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ON THE PAULINE ROOTS OF BIOPOLITICS:  
APOSTLE PAUL IN COMPANY WITH FOUCAULT AND AGAMBEN

**M**ichel Foucault's analyses on the Christian form and organization of life focus on the theme of the shepherd (*pasteur*): "What was only one theme in the Mosaic literature will now," in the hands of the Christians, "become the keystone of the whole organization of the Church."<sup>1</sup> Yet if we examine the Epistles of the first "Christian" author, the Epistles of Apostle Paul, the theme of the pastorate is conspicuously absent. Paul does not claim to be a shepherd of the Christian flock. He does not even claim that Christ is a shepherd of his flock. (For Paul, Christ is a lord, a sovereign and a judge, whereas he himself is a messenger, a servant and a slave.) In the Epistles written by him, he uses the very word *poimēn* only once, in the Epistle to the Ephesians 4:11. Yet since there is no consensus on the authorship of the Ephesians and especially because it is nowadays increasingly contentious that it would have been written by Paul, it is safe to assume that Paul does not use the word at all. In the first Epistle to the Corinthians (9:7), he speaks of the theme of the pastorate but rather literally. Yet, although Foucault maintains that the Christian pastorate is at the origin of modern biopower, this does not entail that Paul would thereby stand "against biopolitical," as John Milbank suggests in his recently published article.<sup>2</sup> On the contrary, Pauline theology seems to be the origin of two significant tendencies in modern biopolitical societies: 1) profanation and instrumentalization of the law and 2) the demand of the liberation of bare life and its affirmation as the highest value.

*The Shepherd*

In *Security, Territory, Population*, Foucault states that the Judeo-Christian pastorate—the pastoral form of power—is the prelude to governmentality as it is deployed from the sixteenth century onwards.<sup>3</sup> Governmentality, in turn, is the term Foucault employs as an extension of his previous analyses under the rubric of bio-politics and biopower. Hence, biopower is only part of governmentality and governmental reason,<sup>4</sup> which both are opposed to the

<sup>1</sup> Michel Foucault, *Security, Territory, Population. Lectures at the Collège de France* (Basingstoke: Palgrave, 2007), p.152.

<sup>2</sup> John Milbank, "Paul against Biopolitics." *Theory, Culture & Society* 25 (7-8), 2008.

<sup>3</sup> Foucault, *Security, Territory, Population*, pp. 165; 184.

<sup>4</sup> See Michel Foucault, *The Birth of Biopolitics* (London: Palgrave, 2008), pp.21-22.

"juridico-institutional" sovereign power and defined almost as its antithesis. (Whereas sovereign power operates by means of the figure of the law, biopower functions through technologies that promote the conditions of living. Whereas sovereign power is defined by its capacity to take life or let live, biopower is defined by its capacity to foster life or disallow it to the point of death.)<sup>5</sup> What is important here, however, is that the Judeo-Christian pastorate is the prelude also to this part of governmentality—and I would like to argue, perhaps more forcefully than Foucault, that it is the prelude *especially* to this part, that is to say, to modern bio-politics.

Without going into Foucault's analyses of pastorate and biopower in detail, let us summarize: the primary concern of both the Judeo-Christian pastoral power and biopower is the life of the herd/population. The aim of this power is to promote life: "Pastoral power is a power of care," the shepherd being someone who provides subsistence to the flock by taking care of each one's particular needs.<sup>6</sup> Likewise, the role of biopower is to "ensure, sustain, and improve" life, not only of the population in general but of each individual in particular.<sup>7</sup> Moreover, both of these modes of power presuppose detailed knowledge of the material as well as spiritual condition of the flock/population and of each individual separately, since it is precisely through detailed knowledge that the welfare of the flock/population is ensured. As Foucault writes:

The shepherd must keep his eye on all and on each, *omnes et singulatim*, which will be the great problem both of the techniques of power in Christian pastorship, and of the, let's say, modern techniques of power deployed in the technologies of population.<sup>8</sup>

The reason why Foucault does not speak here about the Judeo-Christian pastorate but about Christian pastorship alone relates to the fact that, according to Foucault, there is a huge gap between the Hebraic and the Christian pastorate. In the Hebrew society, Foucault argues, pastorate was not how political power was wielded. For the Hebrews, God was the pastor and the people were the flock,<sup>9</sup> whereas political power was organized along the lines of law and thus, sovereignty. Indeed, according to Foucault, it is only in Christianity that the pastorate evolved into a concrete political technique, since Christianity transformed the pastorate into an art of governing people, while simultaneously repudiating the law as the model of that art:

In Christianity the pastorate gave rise to an art of conducting, directing, leading, guiding, taking in hand, and manipulating men, an art of monitoring them and urging them on step by

<sup>5</sup> See Michel Foucault, *History of Sexuality. An Introduction* (New York: Vintage Books, 1990), pp.137-144.

<sup>6</sup> Foucault, *Security*, 126-27.

<sup>7</sup> See Michel Foucault, "'Omnes et Singulatim': Toward a Critique of Political Reason," in *Power/Michel Foucault*, ed. James D. Faubion (New York: The New Press, 2000), 307; Michel Foucault, "The Political Technology", 404.

<sup>8</sup> Foucault, *Security*, 128.

<sup>9</sup> Ibid., 152.

step, an art with the function of taking charge of men collectively and individually throughout their life and at every moment of their existence.<sup>10</sup>

Of importance, however, it is precisely this Christian pastorate that, according to Foucault, lurks behind modern governmentality and biopolitics. It is their origin, formative instance, and even crystallization.<sup>11</sup>

Interestingly, Foucault's analysis of Christian pastoral power concentrates primarily on the writings of the Church Fathers. Certainly, he also refers to the New Testament, mentioning John 21:15-17 ("tend my sheep") and Hebrews 13:20 ("Lord Jesus, the great shepherd of the sheep").<sup>12</sup> He could have cited some other passages as well. John 10:11 describes Christ as the good shepherd who "lays down his life for the sheep." In Ephesians 4:11, it is said that the gifts Christ gave "were that some would be apostles, some prophets, some evangelists, some pastors (*poimenas*) and teachers." In the first Epistle of Peter 2:25 and 5:4, Christ is again depicted as a shepherd. What is noteworthy, however, is that outside of Ephesians 4:11 (which may or may not have been written by Paul) one cannot find a single citation in the genuine Pauline Epistles in which Paul would either say that a) he is a shepherd b) that Christ would be a shepherd or c) that the ecclesia would include shepherds or pastors. Indeed, excluding Ephesians, there is not a single occurrence of the very word *poimēn* to be found in Paul's letters. In first Corinthians 12:28, for instance, Paul enumerates the offices of the church, and there are no shepherds/pastors included: "God has appointed in the church first apostles, second prophets, third teachers; then deeds of power, then gift of healings, forms of assistance, forms of leadership [*kybernēseis*], various kinds of tongues." The only occasion on which he mentions the *theme* of pastorate (although not the word) occurs in this same epistle (9:3-12). In these verses, he is justifying his right to receive material compensation in return for his preaching ("if we have sown spiritual good among you, is it too much if we reap your material benefits?") by comparing his situation to that of the shepherd: "Who tends a flock and does not get any of its milk?" In a sense, he thus assimilates himself to a shepherd. However, the simile is not motivated by care but instead by economic reasons—the shepherd is paid for his work with milk. Furthermore, this is not the only metaphor he employs in this context, but the last in a list that starts with a soldier ("who at any time pays the expenses for doing military service?") followed by a winegrower ("who plants a vineyard and does not eat any of its fruit?") before coming to the shepherd.

Paul is not a shepherd but a messenger (*apostolos*), as he proclaims everywhere in his letters. But he is also a slave (*doulos*) and a servant, that is, *diakonos* (2 Cor. 6:4), *leitourgos* (Rom. 15:16) and *hypēretēs* (1 Cor. 4:1). Metaphorically, he compares himself to a planter and a builder (1 Cor. 3:7-10) and to a nurse (1 Thess. 2:7). Paul's Christ (as well as God) is instead a lord (*kyrios*) and a judge, before whose judgment seat (*bēma*) everybody will eventually appear (2 Cor. 5:10; Rom. 2:16; 14:10). For these textual reasons,

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<sup>10</sup> Ibid., 165.

<sup>11</sup> Foucault, *Security*, 165.

<sup>12</sup> All the translations of the Bible in this article are from the New Revised Standard Version if not stated otherwise.

especially if we momentarily dismiss the fact that Paul compares himself with a nurse (Foucault says that the pastor is a doctor rather than a judge),<sup>13</sup> it is quite legitimate to conclude that there is no theme of the pastorate in the Pauline theology. To be sure, Paul incites his addressees to mutual care (I Cor. 12:25; Gal. 6:2) and brotherly love (*philadelphia*) (Rom. 12:10; 1. Thess. 4:9), but this aid and love are quite different from pastoral care and love. It is care and love among the equals and hence, without hierarchy. According to Foucault, the shepherd constantly watches over his flock, but in the Pauline ecclesia there is no such shepherd. Rather, everybody is everybody else's shepherd: "Encourage one another and build up each other" (1 Thess. 5:11). Control is horizontal as well: "My friends, if anyone is detected in a transgression, you who have received the Spirit should restore such a one in a spirit of gentleness" (Gal. 6:1). Does this egalitarian or "democratic" care then mean that Pauline theology would offer a point of resistance *against* pastoral power and thereby, against biopolitical governmentality, as John Milbank suggests in his recent article entitled "Paul Against Biopolitics"? This does not necessarily follow and in the next section I shall explain why.

### ***The Law***

According to Milbank, "only St Paul points us authentically beyond the order of the biopolitical."<sup>14</sup> How is that? Like the Catholic Christian tradition in general, Milbank assumes that Paul is an advocate of the holiness of the law, namely of the law that Paul calls in the epistle to the Romans (12:14-15) the law of the heart and that in Catholic tradition has been called natural law (*ius naturale*). Milbank calls it "natural justice,"<sup>15</sup> and it is precisely this "undying justice"<sup>16</sup> (combined with what he refers to as the "pneumatic spark" within the biological),<sup>17</sup> which points beyond the biopolitical order—the order which, in the wake of Protestantism, has reduced life to a merely instrumental significance.<sup>18</sup> In other words, it is Paul's *ius naturale* that can be deployed in the struggle against the domination of the biopolitical and thus, according to Milbank, against the nihilist, utilitarian, instrumentalist, and liberal politics of contemporary capitalism.

If this argument is true—and I shall show that it is not—Pauline theology would undoubtedly point beyond the order of the biopolitical, inasmuch as the legal foundation of biopolitical rationality is purely positive, recognizing no *ius naturale*, that is to say, law as an end in itself. As Foucault notes regarding the fate of the law in modern biopolitical societies in his famous essay *Governmentality*:

With government it is a question not of imposing law on men, but of disposing things: that is to say, of employing tactics rather than laws, and even of using laws themselves as tactics—

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<sup>13</sup> Foucault, *Security*, 174.

<sup>14</sup> Milbank, "Paul", 136.

<sup>15</sup> Ibid., 139.

<sup>16</sup> Ibid., 160.

<sup>17</sup> Ibid., 160.

<sup>18</sup> Ibid., 134.

to arrange things in such a way that, through a certain number of means, such and such ends may be achieved.<sup>19</sup>

In other words, within the biopolitical order the law becomes a mere tool. It has only instrumental significance. Yet it is precisely this theme that links Pauline theology to the modern biopolitical constellation depicted by Foucault. With Paul, both the Mosaic and natural law are reduced to mere tactics the aim of which is to arrange things in such a way that such and such ends may be achieved.

In order to prove this argument, we need to examine the Pauline view of the law. For Paul, on the one hand, the law holds us captive (Gal. 3:24), is a curse (Gal. 3:10), and the power of sin, entailing death (1 Cor. 15:56).<sup>20</sup> On the other hand, the law is good and holy (*hagios*) (Rom. 7:12), and fulfilled by love (*agapē*). Hence, the law is simultaneously good and bad, a blessing and a curse. Yet, before we endeavor to solve this paradox, let us first examine what Paul means by the law. First, Paul often connects the *nomos* with Moses and the Mosaic Law (Rom. 5:13, Gal. 3:17, 1 Cor. 9:8, 2 Cor. 3:7). However, second, he also refers to Genesis (Gal. 4:21) and cites prophets and psalms as words of the *nomos* (1 Cor. 14:21; Rom. 3:10-18). Therefore, it is obvious that the *nomos* he criticizes is not only the Mosaic Law; In Paul's usage, the word *nomos* refers to the whole of Israel's sacred tradition.<sup>21</sup> It is only from this perspective that we can understand Paul's statement, for instance, in Philippians (3:5-8) in which he counts as a loss the entire way of life (the Hebrew *nomos*) he had practiced before his conversion:

Circumcised on the eighth day, a member of the people of Israel, of the tribe of Benjamin, a Hebrew born of Hebrews; as to the law, a Pharisee; as to zeal, a persecutor of the church; as to righteousness under the law, blameless. Yet whatever gains I had, these I have come to regard as loss because of Christ. More than that, I regard everything as loss because of the surpassing value of knowing Christ Jesus my Lord.

In other words, when Paul attacks the law ("all who rely on the works of the law are under a curse," as he says in Gal. 3:10), he attacks the whole sacred tradition of Israel. Yet this is not the end point of Paul's critique. Origen in his characteristic insightfulness was already aware that the Pauline critique of the law concerns the whole law, not only the Mosaic Law (not to mention that it would cover only the ceremonial part of that law), but also and above all natural law. Examining Romans 5:13 where Paul writes that "sin is not reckoned when there is no law," Origen asserts that Paul cannot be referring to the Mosaic Law alone, since otherwise all the Gentiles would be free of sin. Therefore, "Paul is speaking of natural law" (*In Ep. ad Romanos 3.2.9*). Yet Origen, referring to Romans 3:21 ("now the righteousness of God has been

<sup>19</sup> Michel Foucault, "Governmentality" in *The Foucault Effect* ed. Graham Burchell et al. (Chicago: The University of Chicago Press, 1991), 95.

<sup>20</sup> Interestingly enough, in the *History of Sexuality: An Introduction*, Foucault depicts the law in a very Pauline way: "Law cannot help but be armed and its arm, par excellence, is death," 144.

<sup>21</sup> Here I agree with Heikki Räisänen, *Paul and the Law* (Tübingen: J. C. B. Mohr, 1983), 16.

manifested apart from law"), also acknowledges that for Paul, true righteousness is disclosed apart from law (*In Ep. ad Romanos* 3.7.5). Thus he is forced to conclude—and indeed, he is forced to conclude, because the text clearly shows that he is doing it unwillingly—that the natural law is not in force "in Christ."<sup>22</sup>

I agree with Origen's conclusion. The very reason why Paul criticizes the law relates to the nature of the law written in the hearts of men. Why? Let us first quote Paul's famous passage (Rom. 2:14-16) in which he takes up the theme:

When Gentiles, who do not possess the law, do instinctively what the law requires, these, though not having the law, are a law to themselves. They show that what the law requires is written on their hearts, to which their own conscience also bears witness; and their conflicting thoughts will accuse or perhaps excuse them on the day when, according to my gospel, God, through Jesus Christ, will judge the secret thoughts of all.

The most important fact to notice here is that even this law, not to mention the Mosaic Law, brings about guilt and bad conscience ("accusing thoughts"). This is significant because *this* is the reason why Paul criticizes the law in the first place. The law, both the Mosaic and the law written in the heart, awakens the sense of guilt: "The law brings wrath" (Rom. 4:15); "through the law comes the knowledge of sin" (Rom. 3:20). The end of law means, consequently, the end of the knowledge of sin and guilt. Therefore, neither the Mosaic nor natural law can be in force when we live in Christ. Christ has discharged us from the law and with it from its logic of debt through redemption, literally by ransoming (*dia tēs apolutrōseōs*), which is in him (Rom. 3:24). When Paul criticizes the law, which is a curse and a power of sin, he means the whole law—including the law of the heart.<sup>23</sup>

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<sup>22</sup> More recently, the argument that Paul abolished the whole law and not a part of it is emphatically put forth for example by Samuel Sandmel, *The Genius of Paul* (Philadelphia: Fortress Press, 1979), 25 and 57, and Ernst Käsemann, *Commentary on Romans* (Grand Rapids: Eerdmans, 1980), 189-98. Käsemann writes: "He [Paul] does not set up a new law as his interpreters do when they oppose living religion to book religion, or the statutory commands to the living will of God." He does not replace the old law by a "purified law, ethical activity, or inner moral power" either. Käsemann, *Commentary*, 191.

<sup>23</sup> Krister Stendahl presented in 1963 a very influential argument against the quite commonly held opinion among the Christians especially since Luther that Paul's critique of law would revolve around the problem of the sense of guilt: "This is", namely the absence of such problematic in Paul, "probably one of the reasons why 'forgiveness' is the term for salvation which is used least of all in the Pauline writings." Krister Stendahl, *Paul among the Jews and Gentiles* (Philadelphia: Fortress Press, 1976), 82. Stendahl holds that the problematic of the "introspective conscience" starts only with Augustine: "His *Confessions* is the first great document in the history of the introspective conscience." Ibid., 85. Nowadays, as Michel Foucault's studies among others have showed, it is quite evident that such an introspective conscience is by no means an Augustinian invention. See e.g. Michel Foucault, *The Hermeneutics of the Subject* (New York: Picador, 2006), 480-89. Moreover, although Paul rarely employs the word "forgiveness", the very word redemption (*apolutrōsis*) as "ransoming" implies that the situation under the law means a situation under the burden of debt. To have a feeling of this debt, namely the feeling of guilt, does not entail, to be sure, an "introspective conscience," but it

Yet the aim of Paul's criticism is not to abolish the law, or to replace it which a new (spiritual) law, as Alain Badiou among others has suggested in his interpretation of Paul.<sup>24</sup> Here, I rather agree with what Giorgio Agamben says in his excellent book on Paul, *The Time that Remains*. What then is Agamben's view of Paul and his critique of the law? Agamben holds that the Pauline critique of the law includes a double operation of sorts. According to him, Paul first "renders inoperative" the law through the act of *katargēsis* in which the law becomes unobservable.<sup>25</sup> This amounts, in Agamben's view, to what he calls the (sovereign) state of exception in which the law is in force without signification, as he explains elsewhere.<sup>26</sup> Yet Paul does not stop here. Agamben maintains that the *katargēsis* of the law is merely the condition of possibility for the authentic and, in fact, only possible relationship between human life and the law after the resurrection of Christ (in the "messianic time," as Agamben puts it). This relationship is characterized by the *free use* of the law. By "rendering the word of law inoperative," Agamben writes, Paul makes the law "freely available for use."<sup>27</sup>

would be futile to assume, like Stendahl, that it entails no sentiments at all. Finally, it is possible that Paul personally had no 'bad conscience' but this does not mean that his addressees did not have one either. They indeed did, as is evident for instance from Paul's discussion concerning "impure" food in Rom. 14:13-23 and 1 Cor. 8. Paul's glad tiding was that in Christ such a bad conscience is dispensable.

<sup>24</sup> According to Badiou, Paul abolishes the law but he abolishes only the letter of the law, in order to find it in "life itself." This does not mean, however, that Badiou would maintain, like Milbank, that this law of life entails an affirmation of natural law, since, for Badiou, the law of life is something that comes into existence only in the aftermath of what he calls the "Christ-event," functioning as the "principle and consistency for the subjective energy initiated by the declaration of faith." See Alain Badiou, *Saint Paul: The Foundation of Universalism* (Stanford: Stanford University Press, 2003), 88-9. In other words, the law of life gives merely ex post facto consistency to the (subjective) declaration that constitutes the truth of the "Christ-event" – the truth that in itself is always evental, not structural, axiomatic, or legal Alain Badiou, *Saint Paul*, 14. In the history of Pauline exegesis, we find a legion of interpretations in which Paul is said to replace the old law by a new one. The two probably most common views are 1) that the new law is moral (the law of the heart) in contrast to the old literal or legalistic concept of the law and 2) that the new law is universal whereas the old law was particular and particularistic, designated for the Jews alone. In fact, Badiou also affirms this second interpretation, but for him the universal does not refer to the universal form of law but rather to the universality of the Christ-event ensued by the law of life. cf. Daniel Boyarin, *A Radical Jew: Paul and the Politics of Identity* (Berkeley: University of California Press, 1994), 86-105.

<sup>25</sup> According to Agamben, the verb *katargeō* is thus the key to the Pauline critique of the law. Paul employs it several times (26 to be exact) in his Epistles, also in contexts where he develops his critique of the law (see Rom. 7:5-6). The verb is, as Agamben correctly notes, a compound of *argeō*, which derives from the adjective *argos*, meaning "inoperative, not-at-work (a-ergos), inactive." The compound therefore comes to mean, Agamben continues, "I make inoperative, I deactivate, I suspend the efficacy." See Giorgio Agamben, *The Time that Remains: A Commentary on the Letter to the Romans* (Stanford: Stanford University Press, 2005), 95; cf. the RSV translations: "to discharge" Rom. 7:6, "to destroy" I Cor. 15:24, and "to pass away" I Cor. 13:8.

<sup>26</sup> See Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998), 49-62.

<sup>27</sup> Agamben, *The Time*, 137.

Agamben underpins his argument by referring to the enigmatic passage in 1 Corinthians 7:29-31, which he considers as the "most rigorous definition of messianic life." The passage goes as follows:

I mean, brothers and sisters, the appointed time has grown short; from now on, let even those who have wives be as though they had none, and those who mourn as though they were not mourning, and those who rejoice as though they were not rejoicing, and those who buy as though they had no possessions, and those who deal (or "use": *chraomai*) with the world as though they had no dealings with it. For the present form of this world is passing away.

For Agamben the phrase "as if not" or "as though not" (*hôs mē*) is especially important. It reveals the basic attitude that prevails in the messianic time and the ultimate meaning of messianic vocation (*klēsis*), which is the "revocation of every vocation."<sup>28</sup> Yet such a revocation in the mode of *hôs mē* does not have only a negative content. Rather, for Paul, Agamben argues, the messianic attitude corresponding to "as though not" makes it possible to freely use the worldly conditions: "Use: this is the definition Paul gives to messianic life in the form of the as not. To live messianically means 'to use' *klēsis* [vocation]; conversely, messianic *klēsis* is something to use, not to possess."<sup>29</sup> According to Agamben, this holds true in the case of the law as well. The Pauline *Aufhebung* of the law rendered inoperative in the "messianic time" means that the law also becomes an object of free use: "It is obvious that for Paul grace" (grace is, for Agamben, one of the Pauline figures of absolute *katargēsis*) "cannot constitute a separate realm that is alongside that of obligation and law. Rather, grace entails nothing more than the ability to use the sphere of social determinations and services in its totality."<sup>30</sup>

Even though Paul is not as consistent with his use of the verb *katargeō* as Agamben implies, I fully agree with him that the aim of Paul's criticism is to make law freely usable. (This is, as I shall show in the concluding section of this article, perfectly in line with Martin Luther's interpretation.) The Pauline critique of the law does not aim to abolish the law, not to mention that he would replace it with some other law, such as the spiritual law. (The "pneumatic law" and the "law of faith" that Paul speaks about in Romans 7:14 and 3:27 are not new laws but refer to the old law seen from a new perspective, namely that of use.) In fact, we do not even need to refer to 1 Cor. 7:29-32 ("*hôs mē*") in order to realize that it is precisely use that defines "life in Christ" for Paul. On the one hand, Paul continuously asserts that the one who lives in Christ is absolutely free: "For freedom Christ has set us free" (Gal. 5:1). And again: "Now the Lord is the Spirit, and where the Spirit of the Lord is, there is freedom" (2 Cor. 3:17). What does such freedom entail? Paul is very consistent here. Freedom means freedom from the *law*: "Now we are discharged from the law, dead to that which held us captive" (Rom. 7:6),

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<sup>28</sup> Ibid., 23.

<sup>29</sup> Ibid., 26.

<sup>30</sup> Ibid., 124.

"Christ redeemed us from the curse of the law" (Gal. 3:13), and so on. Indeed, given the fact that the law means, for Paul, not only the Mosaic Law, but also tradition and natural law – freedom from the law signifies absolute freedom. For a person liberated by Christ from the law, "everything is permitted (*exesti*)" (1 Cor. 6:12).<sup>31</sup> On the other hand, as Paul immediately adds, "everything is not useful (*symphoros*)."<sup>32</sup> For the one who lives in Christ, everything is permitted but not useful – to the extent that all other determinations and measures are cancelled in the operation of *katargēsis*, it is precisely usefulness itself that becomes the ultimate measure of mundane life. The author of the first epistle to Timothy (1:8) (who may be Paul but there is no unanimity among the scholars about this) realized it already: "Now we know that the law is good, if any one uses it properly" (*nomimōs chrētai*).<sup>33</sup> However, the law is an object of use, not of unconditional obedience, whereby its usefulness becomes the criterion of proper usage: "Test everything; hold fast what is good" (I Thess. 5:21).

In what sense, however, is the law useful after its sublation in the double operation of *katargēsis*, that is to say, after one has become absolutely free? Indeed, why is the law not useful in the first place? Agamben does not provide an answer. The explanation lies, I think, in the status of the Mosaic/natural law. The Mosaic/natural law is sacred (*hagios*). For the Hebrews, the Mosaic Law was undoubtedly sacred. Yet the natural law was also sacred and holy, that is to say, the law to which Paul refers to as the law of Gentiles and which was articulated most elaborately in the Roman Stoic view of this law. For instance according to Cicero (*De legibus* I, 23), natural law can be discovered in human reason through which man participates in the reason of God: "There is a primordial partnership in reason between man and God." Hence, natural law was, for the Stoics (and later for the Scholastics), a divine part of the human mind and therefore, sacred and holy. (This part of the mind is still sacred and holy in contemporary Catholicism, conscience being the "sanctuary of man," as the *Gaudium et Spes* has it.<sup>33</sup>)

Even though Paul writes once in the Romans that the law is holy (*hagios*), it is nevertheless the holiness of the law, I argue, that Paul wants to render inoperative by the *katargēsis*. Why? Because: if the law is sacred, it is out of reach and untouchable. It cannot be used but merely worshipped and obeyed. Hence, by rendering the sacred law inoperative, Paul operationalizes it, restoring it to profane use. Let us take the example of 2 Cor. 3:15-16, also discussed above by Agamben: "To this very day whenever Moses is read, a veil (*kalymma*) lies over their [Israelites'] minds; but when one turns to the

<sup>31</sup> Translation modified. In NRSV the phrase is "all things are lawful," but Paul does not mention "law" (*nomos*) here.

<sup>32</sup> Translation modified. NRSV has it "legitimately."

<sup>33</sup> The *Gaudium et Spes* is the Pastoral Constitution on the Church in the Modern World from 1965 (II Vatican). In it (1.1.16), we find the following: "In the depths of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience. Always summoning him to love good and avoid evil, the voice of conscience when necessary speaks to his heart: do this, shun that. For man has in his heart a law written by God; to obey it is the very dignity of man; according to it he will be judged. Conscience is the most secret core and sanctuary of a man. There he is alone with God, Whose voice echoes in his depths."

Lord, the veil is removed. First of all, the passage does not imply the removal of the Mosaic Law; what is removed is the veil between men and the law. But what is this veil? Paul's allusion is to Exodus (29:34) in which Moses comes down from Mount Sinai holding the two tablets of the Testimony in his hands. Because he had spoken with God, his face was radiant. Aaron and all the Israelites saw this, considering it a sign of holiness. However, after Moses had told them what God had commanded, he covered his face with a veil. Why? Paul explains: because the radiance or glory (*doxa*) as Paul words it, was fading. According to him, the commandments themselves have no glory; only when the law is read a veil over one's face one may imagine it glorious and holy. But whenever anyone turns to Christ, the veil is removed. Yet this removal does not entail that the law will be interpreted correctly, as is sometimes suggested.<sup>34</sup> It means that the true nature of the law is revealed in its lack of glory and holiness, in its utter profanity. The law becomes a mere instrument.

In what sense can the profane law then be useful? The answer is obvious. It is useful for the very same reason for which it is a curse: as an instrument for the knowledge of sin (Rom. 3:20). This, in Paul's view, is the function of the law, be it sacred or profane: "If it had not been for the law, I should not have known sin" (Rom. 7:7). This knowledge is not formal knowledge concerning what is or is not sin. The knowledge of sin that Paul is speaking about is contrition, the feeling of sin, the experience of debt and guilt. However, if the law is sacred, that is, out of reach and untouchable, something that cannot be used but merely obeyed, there is no remedy for the sense of guilt. Under the old sacred image of the law, Paul writes in the Romans (3:19-20), the whole world (*kosmos*) becomes guilty before God: "Now we know that whatever the law says, it speaks to those who are under the law, so that every mouth may be silenced, and the whole world may be held accountable (*hypodikos*) to God." But the situation changes when the law is understood as a mere tool made available for free use. The law can be used as an instrument for the knowledge of sin if such knowledge happens to be useful. And it is sometimes useful, namely, prior to the emergence of faith: "The law was our disciplinarian (*paidagôgos*) until Christ came, so that we might be justified by faith" (Gal. 3:24). To the extent that faith is not a privilege of all, the law is useful. It is a *paidagôgos* for those who have no faith (and nobody is born with faith). Therefore, Paul wants to convince the Gentiles that they also have the law, although it is not the law of Israel. They have the law of nature written in their hearts, awakening their sense of guilt through the accusations of conscience. Yet such a law is, as all other laws, a mere instrument and a tool—and it is precisely this instrumentalization of the law that links Pauline theology to the modern biopolitical constellation in which the law is a mere tool.

Thus, even though I fully agree with Agamben that the aim of Paul's critique of the law is to make law freely usable, I do not subscribe to Agamben's view that the Pauline messianism *surpasses* the biopolitical constellation of late modernity. In my opinion, on the contrary, by rendering the law and the worldly conditions inoperative as a whole, and thus making them freely

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<sup>34</sup> See e.g. Hans Hübner, *Das Gesetz bei Paulus. Ein Beitrag zum Werden der paulinischen Theologie* (Göttingen: Vanderhoek und Ruprecht, 1980), 199.

available for use, Paul inadvertently gives a perfect articulation to what both Milbank and Badiou call contemporary “nihilism” (utilitarianism, instrumentality, biopolitics, and so on).<sup>35</sup>

### *Life*

The instrumentalization of the law is not the only link between Paul and Foucauldian biopolitics. The other and perhaps equally good candidate is the concept of life. As we have seen, Foucault posits life at the core of both pastoral power and biopolitics. So does Paul in his epistles. For him, Christ himself is *zôê* and *zôê* is Christ: “For to me to live is Christ” (*emoi gar to zên christos*) (Philip. 1:21). We could cite dozens of passages, but that is unnecessary as the fact is well established, and it suffices for one to read certain passages in Romans (2:7, 5:10, 5:21-22, 6:5, 6:22-23) to become convinced of it. Foucault also argues that biopower is characterized by a certain “disqualification of death.”<sup>36</sup> What else is Paul’s Christ but a figure of such disqualification? Indeed, *christos-zôê* signifies, for Paul, an absolute disqualification of death: “The last enemy to be destroyed (*katargeô*) is death” (1 Cor. 15:26). With Christ, life is without death. It is eternal (*zôê aiônios*).

Yet, we have also seen above that both pastoral and biopolitical power exert a positive influence on life by nurturing, optimizing and, as it were, taking care of it so that it will flourish. In Paul’s letters, there are similar themes (he once says that he is for the Thessalonians like a nurse caring for her children, 1 Thess. 2:7), but in a minor role and without the hierarchical structure of power. Insofar as the theme of pastoral care can be found in the Pauline letters, this care (and control) is mutual and hence “democratic.” In addition, Paul never describes Christ’s task as nurturing or care-taking. In what sense then, if at all, does the Pauline affirmation of *zôê* and disqualification of death link his theology to biopolitical themes?

At first sight the Pauline affirmation of *zôê* and the disqualification of death (*thanatos*) seems to have nothing to do with Foucauldian *biopower* and has more in common with the way life is organized and governed under what Foucault calls juridico-institutional sovereign power. According to Foucault, sovereign power is characterized by its capacity to “take life and let live.”<sup>37</sup> Likewise, God, for Paul (Rom. 14:9) and even Christ exercise their power by either taking life or letting live, not as shepherds but as lords, sovereigns and judges: “For all of us must appear before the judgement seat of Christ, so that each may receive recompense for what has been done in the body, whether good or evil” (2 Cor. 5:10). Through the law, God takes life, whereas through grace, he lets live. He does not take care of life like a shepherd but judges it like the sovereign. The same applies to Christ: “It is the Lord (*kyrios*) who judges (*anakrinô*) me” (1 Cor. 4:4).<sup>38</sup> For Paul, in other words, both God and Christ, Father and Son, are lords, sovereigns, and judges—not shepherds.

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<sup>35</sup> On Badiou’s critique of contemporary “nihilism,” see Badiou, *Saint Paul*, 9-10.

<sup>36</sup> Foucault, *History of Sexuality*, 138.

<sup>37</sup> Ibid., 141.

<sup>38</sup> As Karl Barth put it two millennia later: “But does not Christ also judge?” one might ask. We reply: Christ judges us, not only ‘also,’ but ‘precisely.’ So long as we are not judged by Christ we are not judged at all.” Karl Barth, *Ethics* (New York: The Seabury Press, 1981), 287.

They are the lords over life and death: “*Kyrios* of both the dead and the living” (Rom. 14:9).

It is true that rather than political authority, the Greek word *kyrios* originally signified the master of the house (*oikos*). But we must take into account that in the classical Greek world no single political authority had such power over his citizens as the *kyrios* of the house had over his slaves—and it is precisely the slave (*doulos*) that Paul identifies himself with while standing before the judgment seat of the *kyrios christos*. Moreover, as Agamben has pointed out, during the Hellenistic period the domestic and the political vocabulary became increasingly confounded with each other.<sup>39</sup> And although Agamben does not mention this (probably because it is self-evident to him), it was not the political vocabulary that came to be employed in the domestic sphere but the other way around: notions that were initially domestic in the classical period of Greece, such as *kyrios*, became increasingly political in the Hellenistic period. (It is a well-known fact that in the Roman Empire, for instance, every Roman citizen/soldier proclaimed his allegiance to the emperor by saying “*kyrios Kaisar!*”)<sup>40</sup> The point is, however, that the link between Paul and biopolitics, irrespective of the instrumentalization of the law and the centrality of life, would seem to be less straightforward than I previously implied. Paul’s Christ is not a figure of biopolitics but belongs rather to the juridico-institutional constellation of sovereign power: Christ is the sovereign lord and the Pauline man is the subject exposed to the sovereign’s death sentence.

But, if we take into consideration Agamben’s analysis of biopower in *Homo Sacer: Sovereign Power and Bare Life*, things become more complicated. For, as I have attempted to show elsewhere,<sup>41</sup> the Agambenian idea of biopower differs significantly from that of Foucault. Agamben gathers under the rubric of biopower both Foucauldian juridico-institutional sovereign power and biopower. According to Agamben, biopower does not have its roots in Christian pastorate and it does not emerge in its secularized version in the 17<sup>th</sup> century political technologies of care, not at least alone.<sup>42</sup> For him, the

<sup>39</sup> See Giorgio Agamben, *Il Regno e la Gloria: Per una genealogia teologica dell'economia e del governo* (Verona: Neri Pozza, 2007), 38-9.

<sup>40</sup> On the historical background of the Biblical *kyrios* see e.g. Oscar Cullman, *The Christology of the New Testament* (Philadelphia: Westminster Press, 1959).

<sup>41</sup> Mika Ojakangas, “Impossible Dialogue on Bio-Power: Agamben and Foucault.” *Foucault Studies* May 2005, no. 2, 5-28.

<sup>42</sup> In a more recent book, *Il Regno e la Gloria*, Agamben seems to accept that the governmental paradigm of power is after all a secularized form of pastoral power. Lately, moreover, he occasionally appears to speak about sovereign power and biopower as if two separate forms of power which can become intermingled with each other but which are not necessarily and always already found in that state. Referring to Carl Schmitt’s analysis of the *Führung* in his *State, Movement, People* (1933), for instance, Agamben argues that Schmitt depicts the function of the National Socialist *Führer* in pastoral terms but without accepting the transcendent character of the pastor with respect to the flock. There is an absolute equality between the *Führer* and his followers, which means that if the *Führer* is a pastor, he is a “democratic” pastor. Yet, as Agamben correctly points out, this equality between the leader and the following applies only to those followers who share the same “nature” (*Art*) as the leader, which means that those who do not share this nature must be excluded and considered as enemies. Racism is thus the point,

Hobbesian sovereign, for instance, is also a figure of biopower.<sup>43</sup> In his view both the juridico-institutional and biopolitical forms of power have a common (although hidden) foundation in the notion of bare life: "The production of bare life is the originary activity of sovereignty."<sup>44</sup> What then is bare life? In Agamben's definition, bare life is characterized solely by the fact that it can be killed. Bare life is thus a sort of un-dead life that has no other form or content than being "exposed to death."<sup>45</sup>

If we examine the life of the Pauline person living in Christ, it is not difficult to note several features that make this life bare. First, the person's life is defined by the fact that he/she can be sentenced to death by Christ/God. Second, this threat of death is continuous: "While we live we are always exposed [*paradidōmi*] to death" (2 Cor. 4:11).<sup>46</sup> Furthermore, the term that Paul consistently employs when speaking about life is *zōē*—and, as Agamben argues in *Homo Sacer*, this very term already signifies bare life. According to Agamben, namely, the Greeks—unlike the moderns—had two notions of life, *zōē* and *bios*, the former referring to bare life and the latter to good (form of life) life (*eu zēn*).<sup>47</sup> For Agamben, a classical example of this distinction is the following definition in Aristotle's *Politics* (1280a30):

The state was formed not for the sake of life only (*zēn monon*) but rather for the good life (*eu zēn*), for otherwise a collection of slaves or of lower animals would be a state, but as it is, it is not a state, because slaves and animals have no share in well-being or in purposive life.

In other words, for Aristotle, *eu zēn* (Aristotle also calls it *bios politikos*) is the preferable form of life, the life of the citizen, transcending and excluding the desppicable mere life (*zēn monon*) of animals and slaves. In the Pauline corpus there is not only a conspicuous absence of such hierarchy ("there is no distinction" (*diastole*) between forms of life, as Paul writes in the Romans 3:22), but what is even more striking is that Paul reveres the very life of the slave. Paul calls himself a slave (*doulos*) on several occasions ("I have made myself a slave," as he states in 1 Cor. 9:19), exalting the "forms" of life that are commonly considered base and vulgar because God "chose what is low and despised in the world..." (1 Cor. 1:28). Using the metaphor of the body, he goes so far as to declare that God has given the genitals (allegedly the most desppicable member of the body) a greater honor than other members (1 Cor. 12:24); thus, alluding that the most despicable members of the

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Agamben argues, where sovereign power and pastoral biopower coincide, but contrary to his earlier view, according to which sovereign power and biopower are always already one and the same, Agamben now asserts (like Foucault in his writings) that racism "becomes the dispositif through which sovereign power (which for Foucault coincides with power of life and death and for Schmitt with the decision on exception) becomes inscribed [*reinserire*] in biopower." Agamben, *Il Regno e la Gloria*, 91. Italics mine. On Schmitt's conception of *Führung*, see also Mika Ojakangas, *A Philosophy of Concrete Life: Carl Schmitt and the Political Thought of Late Modernity* (Bern: Peter Lang, 2006), 78-81.

<sup>43</sup> See Agamben, *Homo Sacer*, 105-6; 125.

<sup>44</sup> Ibid., 6.

<sup>45</sup> Ibid., 88.

<sup>46</sup> Translation modified. NRSV has it "we are always being given up to death."

<sup>47</sup> See Agamben, *Homo Sacer*, 7.

community (slaves, fools, the poor, and so on) are, in fact, the most honorable. Moreover, Paul also urges his addressees to become lowly and “despicable:” “Let you become lowly together” (*tois tapeinois synapagomenoi*) (Rom. 12:16);<sup>48</sup> thus, suggesting that instead of pursuing the good form of life (*eu zēn*), those who live in Christ should now abandon it and become humble slaves, representatives of the mere *zōē* exposed to the continuous threat of death: “The messianic life,” as Agamben calls the life of the Pauline person living in Christ, means the “revocation of every *bios*.<sup>49</sup>

It is, of course, possible to argue against this conclusion by referring to the fact that Paul distinguishes between life according to flesh (*kata sarka*) and life according to spirit (*kata pneuma*) (see e.g. Rom. 8:5). Moreover, like the good life (*eu zēn*) in the Greek *polis*—which according to Agamben was based on the exclusion of mere life—the Pauline life according to the spirit (“life in Christ”) presupposes the exclusion of life according to flesh. As Paul writes in Galatians (5:19-25):

Now the works of the flesh are obvious: fornication, impurity, licentiousness, idolatry, sorcery, enmities, strife, jealousy, anger, quarrels, dissensions, factions, envy, drunkenness, carousing, and things like these. I am warning you, as I warned you before: those who do such things will not inherit the kingdom of God. By contrast, the fruit of the Spirit is love, joy, peace, patience, kindness, generosity, faithfulness, gentleness, and self-control.

To be sure, these Pauline forms of life (*kata sarka* and *kata pneuma*) do not exactly coincide with the classical definitions of the virtuous *eu zēn* and the despicable mere life (*zēn monon*), but the difference is not great. Therefore, it is probably safe to conclude that “life in Christ” entails a life that is not far removed from the classical model based on the distinction between good life and mere life. “Life in Christ” means virtuous life to the exclusion of mere life, not an affirmation of the latter.

Yet the issue is more complicated than that. Although Paul identifies flesh with vice and sin, the most fundamental characteristic of the flesh is that *it entails death*. Indeed, for Paul, flesh *means* death, whereas spirit *means* life: “To set the mind (*phronēma*) on the flesh is death, but to set the mind on the Spirit is life” (Rom. 8:6). Whereas Aristotle and the Greeks thought that vices (the Pauline works of the flesh) entail shame, while virtues (the Pauline fruit of the spirit) entail glory and good reputation, Paul maintains instead that they entail life and death: *zōē* and *thanatos*. Thus, the battle between flesh and spirit (“these are opposed to each other” Gal. 5:17) is not only between two forms of life, as it was for the Greeks, but also and above all—between death and life: “The wages of sin (*hamartia*) is death, but the free gift of God is eternal life in Christ Jesus our Lord” (Rom. 6:23). Paul does not repeat the classical model which distinguishes between *bios* and *zōē*, excluding the

<sup>48</sup> Translation modified. NRSV has here “associate with the lowly,” but to my mind this translation is not accurate. A more accurate translation can be found in King James Version in which the verb *synapagō* is translated “to condescend” (“condescend to men of low estate”), but even this translation leaves room for modification since *tapeinos* also means lowly conditions.

<sup>49</sup> Agamben, *Il Regno e la Gloria*, 271.

latter, but actually employs a new figure of bare life (*zôê*), exposed to the immediate threat of death (*thanatos*) under the curse of the law and God's wrath.

But should we not also take into account that for Paul the *zôê-christos* is a figure of grace and redemption rather than a figure of judgment? Does this fact not place Paul's theology beyond the scope of Agambenian biopower? In fact, it does not, since for Agamben the demand for the liberation of *zôê* is merely the other side of biopolitical rationality that does not change anything in the logic of the rationality itself:

If anything characterizes modern democracy as opposed to classical democracy, then, it is that modern democracy presents itself from the beginning as a vindication and liberation of *zôê*, and that it is constantly trying to transform its own bare life into a way of life and to find, so to speak, the *bios* of *zôê*.<sup>50</sup>

Indeed, the Pauline *christos* appears to occupy a place on *both* sides of biopolitical rationality: first as a sovereign judge of *zôê*, then as a liberator of *zôê*. The first figure is the son of a wrathful father-God (and more conventionally, the father-God himself) who confines his subjects within the law ("before faith came, we were imprisoned and guarded under the law" Gal. 3:23) that has no other function than to disclose one's guilt and to subject one to what Agamben calls the "sovereign ban."<sup>51</sup> The second figure is the son of the redeemer-God whose grace redeems us from the law and hence, from death: "[All] are now justified by his grace as a gift, through the redemption that is in Christ Jesus" (Rom. 3:24). Thus, this second figure (*kyrios christos* as the son of the redeemer-God) renders, as it were, inoperative the first figure, rendering simultaneously inoperative the sovereign biopolitics in order that a new form of biopolitics (democratic and revolutionary) could emerge—a biopolitics that vindicates and liberates the *zôê* of the entire humankind from under the yoke of law and death, transforming the law to a mere instrument and abolishing death. (Is it not precisely through a successful sovereign biopolitical operation, the slaying of Christ, that this biopolitical liberation of *zôê* became possible in the first place? God is the subject of violence through the sacred law and the subject of liberation through Christ, but is He not the latter because He is the former?)

What is important here, however, is that it is *zôê* that is imprisoned and *zôê* that is liberated, first from the law and then, because of this, from death: "For as all die in Adam, so all will be made alive (*zôopoieô*) in Christ" (1 Cor. 15:22), since it is Christ who destroys (*katargeô*) the last enemy which is death (1 Cor. 15:25). Indeed, it should also be remembered that contrary to the Greek (Platonic) tradition, Paul believed that it is the human *body* (*sôma*) that is saved, not only the soul (*psyche*) or the spirit (*pneuma*). We are waiting,

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<sup>50</sup> Agamben, *Homo Sacer*, 9.

<sup>51</sup> According to Agamben, this ban is the pure form of reference to something in general, which is to say, the simple positing of relation with the nonrelational. The life caught in the sovereign ban is in turn the life that is included in the community in the form of being able to be killed. See Agamben, *Homo Sacer*, 29; 82-3. In Paul's case, this nonrelational refers of course to the judgment of God.

Paul writes, for the “redemption of our bodies (*sôma*)” (Rom. 8:23) and for God’s spirit to “give life to your mortal bodies (*sôma*)” (Rom. 8:11). Surely, this redeemed body is spiritual (*pneumatikos*) rather than natural (*psychikos*) (see I Cor. 15:44), but it is still a body, not the soul or the spirit as separated from it. Finally, if we remember that for Aristotle virtue was learned best by following the example of virtuous men,<sup>52</sup> it becomes all the more evident that the Pauline discourse does not concern *eu zên* but mere *zôê*. Although Paul occasionally encourages his addressees to follow his example, we should keep in mind that for him Jesus’ life is not an example we should follow in our daily life. On the contrary, he says that each of us should remain in the condition in which we were called (I Cor. 7:20). In fact, his letters barely mention Jesus as a living person doing this or that. To be sure, Paul says many times that we should follow the example of *Christ*. In the Romans (15:7), for instance, he writes: “Welcome one another, therefore, just as Christ has welcomed you, for the glory of God.” Yet this hospitality does not mean imitating the way Jesus lived. Rather, it means participation in Christ by believing that Christ lives in me (Gal. 2:20) and that what happened to Christ—death, resurrection, and eternal life (*zôê*)—will happen to me as well (Rom. 6:10-11). Indeed, it is Christ’s death and resurrection that matters for Paul, not Jesus’ exemplary life, because life (*zôe*) is given to us through the death of Christ, in which we participate by believing that Christ died for our sake: “Christ died for us” (Rom. 5:8), “we have been justified by his blood” (5:9), “we were reconciled to God through the death of his Son” (5:10), and so forth. It is this death, which is either a sacrificial death that makes all further sacrifice inoperative (the traditional Christian opinion) or a non-sacrificial death that reveals the futility of all sacrifice (as René Girard has argued),<sup>53</sup> that liberates and gives life (*zôê*) to the entire humankind.

### *Conclusion*

Some short remarks aside, Foucault did not write about Paul in any length. In the lecture series entitled *Security, Territory, Population* he merely states that the apostles were also shepherds:

the pastors who one after the other visit the flock confided to them, and who at the end of the day and at the end of their life, when dreadful day arrives, will have to account for all that has happened in their flock.<sup>54</sup>

In a sense, of course, this holds true also in Paul’s case. This is not, however, the first impression we get when we read his epistles. Sure, Paul tries to give advice to his addressees, but he is not doing it as a shepherd offering material benefits (the opposite is true: Paul is continuously asking them for money)—and even if he tries to guide their souls, there is nothing to suggest that he would hold himself accountable for his followers when that “dreadful day arrives.” Rather than being a good shepherd, Paul was—as Alain Badiou has said of him—a good demagogue and a propagandist, a militant. He was “a

<sup>52</sup> “We may arrive at a definition of prudence (*phronêsis*) by considering who are the persons whom we call prudent.” Aristotle, *Nicomachean Ethics* VI, 5, 1140a25.

<sup>53</sup> See e.g. René Girard, “Mimesis and Violence” in *The Girard Reader* ed. James G. Williams (New York: The Crossroad Publishing Company, 1996), 18.

<sup>54</sup> Foucault, *Security*, 152.

kind of Lenin who will organize the collective soul," as Gilles Deleuze put it (yet without praising him as Badiou does).<sup>55</sup> This does not mean, however, that the Pauline "propaganda" would easily translate into a critique of biopower, as Milbank (as well as Slavoj Žižek) has suggested.<sup>56</sup> On the contrary, as I have argued above, Pauline theology includes elements that have contributed to the emergence of western biopolitical rationality, especially insofar as this rationality is characterized by an instrumental view of the law and the free use of worldly conditions. To be sure, given the medieval restoration of the law as sacred (for the Scholastics, both the Mosaic Law and natural law were understood in terms of *telos* rather than as means),<sup>57</sup> biopolitical themes in Pauline theology remained without consequences for a long time. But they were eventually revitalized, particularly through the work of Martin Luther. There is, Martin Luther thought, nothing holy in the law itself, be it divine, natural or positive. The law is a mere means and a tool that can be used if conceived as useful: "Learn to use the law properly."<sup>58</sup> According to Luther, the law is used properly in two ways. First, it is useful theologically. The law torments the conscience of the believer. This is necessary for him to conceive his need for Christ—Christ who will then heal this tormented conscience through the promise of the remission of sins. Second, the law is useful in civil society, not because the Christians need it for themselves, but because it restrains the wickedness of un-Christians.<sup>59</sup> (In the New Testament, this latter use of the law, *usus legis*, is most obvious in the First Epistle to Timothy 1:7, but the Pauline assertion in Gal 3:19 to the effect that the law was established because of transgressions implies the same idea.) The "merit" of Thomas Hobbes was that he exchanged the Lutheran "wicked un-Christians" for humankind. And although the instrumental function of the law has proliferated long since beyond merely restricting the wicked, as Luther and Hobbes thought, it nevertheless has remained a tool and an instrument, "without sacredness of content," as Max Weber wrote of modern law a hundred years ago.<sup>60</sup>

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<sup>55</sup> Gilles Deleuze, "Nietzsche and Saint Paul." In *Essays Critical and Clinical* (London: Verso 1998), 51.

<sup>56</sup> On Žižek's view, see Slavoj Žižek, *Welcome to the Desert of the Real* (London: Verso, 2002), 100.

<sup>57</sup> As Thomas Aquinas wrote: "The law belongs to that which is a principle of human acts, because it is their rule and measure. Now as reason is a principle of human acts, so in reason itself there is something which is the principle in respect of all the rest: wherefore to this principle chiefly and mainly law must needs be referred. Now the first principle in practical matters, which are the object of the practical reason, is the last end: and the last end of human life is bliss or happiness, as stated above. Consequently the law must needs regard principally the relationship to happiness. Moreover, since every part is ordained to the whole, as imperfect to perfect; and since one man is a part of the perfect community, the law must needs regard properly the relationship to universal happiness." Thomas Aquinas, *Summa theologiae* IIa Iae, q. 90, a. 2.

<sup>58</sup> Martin Luther, *Lectures on Galatians* 3:19 in *Luther's Works*, vol. 26 (Saint Louis, MI: Concordia Publishing House), 1963.

<sup>59</sup> Luther says this in many occasions, but a good summary of his view can be found for instance in his *Lectures on Galatians* 3:19.

<sup>60</sup> Max Weber, *Economy and Society*, vol. 2 (Berkeley: University of California Press, 1978), 895.

Moreover, the Pauline distinction between *zôê* and *thanatos*, with which he replaced the classical distinction between *bios* and *zôê*, has certainly had its repercussions regarding the formation of biopolitical modernity—and not only through the Lutheran revitalization of the Pauline doctrine. In the wake of Paul, life as such (*zôê*) became, for the Christians, the highest value, whereas death became the worst enemy. Yet, contrary to the Christian pastoral guidance of life depicted by Foucault, the Pauline valuation of mere life has not served as a theological backdrop for the secular tutelage of life under the biopolitical regimes so much as an intellectual source for the western understanding of mutual democratic care (*philadelphia*) and biopolitical resistance, related to the themes that conceive reformation and revolution in terms of liberation of bare life (*zôê*) from that which holds it captive. What else, for instance, is the contemporary Spinozist affirmation of “the creative life force that animates the revolutionary stream of the modern tradition”<sup>61</sup> by Antonio Negri and Michael Hardt than a return to the Pauline affirmation of *zôê* against the law (Empire)? Compare also Gilles Deleuze: although Deleuze subscribes to Nietzsche’s reading of Paul, seeing in him an incarnation of resentment, what else is the Deleuzian affirmation of life as he opposes it to judgment and death<sup>62</sup> than an appropriation of the revolutionary potentiality clearly visible in Pauline theology?

In sum, if my analysis is correct, both the modern techno-instrumental view of the law and the world and the revolutionary (democratic) biopolitics find their common home in the Pauline epistles. Contrary to Agamben, who in *Homo Sacer* argues that this revolutionary biopolitics is the other side of the contemporary biopolitical constellation, however, I would like to emphasize that distinguishing these even as two sides of the same coin is increasingly difficult today, if not entirely impossible. Contemporary biotechnology, for instance, is not only a paradigmatic case of techno-instrumental biopower (taking care of each and everyone, not like a good shepherd, but rather on the basis of a cost-benefit calculus developed for the sake of the bare life of the late modern democratic sovereign: the taxpayer), but also a revolutionary endeavor to redeem life, not only from the moral law (Milbank’s *ius naturale*) but also from death—its most fanciful dream still being the same as it was for Paul: the ultimate eradication (*katargeô*) of death. Therefore, I am also slightly skeptical of Agamben’s conclusion in *Il Regno e la Gloria* where he argues that the (Pauline) “eternal life” (*zôê aiônios*) is the name of that political substance which liberates the living man from his biological and social destiny, rendering inoperative all the worldly determinations, but which the Western double machine of government (“economy”) and sovereignty (“glory”) ceaselessly attempts to capture.<sup>63</sup> Would it be more correct to say that such eternal life is the name of that ideological substance on the basis of which the contemporary machine of government by economy (lacking all glory) legitimates its very existence?

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<sup>61</sup> Michael Hardt and Antonio Negri, *Empire* (Cambridge MA: Harvard University Press, 2000), 92.

<sup>62</sup> See e.g. Gilles Deleuze, “To Have Done with Judgment” in *Essays Critical and Clinical*, 126-35.

<sup>63</sup> Agamben, *Il Regno e la Gloria*, 274.

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