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Law in the Flesh: Tracing Legitimation's Origin to *The Act of Killing*?

Richard K. Sherwin*

For in the exercise of violence over life and death more than in any other legal act, law reaffirms itself. But in this very violence something rotten in law is revealed...

Walter Benjamin

What is at issue here is [...] not simply the question of the sources of legitimate political rule but, more profoundly, our capacity to feel represented in the social field, to experience those representations as viable facilitations of our vitality.

Eric Santner

The undying spirit of [Natural] Law can never be extinguished. If it is denied entry into the body of positive law, it flutters about the room like a ghost, and threatens to turn into a vampire which sucks the blood from the body of Law.

Otto Gierke

A proper respect for civil order does not mandate the elision of political violence. To the contrary, civility requires that we explore the exercise of violence at the beginning of state sovereignty. To forget, or repress, originary violence invites its return. That is why, with its insistence upon rational calculation and the neutralization of desire, the vast cleanup operation of liberal theory is bound to fail.

The exception proves the rule, and the state of exception, upon which the one who is sovereign decides (Schmitt 2005, 5), proves the rule of law. The state of exception is the moment that reveals the true source of state power, the ultimate source of law. As Schmitt writes: 'The exception, which is not codified in the existing

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legal order, can at best be characterized as a case of extreme peril, a danger to the existence of the state' (Ibid., 6). By declaring a state of emergency, or by creating one, the sovereign makes clear where unbound power lies. We cannot but confront this distasteful insight: confront it, explore it, and judge it—particularly with regard to the expressive commitment to foundational narratives and symbolic representations that precedes, and that may or may not emerge from the state of exception. Fidelity to law, a key component of law's legitimation (see Hart 1961), originates in, and is constituted by, such a commitment. It signifies investiture: authorizing state violence through the convergence of power and meaning, a normative synthesis that aims to render law's authority worthy of acceptance.

In the state of exception foundational political meanings often fragment and grow incoherent. When power and meaning are sundered the ship of state loses both anchor and compass. Out of the crisis of belief that ensues we encounter an inexpressible excess, the inchoate source of the state's political vitality, what Schmitt calls 'the power of real life' (Schmitt 2005, 15), the body politic's libidinal flame.

Eros is the name we give to the creative force out of which political worlds are made, out of the political unconscious known as the flesh of the law. Here we find the originating impulse that is needed to invest in a world of meaning. That force surges forth in a liminal state, betwixt and between terror and enchantment. It is then that we ask, what symbolic social bond will be endorsed? What *nomos* will we inhabit? What links my body to another: what shared narrative of origin, or what collective terror?

With the general acceptance of state power as legal authority, based on uncoerced commitment to binding core values, the specter of violence recedes. The foundational story of the state takes over. Enchantment ensues. The liminal creature, in the bare flesh of his or her own being, decides to commit to a world of political and legal significance.

To invest in a proffered meaning, or not, to decide and to act, or not, culminates in the challenge of bare life at its most elemental: to be or not? And if it is to be, how does one acclaim a world of meaning? What does it demand? These questions coincide with the origin of politics (as the possibility of deciding on the reality of shared public life) and of sovereignty (as the moment of collective investiture): will we, and if so, how will we invest the world with meaning? How do we make politics happen? We witness this political drama in great literature, in the words and actions of characters like Hamlet and Caliban, and, in a more recent, but eerily similar vintage, in the words and actions of real world characters, like Anwar Congo, who appears in Joshua Oppenheimer's highly unsettling film, *The Act of Killing* (2012).

These works invite reflection and judgment: What does the inward state of lived meaning or, if meaning fails, of terror and paralysis, tell us about the outer state, politics writ large? There is no getting away from this vital link, the capacity to register the pulsations of law in the flesh both collectively (in the public rite of investiture) and singly (in the solitary experience of fidelity to what law demands). Here we discover the vicissitudes of bio-politics.

In the foundational moment that is the state of exception, creature and sovereign remain undifferentiated¹: the reality of the one still depends upon the reality of the other. The fabric of being has yet to be woven. When that signification coheres the metaphysics of its world may be known (Schmitt 2005, 46). Metaphysics, understood here as the shared understanding of a newly emergent reality, is the offshoot of collective libidinal investment. We find the hidden poetic structure of the symbolic world in which we live by following the paths love travels.

Withdrawal of love from the world, the de-cathexis of libido that cast Freud's famous patient, Daniel Paul Schreber, the Saxon jurist, into a state of wild psychosis, is a form of destruction (of self and external reality). Writing about his descent into psychosis, Schreber described how he felt his body as rotting flesh. It is a story of unbearable excess—the mute trauma of the body in pain, a state in which one may be certain, but only of suffering. As Freud said of Schreber: 'The end of the world is the projection of [Schreber's] internal catastrophe. His subjective world has come to an end since his withdrawal of love from it' (Santner 2011, 22). This withdrawal of love, the process of retracting libido from the world, de-animates reality, emptying it of significance. In legal terms, we might call this 'dis-investiture'. It is enacted in the political dramas of dethronement (as in the beheading of Charles I) and revolution.

Investment of love in the world, commitment to its gifts and demands in the overflow of excess desire, creates an erotic bond out of which political life begins. The social contract arises from, and is sealed by law in the flesh. 'The sacral soma,' Eric Santner calls it (*Ibid.*, xv). It is this 'sublime substance' that constitutes the King's (second, or) transcendent body and, in the transition to modernity, from monarchy to popular sovereignty, it is this excess, this overflow of vitality, that the people inherit, and that sacralizes the people's transcendent body. The political event out of which sovereignty and law first emerge coincides with the birth of wild meaning—from out of the state of exception, when all is in flux and the mind gapes in fear and wonder, when beings are named as if for the first time, as if language and being were one, as if words were the very voice of what is (see Merleau-Ponty 1968, 155). That is when legal symbols and representations become real enough to live by, to bind the popular will, and warrant fidelity to law.

Legal theorists argue about fidelity to law. As the old positivist/natural law debate puts it: once you have a valid legal system does content matter? Must law be moral? (See Fuller 1958). If law is law simply by fulfilling the criteria for validity, isn't state power always already authorized by definition? But if that is so, if legitimacy

¹ Julia Lupton's description of the character Caliban in Shakespeare's *The Tempest* conveys the sense of 'creature' I wish to express here, namely: an abject, thing-like being, of passionate passivity, who is also 'a remnant of the divine Logos in the process of still becoming' (Lupton 2005, 161). The creature is both resentful (of an external subjugating power) and filled with wonder (gripped by a different source of power that he senses within himself as a dreamlike possibility) (*Ibid.*, 171). This tension reflects the Benjaminian sense of the *creaturely* as a quintessential aspect of the baroque soul: at once 'sullen angel' and 'pensive dog' (*Ibid.* 163-4). In one sense, the creature is the sovereign's creation; in another, it is the other way around. This restates the state of exception as a condition of the political event out of which new syntheses of power and meaning (new legal worlds) may emerge.

requires no more than validity, then legitimacy may come from the barrel of a gun, with the state acting as the gunman writ large. Requiring fidelity to law as a necessary element of legitimacy, beyond simply fulfilling the criteria for law's validity as law, overcomes the moral dilemma posed by recognizing all valid law as legitimate—even if it is based on terror or coercion. Requiring acceptance of law's authority as a necessary component of legitimacy (see Hart 1961), particularly *popular* acceptance (see Sherwin 1986), raises the question: Does the rule of law warrant obedience? Is it right to obey? In this sense, investiture, the public ceremony of investing power with meaning, signals a collective acclamation (see Agamben 2011): it is good and right to obey the sovereign.

But have you ever wondered what is it that makes a particular symbolic order (such as law) *feel right*? Have you wondered by what process a world of synthetic meaning acquires the characteristics of reality? (Santner 2011, xvi). How is it that a second-order reality, the created worlds of ideas and principles, symbols and norms, becomes the home we live in, our invisible 'second' nature?

To understand, and, yes, ultimately to revitalize, the act of investiture, to re-enact our investment in the founding political event, whose legacy we carry like a home on our backs, it is to the original scene of the political event—acclaiming the normalization of state violence (as 'legitimate')—that we must return, to explore, theorize, and judge. We do so as a prelude, most necessary, to taking responsibility for state power as legitimate authority, to re-acclaim our fidelity to law by way of the foundational, and subsequently ritualized, performance of investiture.

We risk this return to the scene of political and legal origin, of law in the flesh, because theorizing without the flesh, absent the originary violence and creative excess of desire, falsifies political and legal reality. It is like dancing without a dancer, like imagining law without the humanities, like aspiring to become a machine.² The political event cannot begin, or even appear to theory as such, without confronting the primal scene of political violence and unstable desire. It is the very scene from which enchantment arises—responding to the call of the world and others to invest Being in beings on the public stage of politics. Here is the original erotic bond, the covenant that constitutes our investment in, and commitment to, a world of shared meaning.

Fleshless, neutered theory, including the liberal-democratic theory of popular sovereignty, cannot fully succeed because it cannot account for the way states begin and end in history (investiture and dis-investiture), nor can it account for the libidinal source (in whatever sublimated form it may take) that drives and sustains fidelity to law. When the power of acclamation, in the committed practice of fidelity to law, fades into the perfect administrative state (in which 'things administer themselves' (Schmitt 2004, 5)) re-acclamation beckons. Failing that, the lingering sense of something rotten at the heart of the state persists. This is the way to Beckett's *Endgame*: in the kingdom of the undead, endless bare life in a perpetual state of

² As pop artist Andy Warhol succinctly put it: 'Everybody should be a machine' (Warhol 1963, 116).

emergency. In short, political catastrophe.

Law on autopilot, like law as the sovereign's naked command, reveals a condition Gersholm Scholem hauntingly described as validity without significance (Scholem 1992, 142). This is Kafka's law: the functional mechanics of power without meaning or belief. In such systems, subjects are acted upon; they do not decide. They do not help to perform political or legal reality. Agency gives way to restless stasis. Restless stasis—Hamlet's state, a condition of intense distraction perpetuating indecision and paralysis of action—not a bad image for the predominant mood of baroque culture, including the neo- (or digital) baroque culture in which we live now,³ a state of affairs in which representational forms proliferate wildly, online and in court. Rules, policies, principles, regulations abound, a profusion of legal forms and representations whose chief merit is that they maintain the status quo. It is enough, it would seem, simply to surf the surfaces of form on the surface of the media that host them. It passes the time⁴ while we run in place. What could fidelity to law possibly mean under such baroque conditions? That, in a nutshell, is the challenge we face.

Political urgency intensifies when the most significant decisions have to be made and dispositive actions immediately undertaken. Like when the legitimacy of the state falls under a cloud. It is precisely this crisis of legitimation that Hamlet faces when the ghost of the recently dead king, Hamlet's father, appears to him, seeking rectification for regicide. The king's brother, Claudius, has usurped the throne and defiled royal investiture by murdering the rightful king, the specter announces. The state has grown rotten with illegitimate rule. And so a state of emergency exists, beginning in Hamlet's mind, then infecting the entire kingdom, once Hamlet is able to declare it, and take the required action, in blood. Which is to say, once Hamlet is able to find the resources to convert his state of restless stasis into violent political action.

It is then that the play becomes the thing—to make something happen, to shift

³ Both seventeenth century baroque and contemporary neo-baroque culture show signs of a state of emergency in the soul that reigns in parallel with the political state of emergency without.

I have written elsewhere about the baroque condition as follows:

Creation without grace assumed a ghostly appearance. As in a dream, discrete fragments piled up, concatenating on a landscape of ruin. And as yearning heightened, seeking escape from the corrupted state of worldly affairs, aesthetic forms proliferated. It was as if the desperate reaching out toward a distant heaven, as if to outrun an encroaching darkness, could only express itself in further decorative embellishments, like infinite folds within a compressed, but seemingly infinite, translunary space. In an effort to stave off the uncanny monstrosity of empty form, to tamp down the fear of Nothing, what Lyotard has aptly described as the fear of the non-occurrence of the event, the baroque imagination can only make more of the same, as if only this colossal profusion of expressive form could avert catastrophe. And so, like arabesques endlessly improvising their monadic design, baroque ornamentation proliferated. Dizzying, decentering, even nauseating in their spatial and visual onslaught. (Sherwin 2011, 107.)

⁴ This neo-baroque effect is nicely captured in the empty profusion of hyper-brief film fragments that constitute Christian Marclay's 24 hour long film work, *The Clock*. Go to: <<https://www.youtube.com/watch?v=Y8svkK7d7sY>> (last visited 6 May 2014). Ryan Trecartin's pop video images attain a similarly neo-baroque, albeit more circus-like effect. For a visual sample, go to: <<http://vimeo.com/trecartin>> (last visited 6 May 2014).

the mood from the subjunctive (anxious, thought-heavy dithering) to the imperative (Claudius must die!). That is the mood shift Hamlet must undergo. But to get there he first needs to experience what it is like for sovereign and creature to merge, to carry his country's fate on his back (Shakespeare, *Hamlet* I.v.190) whilst being reduced to flesh (I.ii.129), set naked (IV.vii.44), in a 'stale, unweeded garden,' (I.ii.133) 'rank and gross in nature' (I.ii.136), poised on the edge of the grave (V.i.72), peering in, to contemplate even the most noble conqueror in history (V.i.195) reduced to dust, which is to say, divested of sovereign power. Where is the King's transcendent body now?⁵

In the end, nothing remains but the legitimating story: how Hamlet has set things right, in the violent counter-stroke of rectifying regicide, to be recounted in a story whose very telling restores the vital conditions of legitimacy, including fidelity to sovereign rule. The very telling, and retelling, of this foundational narrative performs investiture. It establishes and preserves legitimate authority by the signifying force of the great beginning-tale of stasis and action, born of bare life, suffused with suffering and death, containing (even as it performs) the wild meaning of law in the flesh:

Let this same be presently perform'd,
Even while men's minds are wild; lest more mischance
On plots and errors, happen. (V.ii.377-379.)

No sooner has the elemental political event occurred than it is to be symbolically re-enacted. The play—this foundational story, originating out of the primal scene of political violence, illegitimate on the one hand, re-legitimizing on the other, this account that we witness, being performed before us, together with the one nestled within it (to test the conscience of the illegitimate King), this story of revitalized investiture which Horatio announces in the end, incarnates a new beginning-tale. Its public re-telling is now Hamlet's great legacy, and Horatio's sole purpose in life: to explain the prince's tragic death, how he set Denmark's affairs aright. The play becomes the thing that compels judgment in a performance designed to catch the conscience of the public, perhaps to dispel political stasis writ large, sparking an effort to renew state legitimacy, while the public's mind is wild—perhaps even stoking wildness in the retelling. Having thus brought its public closer to the state of emergency (within and without), the performative reality of law in the flesh may be grasped anew in its signifying glory. Grasped—which is to say, simultaneously understood and *seized*? As if the invitation to break with political stasis might purge the state of illegitimate violence even if by means of counter-violence?⁶ How subversive to perform *Hamlet*

⁵ See *Hamlet* V.i.199-202:

Imperious Caesar, dead and turn'd to clay,
Might stop a hole to keep the wind away:
O, that that earth, which kept the world in awe,
Should patch a wall to expel the winter flaw!

⁶ As suggestive of the force cultural productions, such as plays and popular films, may have on the political stage, we may recall the many Occupy Wall Street protesters who wore 'V for Vendetta' masks—invoking the spirit of insurrection that suffuses James McTeigue's 2005 film of that name (based on a story by Wachowsky

in a state that has already begun to fail. Danger remains close when the state of emergency is evoked. For when the flesh trembles no one can predict what will come next.

The foundational story simultaneously invests political violence with meaning while documenting it, serving simultaneously as repertoire and archive, mimesis as imitation and mimesis as performance (see Spariosu 1985). But in order to perform the political event, first light and dark must be torn asunder. And the multitude (whether stationed by the stage of political theater or on the brink of action in the public square) must behold their heterogeneous power, to appear to themselves in the mirror of art, theater, dance, or film, as actors on the stage of politics: destroyers and creators, creatures and sovereigns, at once.⁷ Before art's shimmering mirror we (as cultural spectators and political subjects alike) shudder, and struggle to decide whether there is a need to act, and if there is whether we have the resources to decide, and act correctly. As if the state of exception were always there, waiting to be proclaimed (and seized) as such, to be remembered in the excess of immanence, in the overflow of desire, in the political event par excellence, from law in the flesh to political theater, the public domain of political action, performatively constituting the people's second (transcendent) body, even now.⁸

And yet, an ever-protective impulse quickens to drop a veil over such beginnings. Form conspires to conserve form. The jurisgenerative gives way to the jurispatic: law founds law, and then kills it, to save itself from change (see Cover 1983).

Is that the pact, the great political contract, the secular covenant that Hobbes famously held out, as the catastrophic violence of sectarian civil war and plague swirled around him? Yield up your wild desire in exchange for survival? Sacrifice its unwieldy excess on the altar of secular conservation; seek hope in stasis? In Hobbes' archetypal early modern Liberal blueprint for secular investiture, by stark contrast to the Elizabethan drama of Hamlet, we witness the state's sanitized,

siblings).

7 As in the epilogue from Shakespeare's *The Tempest*, spoken to the audience by Prospero, as he passes on to them (the sovereign people?) his spell-(un)binding powers, asking that they, by their own breath and hands, re-enact the play's restoration of legitimate sovereign authority in the spirit of compassion, mercy, and love—as if to say, it is the people's task now to perform their acclamation of, and take direct responsibility for, legitimacy's narrative:

But release me from my bands
 With the help of your good hands:
 Gentle breath of yours my sails
 Must fill, or else my project fails,
 Which was to please. Now I want
 Spirits to enforce, art to enchant,
 And my ending is despair,
 Unless I be relieved by prayer,
 Which pierces so that it assaults
 Mercy itself and frees all faults.
 As you from crimes would pardon'd be,
 Let your indulgence set me free.

8 See Lupton 2005, 196 ("The decision of the judge refers the order of law back to the founding trauma of creation *ex nihilo*").

‘rational’ beginning, and glimpse how the seeds of its terrifying end may have been sown. For in the Hobbesian fantasy of origin, composed in the spirit of geometry and the instrumental triumph of rational calculation, Liberal theory’s foundational text colludes with a reckoning to come: the price to be paid for violating the reality principle of desire, for promulgating a positivist (and nominalist) shift from excess vitality in the event of jurisgenesis to mortification of the flesh behind the mask of rational necessity.

Where now are the remains of the King’s transcendent body, its modern trace beyond noble dust, in the political excess of popular sovereignty, that transcendent investment we carry on our backs if not under our skin?

The flesh waits to convulse again, to rise up from under the deadening load of formal validity without significance, beyond bare Hobbesian law, beyond the naked power to enforce commands (Hobbes 1985, 188). Of course, masking the vitality and dangerous volatility of the flesh behind the undoubtedly more palatable appearance of cool rational calculation has its merit, along with its distinctive logic.

It was a timely strategy, and a compelling logic: holding out, between the forces of Reformation and Counter-Reformation, an as yet unsullied third way, a ‘neutral’ science that might rise above the internecine civil warfare sparked by irreconcilable religious passion. But Hobbes’ rhetorical gambit, successful as it was, is a Faustian bargain. Its sleight of hand suppression of desire spawned a ghost that haunts the legal machinery that it helped to build, a ghost that just as surely haunts the founding texts of liberal theory itself.

The great Liberal cleanup operation⁹ begins here, with the neutral logic of clear and distinct ideas, objective calculation, and rational necessity. Perhaps that is why Hobbes the rhetorician, the brilliant stylist, obscures his rhetoric, hiding it in an anti-rhetorical animus that masked the foundational irrationality of pain and desire, violence and love, in the utterly dispassionate rhetoric of geometry. With but a handful of natural laws, the human drive to survive chief among them, Hobbes invokes with cool precision the logic of rational choice. Never mind the rhetorical power operating behind the scenes, the anti-rhetorical rhetoric that generates the style of geometric reason in the first place: in Hobbes, the force of rhetorical seduction lay hidden behind the mask of geometric formality.

The hidden seduction of rhetorical enchantment is desire’s agent. It is a restless spirit,¹⁰ a symptom of dis-ease that is bound to return, to have its tale told anew, perhaps in order to have its claim set right.

Kant and Rawls were no more able to bury that restless spirit than was H.L.A.

⁹ I am indebted to Mark Antaki of McGill Law School for pressing this idea upon me in the course of discussions at the ‘Law in the Flesh’ roundtable on April 2, 2014 (sponsored by McGill University’s Institute for the Public Life of Arts and Ideas).

¹⁰ A ‘ghost’ in Hobbes’ own terms:

And for the matter, or substance of the Invisible Agents, so fancied [...] call them Ghosts; as the Latines called them Imagines, and Umbrae; and thought them Spirits, that is, thin aereall bodies; and those Invisible Agents, which they feared, to bee like them; save that they appear, and vanish when they please. (Hobbes 1985, 170-1.)

Hart, who sought to hide it in his descriptive sociology of positive law's 'minimum conditions of natural law'. Hart, too, wanted to naturalize the prescriptive demands of valid (positive) law (see Hart 1961),¹¹ to neutralize the frightening mess of desire that inheres in the original scene of politics. If only we could forget such wild times, when 'wild minds' host wild meanings (*Hamlet* V.ii.377-379). If only we could hide the danger of desire's excess, perhaps behind a Rawlsian 'veil of ignorance', so that natural necessity, or the cooler logic of disembodied rationality might prevail. But calculative reason is not what inspires political subjects to become co-makers of political reality at the risk of pain, imprisonment, exile, or perhaps even death, whether it is in Tiannemen Square in China, or Sidi Bouzid in Tunisia, or Tahrir Square in Egypt, or the Occupy Wall Street protests that began in Zuccotti Park in New York and soon spread around the United States and the world. As Emerson wrote on the eve of America's great civil war:

Ideas make real societies and states. [...] It will always be so. Every principle is a war-note. Who ever attempts to carry out the rule of right & love & freedom must take his life in his hand. (Emerson 2010, 726.)

Right, love, freedom: in fidelity to formative ideas such as these even life itself may not be too high a price to pay. Believe that, and the political event, in the state of exception, is no abstraction. These foundational ideas (and others besides, ugly as well as noble) are the vestments of investiture, the expressions of significance that invest power with meaning. When they are real enough, when the soma shudders and shakes off the living death of bare life, for love of the world (that one commits to be in) one realizes: 'There was never any more inception than there is now' (Whitman 1982, 190). 'Urge and urge and urge, Always the procreant urge of the world' (Ibid.). Vitality, excess desire, law in the flesh—that is what moves political subjects to action, to a vital commitment to symbolic forms of expression that constitute a living *nomos*.

In the midst of bare life, urgency is all, even if we can never be sure where it will lead: violence, death, freedom, vassalage, love, destitution. From de Sade to Artaud, to Von Trier, erotic urgency gambles with death and destruction. History teaches that politics is hardly immune to the vicissitudes of desire.

Is there, then, no reliable compass to guide us beyond bare life in the state of exception? It is in search of guidance, in response to this vital question, that we turn to Joshua Oppenheimer's extraordinary film, *The Act of Killing*. In keeping with the times we live in, Oppenheimer's film is an appropriately baroque tale, blending genres (is this a documentary? A drama? A tragedy? Farce?) even as it seamlessly blends reality and fantasy in its uncanny return to the primal scene of political violence.

The film's main protagonist is Anwar Congo, a killer, in Indonesia, who served the needs of state terror in his youth, brazenly, cruelly. A self-described gangster, a thug, who has modeled his persona on Hollywood killers, dressing like them, raffish,

¹¹ See also Leiter 2007. I take issue with Leiter's 'naturalization' of jurisprudence in Sherwin 2011, 122-49.

a lady's man, who learned from the silver screen the art of killing with a strand of wire, openly praising the efficiency of strangulation, how it avoids the stench and mess of victims' blood, although of that, too, he has learned much, while performing the state's bidding.

The massacres in Indonesia began in 1965, and continued on through the next year. Over a million people were killed. No one knows the exact number. It was said the Communists had masterminded a *coup d'état* that allegedly began when a group of military officers belonging to the elite guards of President Sukarno killed six important generals. To repel the threat, or so he claimed, Major General Suharto, commander of the army's elite Strategic Forces, launched a counter-attack. The mutineers in the army were crushed, and the army-controlled media immediately began a campaign against the Communists, asserting that they were behind the attempted coup. Members of the Communist Party and alleged collaborators (which meant anyone who opposed Suharto's rise to power) were swept away in a torrent of violence, targeted for execution. The Indonesian army could not perform all that killing alone, and so Suharto, who was now calling the shots in Indonesia, recruited a civilian force, made up of killers like Anwar Congo, who was one of its leaders in the heyday of the massacres.

It remains unclear whether the Communist threat was real or a pretext used by Suharto to stage his own *coup d'état* to overthrow his predecessor, President Sukarno. In any event, Suharto's Indonesian 'New Order', aided by its military and civilian-manned machinery of terror and death, not only triumphed over its foes, but also managed to remain in power for 32 years, from 1966 to 1998.

The official state story of political origin, the foundational narrative of Suharto's sovereign rule, was repeatedly rehearsed in an official propaganda film, which the public, from young to old, was compelled to watch on television and in movie theaters around the country throughout Suharto's rule, thus enacting what one might describe as a coerced ritual of simulated investiture. 'Simulated' because coercion compels only the formal gestures of normative investment, not the authentic acceptance that comes of freely committed belief.

The images that Indonesians were compelled to watch during the Suharto regime were meant to foment terror, in the face of a grotesquely violent enemy (the 'Communists') and a perhaps even more terrifying state apparatus of organized violence. Civilian killers like Anwar Congo were depicted as national heroes. Indeed, more than four decades after having played his part in Suharto's victory, we see now (in Oppenheimer's film) Congo still being celebrated by Indonesian officials. We also see an organized civilian militia of fascist thugs parading before an adoring (or are they simply a terrified?) public. Oppenheimer captures some of the current civilian leaders nonchalantly reminiscing about 'the good old days' of 1965, when rape routinely accompanied the killing.

We also see in Oppenheimer's film common thugs as they make their rounds in the marketplace, crudely shaking down (mostly Chinese) merchants for payoffs. Violence and terror have become routine. One elected official openly recounts

the names and business ventures of politicians in high places who are on the take: corruption, bribery, and graft are rampant. The ethos of political decadence is so normal that one political wannabe, whom we see buffoonishly campaigning among voters who openly besiege him for larger payoffs in exchange for their vote, describes his chief political idea as coercing money from merchants by threatening them with zoning violations.

It is against this backdrop of pervasive corruption and terror that Oppenheimer's film unfolds. Its premise may be easily stated, though what ensues is anything but simple. What would happen, the filmmaker posits, if he gave one of the most fearsome gangsters from the time of the massacres the technical means to make a film, to tell his story, any way he wants, about what it was like back then, and how it feels now, to have participated in the massive killing spree that launched Indonesia's 'New Order'?

The Act of Killing is the product of that invitation (though we do not know the full extent of Oppenheimer's edits and staging decisions versus those of his alternate, killer-director Anwar Congo). The images on the screen are simultaneously fascinating, frightening, bizarrely humorous, canny (reflecting Congo's grasp of film aesthetics), bewilderingly surreal, self-lacerating, and almost unbearably poignant.

In the course of the film Congo oscillates between the swaggering bravado of his youth and (real or perhaps feigned) physical and emotional suffering as the magnitude of his sins begins to dawn upon him. We learn that Congo's past acts haunt him. He cannot sleep, and when he does nightmares descend upon him—like the recurrent dream in which he sees the severed head of a victim, impulsively decapitated by Congo with a machete, whose eyes remained open, eyeing its killer from the ground where it fell. This image, it seems, is too much even for Congo. He returns obsessively to that scene, wondering at one point why he never bothered to close those vacantly staring eyes—as if so slight a gesture might have saved Congo from the suffering that has plagued him since.

In the film, he attempts a number of gambits to ease the weight of oppressive memory. They span the gamut from ludicrous to horrific. At one point, for example, Congo stages a bizarre fantasy of redemption—complete with beautiful dancing girls set against the backdrop of a majestic waterfall, in which one of his victims respectfully places an ostentatious medal around Congo's neck as he thanks Congo for bringing him to heaven. But for the greater part of the film Congo's fantasies take a much darker turn, depicting re-enactments of gruesome acts of torture and killing featuring Congo as the victim. Congo stages his own violent interrogation and death by strangulation. We also see him buried in the dirt, being fed (and gagging on) what is supposed to be his own raw liver, presumably ripped from his body, while in yet another scene we see him lying on the ground beside his own decapitated head.

It does not take much in the way of psychoanalytic speculation to discern here the return of the repressed, as if these role reversals might somehow purge from Congo's tortured mind the pain of such recurrent traumatic memories, to drain away the haunting violence that roils within him, or at least to find some semblance

of significance, to assign these recollections a name so that their meaning might be palpably grasped once and for all, perhaps as the first necessary step toward their purgation.

But if that is his goal, Congo does not visibly succeed. He remains not purged but in purgatory, on the bare threshold of insight,¹² driven by forces he can neither name nor understand. How else could he rouse from bed his two young grandchildren to watch some of the preliminary images that Oppenheimer has provided, gruesome images of grandpa, hands tied behind his back, his face bloodied, as he is being brutalized by knife-wielding interrogators? Why is Congo smiling, with his grandchildren on his knees, coddling them in his arms so close, as he says, 'See? Look at grandpa, how he's being tortured by that fat guy [...]'. What does he expect from these innocent children who seem so dear to him, that they might watch and understand his confession to them? That these young innocents (perhaps they alone, since they alone might embody the last remains of Congo's capacity for love) are still invested with the curative power, love's privilege, to forgive their grandpa for the evil he has committed? Though surely they are hardly old enough to comprehend much less forgive what they see on the screen before them. Such is Congo's confused and destitute state.

Amidst the fantasies, the mystifications, and gross self-deceptions, however, images of a reckoning of sorts also emerge. As in the film's final scene in which a physically frail, white-haired Congo returns to the rooftop where so many of his victims were tortured and killed. It is nighttime, and Congo paces the roof top in silence, pausing to gag, again and again, his body repeatedly wracked by dry heaves, from deep within. Heaving, as if to purge himself of an unnamed suffering, Congo only underscores his emptiness, for nothing comes of the act. He is already empty. Repulsed, the viewer might well think, yes, this is bare life. The purgatory in which Congo dwells cannot be dispelled. He remains in exile, a liminal creature in the grip of ghosts from his past, the victims who leave him no rest. Or so we may be led to imagine.

To be sure, there is nothing redemptive about this final scene. Justice remains far off. The perpetrators of terror are still free and remain unpunished (see Meister 2012). The victors remain in power, and many still enjoy the material rewards and even the public adulation (though most likely feigned) of their past deeds as gangsters. For his part, Anwar Congo has barely begun to articulate the full extent of his crimes, nor do we know if he ever will assume full responsibility, or seek forgiveness. No, there is nothing redemptive here, but that is not to say Oppenheimer has not achieved something remarkable, something altogether unparalleled in the history of cinema, testing its boundaries—the lines between memory and fantasy, truth and fiction, politics and spectacle.

If we acknowledge there is such a thing as the political unconscious, what I

¹² 'Maybe I sinned, Joshua?' Congo says at one point to an off-screen Oppenheimer, as if, notwithstanding the incredible insouciance of his tone, after having repeatedly replayed his acts of torture and killing, admittedly undertaken hundreds of times with innocent victims, any doubt about the matter could remain.

have been referring to as the primal scene of political violence, or law in the flesh, I would say Oppenheimer takes us uncannily close. Under the skin of Anwar Congo we glimpse the usually hidden, liminal, even taboo site of origin (and end) for sovereign states, which is also to say, the stage upon which law's beginning and end are performed and judged. In the person of Anwar Congo we witness the quintessential creature of political terror: at once the maker (as agent of state violence) and the one who (as abject subject) is made (by internalizing state violence shorn of meaning). Anwar Congo is Hamlet bereft of the cultural and psychological resources needed to become anew—to escape the intensity of his paralysis in the face of injustice. Here is a living image of law in the flesh suited to a failed political state under neo-baroque conditions: mute, heaving, destitute, empty. In short, Congo remains trapped in a perpetual state of emergency. No matter how many representational forms or visual images may be placed at his disposal the result remains the same. *Endgame*. Political and psychological catastrophe.

In baroque and neo-baroque states, laws (like all baroque representational forms) proliferate, but their formal validity cannot provide the normative significance that legitimation requires. The intensity of their endless production (and reproduction) may distract us from the emptiness at their core, but this is only a delaying tactic.¹³ Fleeting intensities may postpone but they cannot avert collapse into mute terror in the baroque process of evacuation that Walter Benjamin described as 'clean[ing] an ultimate heaven, [and] enabling it, as a vacuum, one day to destroy the world with catastrophic violence' (Benjamin 1998, 66).

'Sovereign is he who decides on the exception' (Schmitt 2005, 5). So begins Carl Schmitt's *Political Theology*. Here is an addendum. Declaring the state of exception may pinpoint the source of state power, but its true origin precedes and may yet overtake it. The zero time of the political event, the big bang—that incoherent convulsion of violence, like the body in pain—is the moment when worlds, and the symbolic representations they are made of, may or may not come into being. This is when law in the flesh trembles and asserts itself anew.

The body in pain, mutely closed in on itself, struggles to move beyond violence, beyond wordless pain, to something formative. Here is the genealogy of law in the flesh. In the moment after the big bang of political violence, longing begins. Longing to close the wound of traumatic violence, to overcome the lack of form, the refusal to signify.

To have pain is to have certainty, according to Elaine Scarry (Scarry 1985, 13). And certainty is most coveted in times of crisis, when belief in symbolic forms contracts to the vanishing point. That is when violence, as origin, comes into its own. We recognize it (from Hamlet and from Anwar Congo) as the state of emergency within.

That violence, that pain, may be 'appropriated away from the body', as Scarry

¹³ It is the same logic of diversion that generates the need for enemies of the state in order to distort, or conceal altogether our responsibility for violence by directing responsibility outward through collective fantasies of the hated Other (Žižek 1995, 1529-30).

puts it (Ibid., 13). Its certainty may be invested in a symbolic form. Violence and pain bring a feeling of realness to world making, a living vitality, out of the animation of the flesh. Law originates with these worlds. Law empowers their creation and seeks to guarantee their continuity—to the extent that the fleshly bond of fidelity to law persists.

Law quickens in the political unconscious. But longing is anterior to form, including forms of law. The expressive forms that longing inspires can never master their source. It is that inexpressible excess which we experience as a lack, to which we return in the crisis of belief, and the contraction of symbolic forms that such a crisis entails, perhaps to form's political and legal vanishing point.

Anwar Congo's story is the story of that descent into violence and its aftermath. Without love, and its chief agent, which is justice,¹⁴ to re-invest desire in the world, or in the self for that matter, nothing coheres, nothing flourishes. This is bare life, a restless stasis that will not resolve.

The flourishing of the Liberal state, and of the psyche that suits it, requires love because love is stronger than fear, stronger than death, stronger than the Hobbesian state could ever allow. Hobbes cannot go beyond fear, but fear cannot build a sustainable future. Love, on the other hand, is beholden to futurity, as it is to otherness; fear retracts from both. The legal machinery of Hobbes' *Leviathan*, in its effort to overcome the fear of death, mortifies the flesh of the law, repressing violence and desire behind a veil of rational necessity. That blow against desire paradoxically fashions political subjects in the image of the living dead, the image of their fear, as creatures who face a perpetual state of emergency under conditions of bare life.¹⁵

In confronting violence and terror, love seeks to exorcise the ghost that haunts the Hobbesian legal machine, a legal system that is valid but lacks significance. It is not enough to bind the body politic by fear. Fear may prompt obedience, even acquiescence, but it will never inspire love, or fidelity. Which is why legal validity standing alone is bound to decay, to fall back into the nothingness of bare life. That is the 'ontological vulnerability' (Santner 2011, 6) of the Liberal state devoid of flesh.

Terror provokes form and intensity, in excess, to disguise the emptiness at its core. This is the tell-tale sign of the baroque (Benjamin 1978, 286), including contemporary neo-baroque cultural and legal representations (see Sherwin 2011). Baroque social constructions stake their survival on form-as-distraction, but distraction will not hold in times of crisis. Only love willingly binds, only love will sacrifice the immediate for the future's sake.

The political challenge *par excellence* is to continually seek to renew the binding power of foundational narratives. Optimally, at least according to the aspirations of

14 For a recent exploration of this idea, see Nussbaum 2013, 15 ('[A]ll of the core emotions that sustain a decent society have their roots in, or are forms of love....[Love] is what gives respect for humanity its life').

15 The image of the living dead speaks to the accuracy of the original Egerton frontispiece from Hobbes' *Leviathan* (which appeared in the manuscript, but was abandoned in the published version) depicting the monstrous Leviathan made up of skulls that ghoulishly peer out from the regal body. (See Goodrich 2014, 119.)

liberal democratic states, this means using power to check power, for freedom's sake, for the sake of diversity in plurality, and autonomy among equals, so that conditions hospitable to love may prevail, conditions that nourish the political subject's free investment in the binding force of law so that fidelity to law, as the promise of justice, may persist. This is what it means to cast hope in the form of redemptive justice: love as fidelity to a perfectable future.

Turning away from suffering, pain, and death will avail nothing on the path to justice. Fidelity to redemptive possibility requires just the reverse, namely: the will to test the vitality of extant foundational narratives against the conditions of their birth in order to risk judgment, and the actions that judgment compels.

There is no vision, no future, in jurispathic stasis. In this sense, the Hobbesian promise of 'survival' posits a false hope. Vitality potentiates hope in the flesh as the currency of fidelity and the price of legitimation. The sovereign's two bodies, from Kingship to multitude, capture our oscillation between fear and love, power and meaning, jurispathic stasis and jurisgenerative vision, legal validity and the promise of redemptive justice. Bare life in the state of exception exposes the original condition, in all its violence and danger, from which the political event springs. To risk that knowledge, and the responsibility it generates, is to expose fidelity's true worth, and the price that must be paid for it, for ultimately, fidelity to law must be staked in blood.

Here the spirit of the law is laid bare along with the process that binds us to it. It reflects a people's collective capacity for transcendence, not to deny violence, but to acknowledge and struggle to overcome it (see Girard 1987; Santner 2005,102-3).

Under baroque and neo-baroque conditions, which coincide with the collapse of symbolization, in a time when transcendental references seem all but obsolete, reflections upon bare life and states of emergency naturally arise. They are what baroque and neo-baroque cultures are all about, symptomatically speaking.

Signification marks, even as it constitutes, our bond to the world. The body expressively projects aspects of itself into the world, animating it with meaning. But sometimes that capacity fails. We experience that want as longing. The lack in the world is the flesh echoing back to us its incapacity to signify. Fidelity to law, legitimate authority, depends on regaining the capacity to reinvest this drive (the excess immanence of desire) back into the world. This, typically, is what poets are for: to make possible by naming (or renaming) that investment or (in politico-jurisprudential terms) that investiture which gives rise to the *nomos* we live in.

Being without love is destitution, exile, worldlessness. Anwar Congo takes us there. His dry heaves at the end of *The Act of Killing* personify the effort to evacuate world loss. It avails nothing, as we see, since the means of expressive re-cathexis are lacking. This inchoate state brings Congo in touch with a tear in the fabric of being, a state prior to political and psychic order. To extrapolate from that experience, to construe it as a state of bare life writ large, is to ask: Is this the legacy of the founding terror that lies at the rotten core of Indonesian sovereignty? A warning for other states, other political subjects? An invitation to ponder what would it take for a

nation, a sovereign people, to extricate itself from perpetual terror, or the threat of its imminence?

Here, then, is the decisive moment, the compass point, just after the big bang of convulsive violence when we ask: to what network of meaning will the urge to transcend the originary lack attach? What form of meaning (if any) will it animate? How will the body in pain signify? Or will it?

There is no meaning, no future, in violence without love. Absent the bonding power of love we lack that which binds us to others, to ideas, narratives, and institutions, and, above all, to the future.

Here is law in the flesh: seething, trapped within itself, heaving, gripped by the pain of a great wound, the wound of unsignifying violence and terror. And here, too, is political ontology as symptom formation. Here is the lack, the urgent longing that sets the political unconscious in motion. Here we meet the most decisive question, the one we do not hear from Carl Schmitt, or from Heidegger for that matter. It is the ethical question *par excellence*: What will law in the flesh make of otherness: the otherness of sovereignty, the otherness of law, the otherness of the subject?

When power is homologous to the subject's will, it is perceived as efficacious. When power confronts heterogeneous subjects as an Other, it is perceived as the great master. Friend or enemy? So we ask: what is Otherness to power within sovereignty (in the language of power's exchange) and what is Otherness without (the subject's power that is either served or thwarted)?

From the King's two bodies (from the secular corporeal one, and the one that exceeds corporeal immanence, that transcends the material body) to the secular modern emergence of what Santner calls the People's two bodies, sovereignty bears the phantasmic traces of its origin: the lack, the originary trauma of violence, and the ensuing drive to heal the wound of finite being.

And so we ask, what are our cultural resources today for expressive significance, for investiture, for fidelity to law? For example, do Americans still hear its national vitality resound, say, in Walt Whitman's songs celebrating the ideal of popular sovereignty, in fraternal love for the democratic multitude? Songs like *Starting from Paumnok*, in which Whitman (1982, 179) writes:

And I will make the poems of my body and of mortality,
For I think I shall then supply myself with the poems of my soul and of
immortality,

I will make a song for these States that no one State may
Under any circumstances be subject to another State...

I will sing the song of companionship,
I will show what alone must finally compact these,
I believe these are to found their own ideal of manly love...

I will write the evangel-poem of comrades and of love...

Here is *Eros* springing forth, even from the political unconscious, seeking attachment in the multitude.

Of course *Eros* need not express itself as love. It doesn't do so in the pornographic imagination of de Sade, for example, or more recently in Lars Von Trier's film work, such as his recent *Nymphomania (Parts I & II)*. There the conflation of flesh and animal life culminates in undifferentiated materiality. This is Deleuzian immanence and the baroque logic of sensation as pantheistic animality, *Eros* as the longing to shatter the bond of form that constrains it. As in Shakespeare's *The Tempest*, when we witness the longing to dissolve, like the spirit, Ariel, into the air or, more to our purpose, like the witch Sycorax dissolving back into the earth, for that is the secret wish of the pornographic imagination.

This is Deleuze's great desire, to give up our creaturely nature by dissolving it into the pulse of the universe (Santner 2011, 136). Here is *Eros* mutating into *Thanatos*.

From the imagination comes the power to make images, to project the workings of the mind outward in a physical, active form, to actualize ideas, to conceive actions, to construct a world, a *nomos*, to which we are bonded. We encounter this in the Elizabethan staging of power and sovereignty, against the backdrop of violent usurpation, in baroque masques that perform the will of the King, mirroring his mind. As Stephen Orgel puts it: 'Imagination here is real power: to rule, to control and order the world, to subdue other men' (Orgel 1975, 47).

Power to order the world—but on what basis, and to what end? Is it the absolutizing force of fear, as in Hobbes' *Leviathan*? The sado-masochistic imagination of terror, as in the obscene violence (see Oppenheimer and Uwemedimo 2012) of Suharto's and Anwar Congo's Indonesia? Or is it the spirit of popular sovereignty, as in Whitman's *Eros* of companionship and the heterogeneous yet equal freedom of the multitude?

What Oppenheimer has left us with is a genealogy of the political unconscious. Reliving Anwar Congo's fantasies and terrors, identifying with the heaving body in pain, we revert to the state of exception. Here is the perennial origin point for all political creation: law in the flesh, when one regime comes to an end, and another one rises. This is the time when the flesh of the law, in its uncanny excess, is poised to project its vitality into some symbolic representation. This is the time of world making, or not, if like Daniel Paul Schreber or Anwar Congo, love is withdrawn from the world.

If there is to be a world, there must be a symbolic form to constitute and contain it. A political narrative must follow forth, but a narrative that will always bear the mark of its traumatic birth, the unutterable lack that drives and animates it. As Martha Nussbaum suggests, the emotions that shape and inform that narrative will also constitute its nature.¹⁶

¹⁶ See Nussbaum 2013 (though, in the end, her modernist, neo-Kantian mindset, in alliance with abstract Rawlsian principles, may outstrip her grasp of law in the flesh, with its unpredictable danger, manifest in the excess desire of bare life in the state of exception).

Will it be the Hobbesian fear of death? The gangster's disgust for the Other? Whitman's fraternal love for the multitude? Nussbaum's aspiration to justice as love's agent? We do not know. But regardless of the social and political meaning it contains, there is one bond, the strongest of all social and political forces upon which meaning can rely, and that is the bond of love. As Giambattista Vico wrote: 'The soul of man must be enticed by corporeal images and impelled to love, for once it loves it is easily taught to believe. Once it believes and loves, the fire of passion must be infused into it so as to break its inertia and force it to will' (Vico 1990, 38). To will that the conditions of civility be preserved, not just peace, but the capacity to flourish, which is to say, to will the conditions necessary for meaningful freedom we willingly submit to the bondage of love, the love that binds us to what is other (while preserving it), an act that in thus limiting our power constitutes a world, a multitude, and a future.

Eros is the name we give to the creative force out of which political worlds are made, from bare life, out of the political unconscious known as the flesh of the law. Political states begin in an excess of desire, an explosion of violence and death. For what is desire if not the unthinking impulse to fill the non-signifying void of mortality?

Is it our denial of that stark reality that causes 'a sacred veil' to be drawn over the beginnings of all governments (Strauss 1965, 310), from Rawls's veil of ignorance, with which he seeks to neutralize (or perhaps 'neuter') liberal theory, to the anti-rhetorical veil of 'rational choice' with which Hobbes seeks to hide the binding force of desire? No matter. Law in the flesh will tear away that veil when the tension of restless desire reaches its limit.

Then the play becomes the thing, compelling judgment and action, forcing the ultimate political question: what counter-factual reality must we animate now to dispel restless stasis and realize the future we desire? Thus does the prospect of redemptive justice, in love's name, continue to haunt the legal and political imagination.

Epilogue: but will love triumph over catastrophe?

Terror has no future, only perhaps an intensified now. But what constitutes that 'now'? The right of enjoyment (and what is that if not a milder form of the will to power aspiring to the same forever)? The right of orthodoxy (and what is that if not the positing of a timeless now that dissolves temporality itself in the form of some supreme metaphysical principle)? Or might it be understood in terms of love, as an aspirational ideal, as our commitment to a future on loan from our children (Dupuy 2013, 62)? These possibilities, among others to be sure, constitute what might be described as the post-secular condition of contemporary neo-baroque politics and law (see Lupton 2000, 23; Santner 2005, 133; Sherwin 2011).

Global catastrophe, the likes of which we have never known before, manifest in the spiraling danger of climate change, may force our hand in this matter (see Latour 2013a; Dupuy 2013, 18, 47). Decisions must be made. Do we choose the immediacy

of survival now, at all costs, even at the cost of futurity? That is the state of emergency in which we live today.

Merleau-Ponty, an early explorer in the realm of the flesh, called flesh an element of Being: ‘not matter, not mind, not substance’ but a ‘general manner of being’ (Merleau-Ponty 1968, 139). He attributed to the flesh that which ‘makes the facts have meaning’ (Ibid., 140). In the flesh we are ‘caught up’ with other beings, in an *experience* of ‘co-radiance’, the visible relating to itself (‘animating other bodies as well as my own’).

This kind of experiential approach, so brilliantly practiced by the great pragmatist William James, is far from exhausted. To the contrary, it is precisely what is needed to animate and ground anew the different ontologies that may be linked to disparate political and jurisprudential values (see Latour 2013b). Likewise, exploring Merleau-Ponty’s notion of ‘cohesion without concept’ may prove to be of particular worth in addressing the challenge of law’s binding power as it emerges from the state of exception. Standing alone, disembodied conceptual ideals, descriptive categories and typologies, and the cramped behavioral models used to configure rational choice, cannot adequately capture the way political beliefs are formed and sustained (or fail) in practice. In this respect, experience, desire and affect have yet to be adequately tapped as resources for understanding fidelity to law in the legitimation process. It is here that we encounter the original ground of wild meaning—the conditions under which political meaning is born anew (as ‘an expression of experience by experience’ (Ibid., 155)).

The pulse of the flesh may be taken in the emanations of political and legal perturbation—protests, occupations, signs in popular culture of shared anxiety or shame or anger. These signs point to something deeper, something that the state of emergency exposes: bare life. Here we glimpse the conditions that constitute sovereign power, and the significance we assign to it. Agamben refers to our affirmation of that significance as ‘acclamation’, though he acknowledges the extent to which public acts of assent (in apparent fidelity to law) may be subject to manipulation, particularly in the hands of those who control the operation of mass media,¹⁷ or outright coercion, as occurred under Suharto in Indonesia (and continues to occur in authoritarian states around the world).

Yet, if Merleau-Ponty’s insight into the nature of flesh as a manner of being in the world is right, its authentic co-radiance with other beings will signify actual states of affairs, prompting some to utter (as the ghost of Hamlet’s father prompted Hamlet to say): ‘This bodes some strange eruption to our state’ (I.i.69). Or as Otto Gierke expressed it: ‘The undying spirit of [Natural] Law can never be extinguished. If it is denied entry into the body of positive law, it flutters about the room like a ghost’ (Gierke 1957, 226).

If contemporary neo-baroque cultural conditions implicate post-secular possibilities, we will need new interpretive and critical methods and new

17 In 1940, the German Minister of Propaganda, Joseph Goebbels, stated: ‘We must give film a task and a mission in order that we may use it to conquer the world’ (Rentschler 1996, 215).

interdisciplinary alliances to explore their meaning and their scope in regard to contemporary politics and law. Phenomenology, psycho-theology, political theology, visual jurisprudence—these are just some of the emerging categories (or perhaps re-emergent fields) that present themselves to us for further consideration.

The founding moment of political and legal investiture haunts the baroque and neo-baroque mind, from *Hamlet* to *The Act of Killing*. In the former, Prince Hamlet finds the resources to decide, and to act, in the face of injustice; in so doing he precipitates a transformative political event that renews the rightful basis for state legitimacy. In *The Act of Killing*, by contrast, restless stasis remains unaltered from beginning to end. It is a state of affairs well suited to neo-baroque conditions—a time of distracted paralysis, when the availability of the cultural and psychological resources needed to go beyond terror and its purgatorial aftermath remains uncertain.

The massive cleanup operation of liberal theory will continue to falter, and will ultimately collapse under the weight of law in the flesh in the state of exception, unless it is shored up with new methods of assessment along with new sources of experience. What is rotten in the heart of the state will not go away. It is invulnerable to the sword (*Hamlet* I.i.144-146). But it may yield its secrets to a braver mindfulness.

Absent such a re-invigorated interpretive approach, informed by the epistemology of flesh and the ontology of collective political life, the reflective practice of assessment and prescription cannot productively proceed. It is difficult to say how we will fare under current neo- (or digital) baroque conditions. But what remains certain is that political and legal perturbations will continue; the flesh will tremble anew. Wild meanings will shake the status quo: more signs of the ghost in law's machine.

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