence and power through pseudo sciences such
as phrenology and physiognomy. These new modes of discourse were closely linked with
anthropology for the sake of propagating white supremacy. West deems, “Because these

\textsuperscript{51} Michelle Alexander, \textit{The New Jim Crow: Mass Incarceration in the Age of Colorblindness} (New York:
New Press, 2010), 23.

\textsuperscript{52} Cornell West, “Race and Modernity,” in \textit{The Cornel West Reader} (New York: Basic Civitas Books,
2000), 77.

\textsuperscript{53} Ibid.

\textsuperscript{54} Ibid.
disciplines acknowledged the European value-laden character of their observations. This European value-laden character was based on classical [i.e. Greek] aesthetic and cultural ideals.\textsuperscript{55} Put succinctly, West judges:

The creative fusion of scientific investigation, Cartesian epistemology and classical ideals produced forms of rationality, scientificity and objectivity that, though efficacious in the quest for truth and knowledge, prohibited the intelligibility and legitimacy of the idea of black equality in beauty, culture, and intellectual capacity. In fact, to ‘think’ such an idea was to be deemed irrational, barbaric or mad.\textsuperscript{56}

Such powers were at work in both nondiscursive and discursive structures alike.\textsuperscript{57} Once the concept of race was constructed, though, it altered the trajectory of history forever. As historian and theorist Howard Winant presumes, “The foundation of modern nation-states, the construction of an international economy, and the articulation of a unified world culture were all deeply racialized processes.”\textsuperscript{58}

One of the most important elements at play in these prevailing discourses was that of authority—which is precisely why the topic itself is grounded in the political and must be discussed in terms of political theology. It is important to note that the notions put forward by such pseudo-sciences were deemed authoritative precisely because of their hegemonic sources. That is, the very warranting of such claims rested in their protection and furthering of the prevailing white supremacist tendencies of that day. Those in power simply did not have to ground their claims; they were considered authoritative because

\textsuperscript{55} Ibid., 79.
\textsuperscript{56} Ibid., 71.
\textsuperscript{57} Ibid., 72.
\textsuperscript{58} Howard Winant, \textit{The World is a Ghetto: Race and Democracy since World War II} (New York: Basic Books, 2002), 3.
European Christians were already positioned in the seat of authority.\textsuperscript{59} Such dehumanizing, exclusionary tendencies found themselves being made manifest most clearly in the field of colonial conquest, where racial myths were popularly expressed in the wake of decisions of domination; dehumanization is a means of control.\textsuperscript{60}

Along such argumentative lines, it is also crucial to acknowledge that some black bodies were strategically excluded from positions of value within these prevailing discursive and nondiscursive structures. West estimates that, “The black presence, though tolerated and at times venerated, was never an integral part of the classical ideals of beauty.”\textsuperscript{61} He continues:

There is an accidental character to the discursive emergence of modern racism, a kind of free play of discursive powers that produce and prohibit, develop and delimit the legitimacy and intelligibility of certain ideas within a discursive space circumscribed by the attractiveness of classical antiquity. . . . This inquiry accents the fact that the everyday life of black people is shaped not simply by the exploitative (oligopolistic) capitalistic system of production, but also by cultural attitudes and sensibilities, including alienating ideals of beauty.\textsuperscript{62}

The systematic exclusion of particular black people groups in America is obviously far-reaching, but its breadth can hardly be overstated. A particular African-America experience is one of exclusion in all categories: production, economics, culture, education, judicial, etc. Howard Winant reflects:

The fifteenth century, when the planet was first circumnavigated, first circumnavigated, first kitted together into a single and finite entity, first subjected,

\textsuperscript{59} Cornell West, “Race and Modernity” in Cornell West Reader, 82.


\textsuperscript{61} Ibid., 85.

\textsuperscript{62} Ibid., 85-86.
albeit unevenly and imperfectly, to the rule of a core group of nation-states, was also when racial rule first appeared in something approximating modern form.\textsuperscript{63} 

\textit{Black Exclusion in the American Context}

Amongst other prominent thinkers, Cornell West considers such exclusionary tendencies lying at the heart of the American project. He muses, “Black strivings are the creative and complex products of the terrifying African encounter with the absurd \textit{in} America—and the absurd \textit{as} America.”\textsuperscript{64} A proper examination of the limits of Schmitt’s understanding of the political need look no further than the American political landscape. As the now infamous, mid-twentieth century writer James Baldwin so gracefully contended, such a refusal of alterity is itself woven into “the general social fabric” of America herself.\textsuperscript{65} Such a reality is built into the very foundation of the American system; that is, it has rested at the heart of the American project since its inauguration. Prominent sociologist Michelle Alexander so profoundly reveals that, “In each generation new tactics have been used for achieving the same goals - goals shared by the Founding Fathers. Denying African Americans citizenship was deemed essential to the formation of the original union.”\textsuperscript{66} Alexander continues on the American legacy, maintaining: 

\begin{quote}
It may be impossible to overstate the significance of race in defining the basic structure of American society. The structure and content if the original Constitution was based largely on the effort to preserve a racial caste system-
\end{quote}

\textsuperscript{63} Howard Winant, \textit{The World is a Ghetto}, 3.


\textsuperscript{66} Alexander, 1.
slavery-while at the same time affording political and economic rights to whites, especially propertied whites.  

Alexander insists:

The concept of race is a relatively recent development. Only in the past few centuries, owing largely to European imperialism, have the world’s people been classified along racial lines. Here, in America, the idea of race emerged as a means of reconciling chattel slavery-as well as the extermination of American Indians-with the ideals of freedom preached by whites in the new colonies.  

This is precisely why Cornell West highlights the ‘ur-text’ of black culture as a sort of lament, a distinctly guttural cry for recognition rather than any sort of legal brief. Such oppressive tendencies are threaded into the very foundation of the American system and identity; that is, the American project cannot be divorced from its intentional, systematic exclusionary practices of particular black people.

The depth of the reality of America’s systematic exclusion of particular black people is testified to all the more in the news of current events. The horrific deaths and, perhaps, even more startling trials of Trayvon Martin and Jordan Davis reveal that abysmal reality of America’s politic of exclusion. While George Zimmerman’s irrational fear of a young man in a hoodie may be surprising, his fate, as determined by the state, should not be. It should be no surprise that George Zimmerman’s irrational fear of a young man in a hoodie legally warranted the eradication of that young black body; this is, in fact, the very byproduct of the American ideology. ‘Stand your ground’ laws and ‘Stop and Frisk’ tactics are themselves the mere outworkings of a system that has forever

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67 Ibid., 25.
68 Ibid., 23.
refused, since its inception, to shape the political landscape around anything other than the preservation of power, than a refusal of difference.

Such a reality obviously takes a certain toll on a people group, forcing the construction of an identity in the face of impossible circumstances. West holds that, “The unrelenting assault on black humanity produced the fundamental condition of black culture--that of black invisibility and namelessness.”70 The most fundamental aspects, West claims, of such a reality produce understandings of:

- Black people as a problem people rather than people with problems; black people as abstractions and objects rather than individuals and persons; black and white worlds divided by a thick wall (or a “Veil”) that requires role-playing and mask-wearing rather than genuine human interaction.71

As W.E.B. Du Bois so prophetically indicated, there is a double-consciousness that haunts most black bodies in America.72 That is, these particular black bodies are doubly removed from the place of power in the sphere of whiteness in the sense that they are completely distinct—completely other—from the white man in their embodied state. At the same time, in that embodied state, there is a further level of distinction from the white man in addition to his alterity: their race. Du Bois speaks of this double-consciousness in terms of a veil permanently fixed over the face of black Americans. He mourns the inevitability of incessantly viewing the world from a double perspective; he laments, “One ever feels his two-ness, — an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone


71 Cornell West, “Black Strivings in a Twilight Civilization” in Cornell West Reader, 103-104.

keeps it from being torn asunder.” Du Bois’s imagery of the veil represents the systemic coercion that haunts some African-Americans, forcing them to reckon with an alien identity in addition to their own self-conception. The veil images the self’s attempt at actualizing his or her ideals in place of the other.

Picking up on the honest, hopeful tradition of Du Bois, Cornel West alleges that, “The veil not only precludes honest communication between blacks and whites; it also forces blacks to live in two worlds in order to survive. Whites need not understand or live in the black world in order to thrive.” Interestingly enough, West appropriates, or perhaps more fittingly illuminates Du Bois’ notion of the ‘the veil’ to speak of the presence of black bodies within the sphere of whiteness. Rather than being able to appropriately narratize their own existence, these black bodies must exist in a sort of bifurcated state, a state in which their own narratives are only ever posited as a response to the hegemonic narratization of difference—of non-whiteness—that takes place in the sphere of whiteness. These particular African-American narratives must unfold within a sphere of whiteness, a culture of power that systematically fears, controls and eliminates African-Americans.

It is precisely because such oppressive tendencies are built into the most foundational part of the American project that they are not aspects of a bygone era. As Michelle Alexander so clearly argues and demonstrates, the racial caste system in America is far from gone; it has merely been reconstructed to hide in plain sight. She

73 Ibid.
74 Cornell West, “Black Strivings in a Twilight Civilization” in Cornell West Reader, 104
75 Alexander, 2.
writes, "Like an optical illusion - one in which the embedded image is impossible to see until its outline is identified - the new caste system lurks invisibly within the maze of rationalizations we have developed for persistent racial inequality."  

Mass incarceration is itself the largest, most prolific, and successful backlash to the civil rights movement the country has ever seen.  

Michelle Alexander explains that, “In less than thirty years, the U.S. penal population exploded from around 300,000 to more than 2 million, with drug convictions accounting for the majority of the increase.” The most striking feature of mass incarceration, though, is its racialized nature; the United States penal system currently imprisons a higher percentage of its black population than South Africa ever did, even at the height of apartheid. Studies show, though, that individuals of all colors buy, use and sell drugs at strikingly similar rates. If anything, these same studies even suggest that white youths are more likely to be involved in illegal drug activity than any other people group. This is why it is particularly startling that such a massive percentage of those incarcerated for drug charges are African-American, which is nothing less than the result of a carefully crafted system of governance and body politics that dates back to the Reagan administration’s ‘War on Drugs.’ Alexander asserts, “One in three young African

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76 Ibid., 11.
77 Alexander, 11.
78 Alexander, 6.
79 Ibid.
80 Ibid., 7.
81 Ibid., 124.
American men will serve time in prison if current trends continue, and in some cities more than half of all young black men are currently under correctional control—in prison or jail, on probation or parole."³⁸² She continues:

The current system of control permanently locks a huge percentage of African American community out of the mainstream society and economy. . . . Like Jim Crow (and slavery), mass incarceration operates as a tightly networked system of laws, policies, customs, and institutions that operate collectively to ensure the subordinate status of a group defined largely by race.³⁸³

This sort of flesh management is nothing less than an unparalleled form of social control, one mandated by the ‘proper’ functioning of the law itself. As W.E.B. Du Bois famously penned, “The slave went free; stood a brief moment in the sun; then moved back again toward slavery.”³⁸⁴

Much like the slave trade was the norm, the standard mode of operation in its time and place, mass incarceration seems like the given nature of things as well. Alexander illuminates:

Of course, the earlier system of racialized social control—slavery—had also been regarded as final, same, and permanent by its supporters. Like the earlier system, Jim Crow seemed 'natural,' and it became difficult to remember the alternative paths were it only available at one time, but nearly embraced.³⁸⁵

Such a harsh reality further demonstrates the absurdity of the American project from the ground up. These racialized, oppressive tendencies are completely legal; they are themselves the natural outworkings of the American judicial system. These are the

³⁸² Ibid., 9.
³⁸³ Ibid., 13.
³⁸⁵ Alexander, 35.
ideological convictions that the current judicial system actually functions in the name of; this is the heart of the more perfect union.

Mass incarceration in the United States is a surprisingly comprehensive form of social control and body politics, one that is completely legal and operates on the exact same ideological level as Jim Crow did not too long ago.  

It is this understanding of the norm, of the given nature of things, that compels Baldwin to write:

The white South African or Mississippi sharecropper or Alabama sheriff has at bottom a system of reality which compels them really to believe when they face the Negro that this woman, this man, this child must be insane to attack the system to which he owes his entire identity.

This widely held belief still exists because of the shocking reality, as West notes, “Black people will not succeed in American society if they are fully and freely themselves.”

This is precisely because of the depth of racialized exclusion in the American context.

A Multi-faceted African-American Identity

The construction of an African-American identity, then, must take place within a certain prevailing white discourse, as the power of definition lies in the hands of whiteness, which is also considered to be the norm. On constructing such an identity in the midst of conflicting discourses, James Baldwin profoundly writes, “Of course, I believed it. I didn’t have much choice. These were the only books there were. Everyone else seemed to agree. If you went out of Harlem the whole world agree. . . . You

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86 Ibid., 4.


belonged where white people put you.”

Black people have had to find their narrative in the midst of the prevailing discourse of the day. Harking on this bitter reality, West records:

Like any other group of human beings, black people forged ways of life and ways of struggle under circumstances not of their own choosing. The constructed structures of meaning and structures of feeling in the face of the fundamental facts of human existence—death, dread, despair, disease and disappointment. Yet the specificity of black culture—namely, those features that distinguish black culture from other cultures—lies in both the African and American character of black people’s attempts to sustain their mental sanity and spiritual health, social life and political struggle in the midst of a slaveholding, white-supremacist civilization that viewed itself as the most enlightened, free, tolerant and democratic experiment in human history.

A particular African-American experience, one that finds itself somewhere within the confines of this particular genealogy, then, serves to shed light on, even through, the holes in Carl Schmitt’s understanding of the political.

These particular African-Americans, by the very nature of the terminology they go by, function in a state of multifaceted existence; they exist as neither the friend nor the enemy of the state. Cornell West, harking on the prophetic imagination of James Baldwin, inscribes that, “To be a bastard people—wrenched from Africa and in, but never fully of, America—is to be a couple of highly limited options, if any at all.” West later remarks:

In The Souls of Black Folk, W.E.B. Du Bois eloquently described a double consciousness in black Americans, a dual lens through which they saw

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91 Ibid., 107.
themselves. For Du Bois, the dialectic of black self-recognition oscillated between being in America but not of it, from being black natives to black aliens.\textsuperscript{92}

The acknowledgement of such an elusive set of experiences, experiences which necessarily transcend the definitions given to the people inhabiting this narrative, demand a certain attention. The acknowledgment of the presence of this people serves to wreck the system itself, as the system defines these peoples as non-entities. James Baldwin, thinking along the lines of a certain hauntology, surmises, “If people are denied participation in it, by their very presence they will wreck it.”\textsuperscript{93} On this very notion, Baldwin imagines:

But what this evasion of the Negro’s humanity has done to the nation is not so well known. They really striking thing, for me, is n the South was this dreadful paradox that the black men were stronger than the white. I do not know how they did it, but it certainly had something to do with that as yet unwritten history of the Negro woman. What it comes to, finally, is that the nation has spent a large part of its time and energy looking away from one of the principle facts of its life. This failure to look reality in the face diminished a nation as it diminishes a person, and it can only be described as unmanly. And in exactly the same what that the South imagines that is ‘knows’ the Negro, the North imagines that it has set him free. Both camps are deluded. Human freedom is a complex, difficult—and private—thing. If we can liken life, for a moment, to a furnace, then freedom is the fire which burn away illusion. Any honest examination of the national life proves how far we are from the standard of human freedom with which we began. The recovery of this standard demands of everyone who loves this country a hard look at himself, for the greatest achievement must begin somewhere, and they always begin with the person. If we are not capable of this examination, we may yet become one of the most distinguished and monumental failures in the history of nations.\textsuperscript{94}

\textsuperscript{92} Cornell West, “Race and Modernity,” in \textit{Cornell West Reader} 59.

\textsuperscript{93} James Baldwin, “The American Dream and the American Negro”, 719.

Such an articulation must ring out all the more loudly today, and the authentic presence of black bodies within the American political landscape—particularly within the sphere of whiteness—must serve to disrupt the goings on in the name of a more perfect union.

_A Specific Black Genealogy as Homo Sacer_

Speaking specifically of the African-American context, then, a black body that finds itself within a particular genealogy of oppression exists as the abject figure of the _homo sacer_, as the disruptive figure that is necessarily bound up in the project of the state but who has been properly excluded from authentic participation in the steering of that state’s trajectory. That is, the problem with Schmitt’s notion is that there are individuals necessarily involved in the project of the construction of the political that qualify as neither friend nor enemy. In the American context, the abject figure of this set of African-American bodies has been systematically targeted and relegated to the margins, a narrative thread woven into the deepest, most foundational tapestry of the American flag itself.

In this particular context, the supposed juridical foundation—the Constitution itself—bore witness to the radical dehumanization of entire people groups. In the Three-Fifths compromise, slaves existed as 3/5 of an individual, whereas natives found no place or status in the juridical order at all.95 Such negotiations were the result of a disagreement between southern and northern states over the determination of a state’s total population, the official count of legal citizens in a state itself. This itself warrants the investigation at hand; this particular genealogy of African-American dehumanization has been at work since the foundation of the American project. These dehumanizing, exclusionary

95 Article 1, Section 2, Paragraph 3 of the United State Constitution.
practices are an integral facet of American formation. These oppressive tendencies are the byproduct of a refusal of difference in the state itself, and these exclusionary tendencies have resulted in the unique, qualified phenomenon of *homo sacer* in the American context.

The colonial project certainly bound these people’s fate all too closely with the American destiny while denying them legitimate status as participants in that system, thereby deeming them *homo sacer*. These dehumanizing tendencies directly manifest the exclusionary zone of *homo sacer* because of the historical consequences that resulted from such negotiations. The total population of a state directly determines the amount of representation a state has in the House of Representatives. Even while recognizing the presence of such bodies, the state mandated no legal representation for these peoples. Interestingly enough, only free men could vote, so the counting of a slave as a legal citizen within the state’s population gave all the more power to the representation of those interested in the preservation of slavery. This is another example of vacuous zone of *homo sacer* in the American context, which at its very foundation functions according to an exclusionary, dehumanizing tendency that involves certain peoples in the project of the state without granting them full status as legal citizens, without allowing them a legitimate say in the determination of the formation of that state. These exclusionary, dehumanizing tendencies, though, are granted and legitimized by the American state itself. Referring to a phenomenon akin to that of the status of 3/5 person, Agamben writes:

> It is, rather, a threshold of indistinction and of passage between animal and man, *physis* and *nomos*, exclusion and inclusion: the life of the bandit is the life of the
loup garou, the werewolf, who is precisely neither man nor beast, and who dwells paradoxically within both while belonging to neither.\textsuperscript{96}

A Politic of Disruption

The continued presence of these particular African-American bodies exist in a certain political framework, even within the sphere of whiteness it cannot escape from. These black bodies, in the American context of whiteness, exist, by their very nature, within a politics of disruption. These black bodies stand to undermine and undo the existing narrative of justice, of politics as such, by its presence alone. The homo sacer stands to confront and resist the very laws it is excluded from, even when that exclusion is mandated by those laws themselves.

Such an understanding of a politic of disruption points to what Derrida refers to as the \textit{third}, which not all that different from the notion of \textit{abject}. Jamie Smith figures:

Here we hit upon a central aporia that governs Derrida’s account of ethics, justice and law: what he calls the terrible ineluctability of the double-bind introduced by ‘the third’ (\textit{AD}, 33). The ‘third’ is something of a technical term from Levinas: if I am infinitely responsible for the Other, then I can never measure up to the call to do justice to this Other, the face that confronts me. But then to top it off, another Other is always already on the scene – ‘the third.’ If I am infinitely obligated to the first Other, and could never measure up to that ‘initial’ call to responsibility, then what am I to do with another Wholly Other on the scene? How could I possibly adjudicate between competing infinite obligations? With this ‘introduction’ of the third (again, chronological terms are deceiving here) come questions about the distribution of responsibility and the adjudication of competing ethical claims. Thus the third is the advent of politics, civics, and what Levinas calls ‘justice’ (which is roughly the equivalent of what Derrida calls ‘law’).\textsuperscript{97}

\textsuperscript{96} Agamben, \textit{Homo Sacer}, 104.

Derrida’s third stands as the expansion of the political, as a shift away from formative binary opposites at the foundational level. The articulation of the inevitable presence of the third forces the self into a new mode of discourse, a radically new posture in which the previously established limits are disrupted and expanded.

Politics, as we have previously established, in a necessity of reality, as mandated by subjectivity itself. The political reality, based on opposition as such, finds is advent in the presence of the third. Jamie Smith holds:

For Derrida, the recognition of this failure is not reason for despair or for abandoning the project; rather, deconstruction seeks to keep its eye on an unconditional hospitality ‘to come’ as that which funds a critique of our current laws and institutions. The persistent haunting is what keeps law seeking justice, and it is this ghostly gap between the present and the future than deconstruction inhabits n the name of a justice to come. Deconstruction is a kind of minion to the haunting ghost of the ‘to come.’

The very admission, the recognition of the presence of the inevitable other, serves to breakdown hegemonic political boundaries, and this is a phenomenon that Derrida is particularly interested in. One might suggest that the third brings with it the deconstructive event; it is deconstructive through and through.

Derrida refers to this process, to this reality, as hauntology. Derrida uniquely waited to formally comment on his relationship to Marx until the fall of the Berlin Wall, an interesting choice considering popular academics of the day were referring to this particular moment in history as the end of communism. Rather than articulating any specific dedication to Marxism proper, Derrida sought to articulate the ways in which he

98 Ibid., 79.
99 Ibid., 79-80.
100 Ibid., 85.
is perpetually haunted by the spirit of Marx. Rather than being essentially committed to
the concrete dogma of the system of Marxism, Derrida is more interested in his relation
to the haunting spirit of Mark, the spirit that rested at the center of Marx’s project.
Derrida recognizes Marx as being primarily concerned with justice, with a radical project
of truth-telling aimed at re-orienting the political system towards new, more just
horizons. Rather than dying with the fall of the wall of Berlin, Derrida argues that the
critical spirit of Marx will forever haunt us. In this sense, Marx represents the
deconstructive spirit in that he perpetually haunts, perpetually reveals the inconsistencies
and injustices at play in the present working of things. The specter of Marx, then, is a
disruptive figure; he confronts injustices, ultimately beckoning them to new horizons.

_Huantology_, along these lines, is about being haunted by “the kind of beings that
haunt the space between being and non-being, between life and death.”101 Derridean
commentator Jim Powell documents that, “For Derrida, attending to, keeping company
with these specters between two things (like life and death; being and non-being) is
political. It is political because attending to these ghosts means attending to the “Other.”
Such attention is given in the name of justice, and it entails a certain form of
responsibility. This hauntology—this logic of the ghost, goes beyond the logic of binary
opposites.102

Interestingly enough, the word _haunt_, in French, also means ‘to frequent.’103 But
Derrida’s interaction with the _specter_, with this phenomenal other which perpetually

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101 Jim Powell, _Derrida for Beginners_ (Danbury, CT.: For Beginners LLC, 1997), 140.

102 Ibid., 141.

103 Ibid.
frequents the self in a haunting manner, is primarily concerned with evoking a certain response. Derrida judges that we should learn to live by learning how to make conversation with the ghost, by learning how to “how to talk with him, with her, how to let them speak or how to give them back speech, even if it is in oneself, in the other, in the other in oneself: they are always there, specters, even if they do not exist, even if they are no longer, even if they are not yet.”

The encounter with the specter is so vitally important, is such a deconstructive event, precisely because of the affective nature of the encounter. That is, in the encounter with the specter, with the Other as such, the self’s political boundaries are broken. Derrida himself presumes, “That opening [i.e. the coming of the third, of the other itself] breaks the spell of the present closure, allowing the present to be haunted by ghosts.” It is precisely in this opening that the value of the third is so clearly seen. Hauntology then, is more fundamental than Being itself, as huantology serves as a sort of corrective to Being. Derrida writes:

Each time it is the event itself, a first time is a last time. Altogether other. Staging for the end of history. Let us call it a hauntology. This logic of haunting would not be merely larger and more powerful than an ontology or a thinking of Being (of the ‘to be,’ assuming that it is a matter of Being in the ‘to be or not to be,’ but nothing is less certain).

Along these lines, Derridean scholar John Caputo reflects:


The guiding thread of the ‘specter’, the ‘schema of the ghost,’ however strange it may seem at first, belongs among the most recurrent Derridean schemas. The specter is an undecidable which, like any undecidable worthy of the name, like ashes or the supplement or the parergon, is neither present nor absent, is not real—‘so what?’—but is real enough to inhabit and disturb our dreams of presence.

Derrida sees the specter as an outsider that perpetually haunts, one who perpetually exposes and disrupts the self’s limits and organization. The specter, then, is all too akin to the figure of the *homo sacer*. The two feature a haunting, disruptive presence in the midst of—in fact, through—their very absence. Only after accounting for the notion of difference through hospitality can the political shift towards responsibility.

The haunting arrival of this coming other, must be a legitimately disruptive arrival. That is, Derrida articulates the arrival of the Other in terms of ethics. The self has a certain responsibility to situate itself around the reality of the Other, even when the Other arrives unexpectedly. There can be no limits to the responsibility of hospitality; the self must be willing to open the door to the arrivant at whatever hour she arrives. Only through such radical hospitality can the self’s systems of closure be disrupted, reoriented and expanded to account for difference. The reality of *homo sacer* is the result of a refusal of hospitality toward such difference.

Such an articulation actually sheds immense light on Schmitt’s articulation of the response to the opposition necessarily at play in the political. Schmitt is primarily concerned with the preservation of the boundaries of the self, particularly at the expense of the Other. Derrida’s vision, though, articulates a certain ethical response that privileges

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the relation of the self to the Other over the preservation of the self’s pre-established boundaries. Derrida’s project is the articulation of a politics of disruption within a framework of ethics, one that faithfully accounts for the existential shift that the self must undergo in order to expand its definition and understanding of the political for the sake of properly accounting for the other.
CONCLUSION: A POLITIC OF DISRUPTION

Carl Schmitt famously defined the political as the distinction between the friend and the enemy. Schmitt’s understanding and articulation of the political is inherently flawed because of its limited foundation, because of its foundation in limits *per se*. The binary opposites at play, the binary opposites *through* which definitions of the political are formed, are simply too rigid to sincerely account for the organized material world. Difference is ever-present, ever-pervading, and a strict definition with such clean boundary lines simply pushes that difference to the other side of the boundaries, just to the other side of the categorical limit.

Agamben’s notion of the *homo sacer*—that body which is bound up in the political process without having an authentic say in the process,—is of particular importance for this particular subject in that it represents the inevitable coming of the third member of the political constituency. The black body exists within the American landscape trapped within exclusionary discourse of whiteness. The figure of the African-American, being ultimately forced to construct an identity in light of its experience of exclusion, has been systematically targeted and controlled in such a way that its authentic participation in the political process has been stripped, thereby becoming the figure of the *homo sacer*. The figure of the *abject*, of the *homo sacer*, then, stands to confront the entire discourse of political theology.
The *homo sacer*—i.e. a black body—is, within this particular understanding, the abject figure that disrupts the binary opposite at play in Schmitt’s strict, limited definition through its mere presencing. A properly ethical encounter with this black body must account for the difference through a reorganization of the self’s political understandings and boundaries. The figure of the black body, which is certainly nothing less than the figure of the *homo sacer*, must function as a haunting specter within the sphere of American whiteness. Only when the sphere of whiteness, the sphere that operates under the guise of power and authority, begins to actually account for the presence of such difference can the political problem actually be overcome. While Schmitt’s precise definition of the political’s foundation in the distinction between friend and enemy is off base, his understanding of the political’s foundation in *opposition* is spot on. The political necessarily entails alterity; it is mandated by the existential encounter with that which is other than the self, which is also necessarily an encounter of opposition. A properly ethical understanding of the political, then, must learn to revolve around hospitality rather than violence in the midst of opposition.

The answer to the problem of an exclusionary politic, then, lies in learning to theorize in and through difference. It must concern itself with the project of expanding definitions to account for the face of the other. The answer lies in letting the other presence themselves for the sake of breaking down exclusionary tendencies. If political theology is the articulation of the self’s place within history, then, we must begin expanding our vocabulary to actually account for that which is different, that which perpetually haunts and disrupts our language by its very presence.
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