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ANTINOMIAN FLESH

Usually associated with the category of law, *nomos* has been interpreted in many ways. Interpretations have ranged from a sociological theory for the general production of human meaning to a political-judicial category with etymological roots in ancient Greek conceptions of political community and economy. However understood, the concept has to do with the creation of order out of disorder. *Nomos* is a process of measuring, dividing, and arranging land and the living. Theories of *nomos* have traditionally focused on its relation to formations of language, religion, law, politics, and economy. Tracing the work of continental theorists such as Arendt, Schmitt, Lazzarato, and Foucault, the modern “*nomos of the earth*” signifies a measuring device for political and economic distributions of land and life within a market capitalist world society. While these theories powerfully foreground the relationship between modern configurations of politics, economy, and a power over life, they remain tied to Eurocentric frameworks that have failed to adequately account for the colonial, racial, and gendered aspects of modern *nomos*. Reading the concept through the work of Sylvia Wynter and Hortense Spillers, I suggest that any modern “*nomos of the earth*” must also be understood as a “*nomos of being human*” through which “*Man*,” Wynter’s term for the West’s mono-humanist figure of a singularly authentic mode of human life, measures and divides human flesh into qualified human bodies and disposable objects of use and consumption. By locating the threshold of the modern *nomos of being human* in the *dispositif* of racial slavery, the living potential of the flesh is conjured not only as that which provides modern *nomos* its primary target but also as the site in which new forms of life strive for actualization through the flesh’s living contingency. Both before *nomos* and therefore its condition of enactment, the flesh is theorized as the *antinomian* material undercurrent of living resistance that adheres in every apparatus of capture.

While the flesh is connected to a materialist framework of resistance, the language of antinomianism has historically been linked to the Christian theological opposition between the spirit and the flesh through the writings attributed to St. Paul. By privileging the spirit as that which transcends law and makes possible an escape out of the material prison of the flesh, Christian antinomianism has been a significant driver of anti-Jewish, anti-Semitic, and colonial violence through its bolstering of a Christian supremacism rooted in appeals to the body-transcending truth and universality of Christian revelation. In this essay, an alternative passage for antinomianism is theorized by going through the Pauline notion of “calling” (*klêsis*) towards a “poetics of the flesh” that moves in generative resistance to *nomos*’ violent order. Foregrounding the enfleshed poetics of blackness within and against the American *nomos* of antiblackness, an antinomian flesh appears as the possibility of otherwise worlds of connection and love.

*Nomos*

In *The Sacred Canopy: Elements of a Sociological Theory of Religion*, sociologist Peter Berger elaborates nomos as “a meaningful order ... imposed upon the discrete experiences and meanings of individuals.” Language itself is the foundational form of “nominizing” activity as it imposes a given system of distinctions that give meaning and stability to an otherwise chaotic environment. Nomos is that which places “differentiation and structure upon the ongoing flux of experience,” allowing for the possibility of saying “this” and not “that.”<sup>1</sup> On this foundation, an ordered cosmos of meaning and knowledge is created and expanded so as to capture and account for ever broader areas of activity. “Nomos and cosmos appear to be co-extensive,” Berger notes, “whatever the historical variations, the tendency is for the meanings of the humanly constructed order to be projected into the universe as such.”<sup>2</sup>

Religion plays a particularly important role for the production of nomos. Stories of cosmic transcendence, of Gods and other “extra-human” agents of determination,<sup>3</sup> are the wellspring of nomos as they provide powerful mechanisms of creating an order that is taken for granted because assumed as divinely given. Niklas Luhmann’s systems theoretical account of religion as the social sub-system that produces perspectives of immanence from the point of transcendence gets at this religious nomos. Religion is a powerful social system able “to transfer infinite burdens of information into finite ones,”<sup>4</sup> providing a “contingency formula” that allows for the indeterminacy of an ultimately unobservable universe to be made determinate and observable. Origin stories and salvation myths ground societies in a nomos of social reproduction and predictability, providing a powerful and stabilizing mechanism to absorb environmental “perturbations” into the social system’s normative order. In its production of transcendent order, the religious system enacts social theodicies that are built on a distinction between the social system and its (self-referential) outside environment that poses a threat to the health and stability of the community and therefore must be managed and controlled. Religious distinctions between ultimate good and evil, for example, provide powerful codes for the social system’s identification of outsiders that pose potential threats to its form of life. As Berger describes, every social system produces its own self-referential environment of “chaos” against which it articulates and justifies its identity: “nomos is an edifice erected in the face of the potent and alien force of chaos. This chaos must be kept at bay at all cost.”<sup>5</sup> In producing the distinction between nomos and the indeterminate chaos that must be kept at bay, religion functions to secure the specific form of life and its grounding stories and myths against any other that would threaten their coherence.

If nomos signifies a general social and religious order of communal identity and meaningful codes of life and death rooted in language and religion, it also names the formal materialization of this order through law and politics. In its original Greek meaning derived from *neimen* (“to distribute”), nomos is the constitutional force of communal spatialization at the origin of the city-state. Just as language and religion impose differentiation and structure upon the “flux of experience,” nomos imposes

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<sup>1</sup> Peter Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion* (New York: Anchor, 1990), 19.

<sup>2</sup> *Ibid.*, 25.

<sup>3</sup> Wynter, “Unsettling the Coloniality of Being,” 273.

<sup>4</sup> Niklas Luhmann, *A Systems theory of Religion* (Stanford: Stanford University Press 2013), 105.

<sup>5</sup> Berger, *Sacred Canopy*, 24.

division and order on the earth and life itself.<sup>6</sup> The appropriation of land as territory and resource is the original act that makes this possible. In Emile Benveniste's classic study of Indo-European languages, he locates the ancient Greek meaning of *nomos* as referring to "pasture land which has been shared out according to customary law ... The meaning of *nomós* 'the law' goes back to 'legal apportionment.'" <sup>7</sup> In *The Nomos of the Earth*, Carl Schmitt describes *nomos* as "the first measure of all subsequent measure ... the first-land appropriation understood as the first partition and classification of space ... the primeval division and distribution."<sup>8</sup> As the measure by which land is cut up across political, social, and religious spheres, *nomos* is the "immediate form in which the political and social order of a people becomes spatially visible."<sup>9</sup> Working within this same etymology and genealogy in her discussion of the distinction between public and private realms in *The Human Condition*, Hannah Arendt frames *nomos* around the relationships between order, distribution, and dwelling. *Nomos* is a kind of originary boundary line that separates the public sphere from the private, political life (*bios politikos*) from the economic life of the household. Arendt points out that in ancient Greece, this boundary line was conceived as the literal space between dwellings that upheld the distinctions of public/private and political/economic through spatial order. In contrast to certain modern understandings of the term that equate it with positive law, *nomos* was neither legislation nor a legal catalogue of prohibitions; it was "quite literally a wall, without which there might have been an agglomeration of houses, a town (*atsy*), but not a city, a political community."<sup>10</sup> Here we find a general law – a "law of law" – of constitutional spatial division that makes possible a political identity standing above the economic sphere of biological necessity. Both realms are conditions of the city, of the political community, but must be separated in their specific functions. As the spatial threshold that holds the two sides together, *nomos* produces a wedge down the middle of life, bifurcating it into the politically qualified versus the merely living ("bios" vs. "zoe," or "political life" vs. "bare life" in Giorgio Agamben's famous formulation). For Arendt, it is the former that is the mark of human life in distinction from all other living beings. *Bios* extracts out of "mere" life a coherent story, giving measure and meaning to what otherwise would simply be part of the undifferentiated sphere of natural phenomena. It is this extraction that is the condition of the political community, marking its paradoxical unity of distinction that marks the threshold of the political's inclusions and exclusions: "this wall-like law was sacred, but only the inclosure was political. Without it a public realm could no more exist than a piece of property without a fence to hedge it in; the one harbored and inclosed political life as the other sheltered and protected the biological life process of the family."<sup>11</sup>

While Schmitt and Arendt prioritize *nomos*' relation to life, land, and political constitution, for others it is precisely the privileging of economy that has shaped the *nomos* of late modernity. Following Schmitt but

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<sup>6</sup> *Nomos* originally derives "from *nemein*, which means to distribute, to possess (what has been distributed), and to dwell." Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), 64 n. 62

<sup>7</sup> Emile Benveniste, *Indo-European Language and Society* (Miami: University of Miami Press, 1973), 69.

<sup>8</sup> Carl Schmitt, *Nomos of the Earth: in the International Law of the Jus Publicum Euroaeum* (New York: Telos Press, 2003), 68.

<sup>9</sup> *Ibid.*, 70.

<sup>10</sup> Arendt, *Human condition*, 64.

<sup>11</sup> *Ibid.*, 64.

through a Marxist lens, Maurizio Lazzarato reads *nomos* within a capitalist and neoliberal framework and defines it as a process of economic capture, division, and production. “The three concepts of *nomos*,” as he puts it, “are contained in and encompassed by what is called economy, the sphere of differentiation which one would prefer remain distinct from politics.”<sup>12</sup> It is primitive accumulation, or appropriation as an economic act, Lazzarato argues, that defines *nomos*’ original conditions for ownership and law: “what is acquired through conquest, discovery, and appropriation must be measured, counted, and divided.”<sup>13</sup> Whereas in the pre-modern period this was undertaken as “plunder” and land appropriation, modernity’s economic *nomos* has consisted of “industry appropriation” and is undertaken on a global scale that substitutes the authority of global economy for the old land-based national sovereignties.<sup>14</sup> Schmitt knew this well in his own reactionary way, lamentably characterizing the modern “*nomos* of the earth” as the “non-state sphere of economy permeating everything: a *global* economy.”<sup>15</sup> For Schmitt, the global fall into economism and liberal “rule of law” neutralizing the power of the sovereign decision had meant the collapse of the European cosmopolitan and colonial order of relative peace held together around legitimate political conflict into a free-for-all of competing global class interests. Without a *nomos* organized around political legitimacy and the power balance of equally sovereign state entities, the global economic blurring of nation-state boundaries led to a situation where “reversions to civil war” are always right there below the surface of liberal and democratic discourse.<sup>16</sup> It is this neoliberal nomic eclipse of the political by the economic that has been the defining feature of the late modern capitalist world order.

*Nomos, Autopoiesis, and Biopolitical Modernity*

Michel Foucault’s genealogy of biopolitics in the lectures collected under the titles *Security, Territory, Population* and *The Birth of Biopolitics* illuminates this modern *nomos* of neoliberal political-economy as deeply tied to the emergence of a “governmentality” that has eclipsed the old order of medieval sovereignty. As Foucault is commonly interpreted, governmentality seeks to substitute the market and “the norm” (as social regulation) for the paradigm of sovereignty as the “legal command.” In contrast to sovereignty, governmentality operates not primarily around the law as an arbiter of justice but through political economy where the market and its natural production of order exemplifies the site of truth for all governmental practice. It is the market’s “role of veridiction that will command, dictate, and prescribe the jurisdictional mechanisms, or absence of such mechanisms, on which [the market] must be articulated.”<sup>17</sup> While this substitution of market for law is often posed in terms of Foucault’s focus on norms at the exclusion of attention to positive law, Miguel Vatter argues that Foucault’s genealogy should actually be read in terms of a recovery of the category of *nomos* that holds together the two sides in a

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<sup>12</sup> Maurizio Lazzarato, *Governing by Debt* (South Pasadena: Semiotext(e), 2013), 48.

<sup>13</sup> *Ibid.*, 48.

<sup>14</sup> *Ibid.*, 49.

<sup>15</sup> Schmitt, *Nomos of the Earth*, 235.

<sup>16</sup> Schmitt, *Nomos of the Earth*, 246; also see Liane Tanguay, “Governmentality in Crisis: Debt and the Illusion of Liberalism” *symplokē*, Vol. 23, No. 1-2, *Posthumanisms* (2015).

<sup>17</sup> Michel Foucault, *Birth of Biopolitics, Lectures at the College de France, 1978-1979* (New York: Picador, 2010), 32 (brackets in text).

kind of productive tension.<sup>18</sup> Vatter's reading of biopolitical and neoliberal nomos is one that "integrates the sphere of law into the sphere of order" as the basis of a biopolitics that targets the body (individual and collective) as a living organism by imposing a normative order upon it meant to control and harness it, or, in Foucauldian terms, "make it live." Foucault, drawing on Canguilhem, defines the norm within this frame as the form of social regulation and distribution conceived precisely around the terms of biological normativity, which is to say, in reference to biological systems theorists Maturana and Varela's term for self-regulating and reproducing organisms, an *autopoietically* regulated distinction between the normal and the pathological.<sup>19</sup> The neoliberal nomos gathers law, order, and life under this autopoietic distinction, framing it in terms of an internally regulated body of norms. The norm, Foucault writes, seeks "an ordered maximization of collective and individual forces,"<sup>20</sup> amounting to a "biologization of the law," or the "modeling of law onto the internal normativity of [autopoietic] life, which gives rise to the phenomenon of a 'civil society' that appears 'self-regulated' and thus endowed with a 'nature' of its own."<sup>21</sup> In this way, the neoliberal nomos is consistent with its original meaning of appropriation and spatialization, but with a biological and autopoietic inflection of natural and self-regulating order rooted in the appropriation of life itself toward a normative order. Here, the (neo)liberal "rule of law" is not so much about prohibition or even legislation, but rather providing an ordered economic space (i.e. the market) in which life as autopoietic normalization can be placed. "Neoliberalism," Vatter writes, "is impossible without this creative reappropriation of the idea of *nomos* or substantive 'normative order.'"<sup>22</sup>

*The Nomos of Being Human: Body and Flesh*

The above descriptions of nomos encapsulate general sociological, political, economic, and legal structures of order, distribution, governance, and normativity. They also show how the genealogies of biopolitics and neoliberalism are linked indelibly to the questions of nomos' relation to the political bifurcation and harnessing of the living. While these interpretations provide a productive set of concepts around the modern entanglements of life, language, politics, economy, and law, what is missing is a conception of nomos that is able to account for the specifically racial, gendered, and colonial aspects of modernity and what Sylvia Wynter calls the overdetermination of the west's "monohumanist" conception of human being. By ignoring or avoiding the colonial framework of modernity's racial and gendered mechanisms of measurement and spatialization — one that makes the modern "nomos of the earth" quintessentially an order held together around the colonizer/colonized distinction — traditional readings of nomos remain essentially tied to a Eurocentric framework that obscures how the modern global appropriation and division of land, life, and economy rests on the deeper Christian and colonial invention of a universal figure of human being. Following Wynter and her vast explorations of "Man," human social orders always rest upon a specific "descriptive statement" and concomitant "imperative of human experience"<sup>23</sup> that

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<sup>18</sup> Miguel Vatter, *The Republic of the Living: Biopolitics and the Critique of Civil Society* (New York: Fordham University Press, 2014), 200.

<sup>19</sup> *Ibid.*, 198.

<sup>20</sup> Michel Foucault, Vol. 1 (New York: Vintage, 1990), 24-25.

<sup>21</sup> Vatter, *Republic of the Living*, 206.

<sup>22</sup> *Ibid.*, 213.

<sup>23</sup> Wynter, "Towards the Sociogenic Principle," 31.

grounds nomos in a particular knowledge and praxis of being human informing broader political, economic, and legal measures and distributions.

By “descriptive statement,” which she gets from Gregory Bateson, Wynter is alluding to a systems theoretical framework in which the concept of autopoiesis, which we encountered above in Vatter’s understanding of neoliberal nomos, frames her understanding of the evolutionary emergence of diverse forms of life, of which human forms are referred to as “genres of being human.” Since their evolutionary emergence during the upper-paleolithic period, complex human societies, or social systems, have spread out over the earth and manifested in highly diverse forms of these autopoietic descriptive statements. Drawing from Franz Fanon’s phenomenological observation that “alongside phylogeny and ontogeny there is also sociogeny,” Wynter identifies a “sociogenic principle” that foregrounds the governing force that society and culture have on the development and enforcement of human consciousness and behavior.<sup>24</sup> She describes the force of sociogeny as “law-like,” but it could also very well be described as nomos. Through cosmic stories of origin and meaning, human beings experience their self-referential and recursive social and cultural orders *as if* they were of the same determinative power as biological and evolutionary laws of autopoietic organization. Human beings are born into a certain social world that, as far as their experience goes, simply *is* the world and therefore must be reproduced according to the nomic distinctions and boundaries that present themselves as transcendently given. What Wynter’s exploration of human autopoiesis and sociogeny makes clear, in distinction from much of the theories of nomos outlined above, is that any modern “nomos of the earth” must also be understood as a “nomos of being human.” In her account of the colonial, racial, and capitalist production of the figure of the human in western modernity, she shows that “being human” is produced by and cannot be separated from its entanglement with various power-knowledges of religion, politics, economics, and juridical forms. To be human, or rather, to be *made* human, is to be imbricated within a particular system of power that produces the human as an object of nomos.

Tracing Wynter’s genealogy of Man, the modern western nomos of being human is assembled in three historical movements correlating to three successive power-knowledges of the human. First, by way of western European Christianity’s foundational universalization of itself as the one true religious identity vis a vis all other “pagan” or “idolatrous” faiths; second, through the European humanist revolution spanning the 15<sup>th</sup> through 18<sup>th</sup> centuries that posited a single rational human subject whose universal authenticity was reflected in the political order of a Christendom-*cum*-secular Europe and its colonial territories; and third, through the late 18<sup>th</sup> and 19<sup>th</sup> century revolutions in the biological sciences and economics that produced a fully “biocentric” and biopolitical understanding of the human and its evolution-produced racial hierarchy managed and ordered by the immutable laws of the liberal and neoliberal market economy. What happens in Man’s tripartite ascendancy to its self-created throne of colonial sovereignty over the “discovered” worlds of

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<sup>24</sup> Franz Fanon, *Black Skin White Masks* (New York: Grove Press, 2008), xv; Sylvia Wynter, “Towards the Sociogenic Principle: Fanon, Identity, the Puzzle of Conscious Experience, and What it is like to be ‘Black’” in *National Identities and Socio-political Changes in Latin America*, Ed. Mercedes F. Durán-Cogan and Antonio Gómez-Moriana. (New York: Routledge, 2001).

west Africa and the Americas is that the multiplicity of genres of being human that populate the earth are violently spatialized around and subsumed into a single descriptive statement based on a universally normative rational, political, economic, and biological human existence. Through this overdetermination, the colonial relation between white European Christians and their subordinated others was naturalized into a global racial nomos of being human measuring out and distributing the species into fully human, not quite human, and non-human.<sup>25</sup>

The descriptive statements of this racial order were developed within the ongoing history of colonial modernity's projects of exploration, conquest, and domination. European Man's insatiable appetite for territory, both real and psychological, and its self-appointed right of appropriation and domination are natural outgrowths of its claims of Christian universality. If the earth and everything in it has been made to the measure of European Christianity, and if there is a single figure of authentic humanity that is realized in European Man, then the modern nomos of being human is fully organized around the fantasy of Man's divinely sanctioned sovereignty over the earth and all forms of life within it.

Such a fantasy is most intensely worked out and performed within modernity's most primal colonial and biopolitical *dispositif*: racial slavery. Generally ignored or relegated to a secondary history in biopolitical thought, the order of racial slavery functions as a "measure of all measure" for colonial Man and its nomos. Emerging as a profoundly productive world-making institution spanning multiple spheres, racial slavery provides modern Man a unified constellation of wealth production and trade, cultural and religious discourses, and a biopolitical imagination foregrounding the fact that Man's story of a singularly authentic human being and its global order rests on a brutal and paradoxical founding distinction between the biological life of the slave and the human life of Man in all of his cultural, economic, legal, and political qualifications. The production of the slave as bare life is both an operation of Man's identity constitution and one of control and exploitation. Man-as-the-human also produces the non-human, and the outside is always already on the inside. While Agamben's biopolitical formulation of the included exclusion of bare life has provided a key theoretical platform from which to conceive the west's regime of political sovereignty, it has failed to see the site of racial slavery as a crucial model of the "biopolitical nomos" of modernity and therefore has obscured how the modern racial nomos of being human rests as the touchstone of the global order of western politics and economy.<sup>26</sup> Discussing the traditional erasure of racial slavery from genealogies of modern biopolitics, usually through the foregrounding of the Holocaust as the key threshold of bare life's "zone of indistinction," which is a zone ostensibly bereft of racial signifiers, Alexander Weheliye writes,

racial slavery, by virtue of spanning a much greater historical period than the Shoah, and, more importantly, by not seeming as great an abnormality both in its historical context and in the way it is retroactively narrativized, reveals the manifold modes in which extreme brutality and directed killing frequently and peacefully coexist with other forms of coercion and noncoercion within the scope of the normal juridico-political order. This is what invents the homo sacer as homo sacer, for bare life must be measured

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<sup>25</sup> Alexander Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham: Duke University Press, 2014), 24.

<sup>26</sup> Weheliye, *Habeas Viscus*, 38.

against something, otherwise it just appears as life; life stripped of its bareness, as it were."<sup>27</sup>

The measurement of bare life against the fully human life represented paradigmatically in the white male slave owner provided the formal poles of a racial nomos of being human that was neither remarkable nor scandalous in its own context. The slave was simply not conceived as a human being and therefore could neither lose its humanity nor ascend to its representational position. Its existence was coded only as a living and yet disposable object that could be used and discarded without any obligation to a qualified humanity.

In her seminal essay, "Mamas Baby, Papas Maybe: An American Grammar Book," Hortense Spillers describes the symbolic racial order of New World slavery built on the deracination of African human beings through their "thingification" into a "being for the captor."<sup>28</sup> In contrast to Agamben's analysis, which tends toward an ahistorical, disembodied, and deracialized figure of the homo sacer through the ancient Greco-Roman distinction between *zoe* and *bios*, Spillers' distinction between the flesh and the body serves a more precise and historically grounded analysis of Man's racial and gendered production of qualified humanity. One aspect of Spiller's conceptualization of the flesh that is so illuminating, and one that provides a critical intervention into the genealogy of western nomos, is how the modern biopolitical bifurcation of life into qualified humanity and disposable living flesh happens not so much around the abstractions of ahistoricized etymologies or discourses of legality and politics, but on the material foundations of racial slavery in the New World. Within the middle passage and the plantation, two entirely normative sites of the *longue durée* of colonial modernity, Spillers theorizes the flesh as that antecedent element upon which bodies are produced as the referent of modern "personhood." A body is a self-possessed legal, political, gendered, and economic unit that can be measured, counted, represented and fit into various categories of identity. Bodies find their coherence by marking a (self-referential) distinction against the flesh, which, for Spillers, is not a biological category inherent in living beings, but rather a kind of social and material threshold (the "zero degree of social conceptualization") *emerging* through the violence enacted against the living by nomos.

Within this framework, gender marks a particularly important site for the flesh/body distinction. While gender norms and other markers of normativity are a crucial part of Man's nomos of being human, they remain bodily categories available to those qualified to exist in a transcendent relation to the flesh, however minimally this means for certain bodies. In colonial modernity, it is the racialization of the slave that marks the real and precise threshold between body and flesh, gender and sex. As Spillers argues, the socio-political order of the New World is founded on "high crimes against the flesh," enacting a "*theft of the body*—a willful and violent ... severing of the captive body from its motive will, its active desire. Under these conditions, we lose at least *gender difference in the outcome*, and the female body and the male body become a territory of cultural and political maneuver, not at all gender-related, gender-specific."<sup>29</sup> In this theft, the flesh is brutally conjured and appropriated through the "calculated work of iron, whips, chains, knives, the canine patrol, the bullet," creating a "distance between ... a cultural *vestibularity* and the culture, whose state

<sup>27</sup> Ibid., 37.

<sup>28</sup> Hortense Spillers, "Mama's Baby, Papa's Maybe: An American Grammar Book" *Diacritics* Vol. 17 no. 2 (1987), 67; "thingification" is Aime Cesaire's term from *Discourse on Colonialism* (New York: Monthly Review, 2000), 42.

<sup>29</sup> Spillers, "Mamas Baby," 67.



apparatuses, including judges, attorneys, 'owners,' overseers,' and 'men of God,' apparently colludes with a protocol of 'search and destroy.'"<sup>30</sup> What remains after this violent bifurcation of flesh and body is a life reduced to sheer *use*; the living object of the slave becomes a source of sensual pleasure as its racial status as "black body" signifies the sheer availability of its flesh to the master without the need for consent. In the middle passage, gendered African bodies, informed by entirely different sociogenic genres of being human from the one they were being violently thrust into, are transformed into sheer male or female flesh, flattening out or outright annihilating the gendered distinctions that give these anatomical sexual differences cultural meaning and sociogenic "symbolic integrity." As Spillers describes, the gendered African female body is stolen and thrust into an ungendered status of "unprotected female flesh" excluded from the "female body in western culture."<sup>31</sup> While this egregiously violent ungendering within the context of American slavery does not mean that "gender" is a descriptive category totally denied to black people, the operation of ungendering African human beings into sheer flesh remains a constitutive aspect of Man's regime of racial domination. This is born out, for example, in the remarkably mobile and fungible categorizations of black genders and sexualities that do not fit into Man's normative gender configurations. As Weheliye describes, "black people appear as either nonhuman or magically hyperhuman within the universe of Man, black subjects are imbued with either a surplus (hyperfemininity or hypermasculinity) of gender and sexuality or a complete lack thereof (desexualization)." Black flesh is that which is at the same time violently banned from the identity-culture-genre of Man's range of bodily identities while providing its key constitutional outside, without which there is no inside. This logic of this included exclusion permeates all spheres of Man's operations. Flesh is the unity of distinction, the "ether that holds together the world of Man."<sup>32</sup>

#### *The Resistance of the Flesh*

If Man's sociogenic distinction of body/flesh produces a nomos of real master-slave relations, there is also always a contingency escaping its enforcement. Man produces the slave as flesh, but Man's control does not exhaust the possibility adhering within it. Power, following Foucault, is "blind and weak," and the "grounding force" that makes possible modes of domination is not found on the side of the system but rather on the antecedent side of its target.<sup>33</sup> The flesh not only grounds the brutal operations of Man's desire for universality and total mastery, it also names the site in which new and unthought forms of life strive for actualization through the flesh's "motive will" as resistance against that which targets and acquires it. As the "zero degree of social conceptualization," the flesh is interpolated as living possibility itself. Man obtains and harnesses this possibility by producing power-knowledges that both feed off the flesh while policing and preventing it from escaping its governance. To these ends, legal, political, economic, and religious *dispositifs* operate around the maintenance of the distinction between Man's own human body and the flesh of the slave.

This brutal enforcement, however, poses a point of danger to Man, as the flesh remains an aleatory counter-force that can never be totally controlled precisely because if this were the case it would eliminate its

<sup>30</sup> Ibid.

<sup>31</sup> Ibid., 68.

<sup>32</sup> Weheliye, *Habeas Viscus*, 40.

<sup>33</sup> Maurizio Lazzarato, "From Biopower to Biopolitics," *Pli 13* (2002), 104.

living potential for production. As in the neoliberal logic of the market creating the space in which “normative life” can be harnessed and set loose toward a productive end, the life of the slave, as the original and baseline object of productive life totally subsumed into economy and thus stripped of all political qualifications, must be given at least minimal conditions of movement, rest, nourishment, and contact with others. This is an important insight for pinpointing Man’s biopolitical nomos in terms of its relation to economic production. Despite the undeniable necropolitics of the plantation, one could say that the slave was *firstly* not within a power relation of “making die and letting live,” to use Foucault’s terminology for political-juridical sovereign power, but rather a biopolitical one of “making live and letting die.” In other words, unlike the classic biopolitical examples of genocide, in which killing the “impure threat” was the first objective, the slave was not something that the slave master had a vested interest in killing, even though this was so often the outcome and even though the sovereignty of the master did hinge upon his “right to kill.” As Saidiya Hartman describes in *Lose Your Mother*,

impossible to fathom was that [all the death within Atlantic slavery] had been incidental to the acquisition of profit and to the rise of capitalism. Today we might describe it as collateral damage. The unavoidable losses created in pursuit of the greater objective. Death wasn’t the goal of its own but just a by-product of commerce, which has had the lasting effect of making negligible all the millions of lives lost. Incidental death occurs when life has no normative value, when no humans are involved, when the population is, in effect, seen as already dead. Unlike the concentration camp, the gulag, and the killing field, which had as their intended end the extermination of a population, the Atlantic trade created millions of corpses, but as a corollary to the making of commodities.<sup>34</sup>

If the death of slave bodies is simply a by-product of economic commerce, it is the flesh that signifies the general and desired substrate that the master really is after and against which individual slave bodies are measured and calculated. The economic nomos of racial capitalism is firstly invested in harnessing and making productive the biopower of an abstracted and general sphere of living potential that is racialized (and therefore measurable and distributable within a racial hierarchy of being) through its application to particular bodies. This is where the flesh marks a threshold or liminal space between death and living potential, between absolute abjection and an always present opening toward an unrealized possibility. Because the flesh always eludes absolute and total control, there is always a living remainder. While Man pathologizes this remainder as a threat, Weheliye notes that “Spiller’s conceptualization of flesh shines a spotlight on slavery’s alternate passages to the formation of bare life. In other words, the flesh is not an abject zone of exclusion that culminates in death but an alternative instantiation of humanity that does not rest on the mirage of western Man as the mirror image of human life as such.”<sup>35</sup> The flesh, then, provides an alternative ground for conceiving a living force that escapes nomos, as the “*insurgent ground*” upon which a “radically different text” of being human might be written.<sup>36</sup>

The contingency of the flesh gets us back to an autopoietic conception of nomos and how the flesh signifies an antinomian force that opens up

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<sup>34</sup> Saidiya Hartman, *Lose your Mother: A Journey Along the Atlantic Slave Route* (New York: Farrar, Straus, and Giroux, 2007), 31.

<sup>35</sup> Weheliye, *Habeas Viscus*, 43.

<sup>36</sup> Spillers, *Mamas Baby*, 80.

alternate and contingent passages for new formations. Looking at the distinction between what Maturana and Varela call the autopoietic system's organization and its structure, we find a parallel with Spillers' body/flesh distinction. As Maturana and Varela describe, while organization "denotes those relations that must exist among the components of a system for it to be a member of a specific class," structure "denotes the components and relations that actually constitute a particular unity and makes its organization real."<sup>37</sup> If the identification of an object's organization as a specific type is a "basic cognitive act, which consists no more and no less than in generating classes of any type" (i.e. what nomos does), it is the object's structure that makes it a material reality.<sup>38</sup> Here we would find Spiller's conception of the body as signifying nomos' spatialization and organization of its necessary relations. Man-as-*the*-human is organized around the unified positions and relations of free/slave, Christian/non-Christian, rational/irrational, selected/deselected, and other distinctions of identity/non-identity. Man's body is a transcendent, phantasmal body that both feeds off the flesh as its constitutional source while producing the theodical fantasy that it can remain immune from the aleatory contaminations of the flesh. Yet within the organization of Man's sociogenic nomos there is a whole material substrate of actual living flesh, which, as Cary Wolfe describes, "obtains at the level of 'structure,' opening the autopoietic unity to the flows of energy and organic material that both sustain [the body-organization] and potentially threaten it."<sup>39</sup> The flesh is the structural threshold against which the possibility of Man's organizational fantasies of universality find their limits and are exposed to structural contingencies that keep it open to both new manifestations as well as the possibility of its own destruction. Wynter would call this the "demonic ground" of forms of life emerging within the liminal spaces of Man's present governing and symbolic system of meaning.<sup>40</sup> For every attempt to fully capture it through bodies of governance, the flesh keeps the body open and thus leaves it available for new assemblages and contingent relations. Roberto Esposito makes a very similar move in pointing out that the flesh is the element that actually defers the possibility of the individual body as it marks a common unity of difference between each and every living being. The flesh is "nothing but the unitary weave of the difference between bodies. It is the non-belonging, or rather the intra-belonging which allows what is different to not hermetically seal itself up within itself, but rather, to remain in contact with the outside."<sup>41</sup> In this sense, flesh is the material of a kind of virtual intra-being that is the condition of any connection, the materiality of a generalized "living common" that is at the same time the source of the body and that which keeps it vulnerable and open to the outside.

*Antinomian Spirit as Christian Supremacy*

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<sup>37</sup> Humberto Maturana and Fransico Varela, *Tree of Knowledge: The Biological Roots of Human Understanding* (Bolder: Shambhala, 1992), 47.

<sup>38</sup> *Ibid.*, 43.

<sup>39</sup> Cary Wolfe, *Before the Law: Humans and other Animals in a Biopolitical Frame* (Chicago: University of Chicago Press, 2012), 50.

<sup>40</sup> Wynter, "Beyond Miranda's Meanings: Un/silencing the 'Demonic Ground' of Caliban's Women," in Carole Boyce Davies and Elaine Savory Fido, eds., *Out of the Kumbia: Caribbean Women and Literature* (Trenton: Africa World Press, 1990), 356.

<sup>41</sup> Roberto Esposito, *Immunitas: The Protection and Negation of Life* (Cambridge: Polity Press, 2011), 141.

Both before *nomos* and therefore its condition of enactment, the flesh names the undercurrent of living resistance that adheres in every apparatus of capture. The flesh, then, is anti-*nomos*, antinomian. By deploying the language of antinomianism, we are linked back up with a religious and theological framework, accompanied by all the potential to enact both novel possibilities of otherwise worlds and returns of immunitary violence. Antinomianism has its most well-known and at times deeply problematic context in the Christian theological tradition, which traditionally does not think of the flesh in the way I've theorized it. Beginning with an interpretation of Pauline theology arguing that Christ has freed humanity from the requirements of the Torah, Christ is associated with the living spirit of grace against the "dead letter" of the Jewish law. In this formula, spirit comes to signify the transcendent and otherworldly reality of redemption where the "flesh," in Pauline parlance, is a kind of worldly material remainder of humanity's fallen and law-bound condition of sin against which the spirit struggles. This version of antinomianism has typically privileged a disembodied notion of salvation over material struggles for earthly liberation, and, more troublingly, it has provided a foundation for the history of anti-Jewish and anti-Semitic Christian supremacism that demonizes Jews as both lacking the spirit and as being a bodily threat to Christian purity. In their rejection of Christ, the Jews are figured as those that remain stubbornly bound by the law and therefore embody the *fleshly* condition of sin. Such an antinomian formulation that equates religious physicality to "dead" ritual and legalism has taken on the power of a Christian origin story: the great antinomian Paul overcomes the dead weight of Jewish law and becomes the founder of a new religion called "Christianity" that leaves behind a stubbornly ethnocentric Judaism as it offers the universal spirit of a transcendent identity of truth, all this while effectively siding with the imperial power of empire.

This supersessionist demonization of the Jews as representative of the dead "letter of the law," moreover, has played a key role in the making of the modern racial order of colonialism and white supremacy. Where Christian spirit is aligned with the rational and high cultural achievements of white European Man liberated from the limits of corporeal particularity expressed as racial identity, the Jews are represented as a racially stunted people hopelessly stuck in the prison of religiously determined empirical law. As theologian J. Kameron Carter has demonstrated in his reading of the philosophical anthropology of Immanuel Kant, Paul and Jesus are racially transformed into figures of a kind of antinomian enlightenment against the old world of religious superstition and legalism. In their adoption as proto-founders of western culture, they are extracted out of their Jewish flesh and transformed into figures of transcendent rational enlightenment, which is to say, "white," "sundering the Old Testament, as sensuous, heteronymous, and bound to the empirical, from the New, as non-sensuous, autonomous, and transcendental."<sup>42</sup> As a stand-in for fallen fleshly existence, the "empirico-juridical" sphere becomes a prison of racial particularity from which the Christian message of spirit sets free. In this *nomos* of *homo rationalis*, the Jews, along with all other colonized non-Europeans and non-Christians, are enslaved to a "mind-set of a people bound to the empirical world rather than the transcendental world of reason."<sup>43</sup> While the racial and ethnic particularity of non-Europeans leaves them irrevocably marked by the flesh and therefore positioned as racialized

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<sup>42</sup> J. Kameron Carter, *Race: A Theological Account* (Oxford: Oxford University Press, 2008), 108.

<sup>43</sup> *Ibid.*, 112.

problems to be managed and ordered against the progressive trek toward enlightened European culture and society, spirit and grace are aligned with the body-transcending truth and universality of white Christian revelation. Such a distinction between the material particularity of law (as racial and ethnic particularity) and the universality of revelation as spirit has deeply shaped modern western thought and political order. In this supersessionist version of antinomianism, which even radical readers of Paul such as Agamben and Badiou continue to reproduce, “the letter of the (Jewish) law kills, while the spirit of the (Christian) revelation gives life.”<sup>44</sup>

*Antinomian Flesh as Theological “Swerve”*

While antinomianism in the mainstreams of the Christian theological tradition has typically been interpreted along these lines, I want to think a different antinomian path that rejects such a supersessionist and anti-Jewish orientation and turns it toward a materialist commitment to the flesh as both the key site of resistance against oppressive systems of othering and the possibility of a differential community of fleshly intra-belonging. Against traditional readings, I want to stick with Pauline thought initially and extract from it (without any intentional fidelity to the Christian tradition) not a transcendent spirit of pure revelation and salvation, but a conceptual passage for thinking an antinomian flesh that prioritizes an enfleshed openness, contingency, and material connection over the nomic closures of transcendentally conceived religious and political identities. While the writings attributed to Paul are tricky to navigate in terms of the flesh, not least due to what seems on the surface as an explicit “abandonment of the flesh” in favor of spiritual bodies,<sup>45</sup> underneath the normative Christian Paul I find a conceptual space for thinking an antinomian (if not heretical) flesh marking a kind of materialist opening out of which new forms of life are assembled against the political economy of western Christian nomos. Rather than focusing on his actual language of flesh and spirit that has been so thoroughly (onto)theologized throughout Christian history, and, to be sure, marks the point at which Paul’s own understanding of universality in Christ runs aground on the flesh of the slave,<sup>46</sup> it is the material opening through which Paul imagines a new differential community of Jews and Gentiles in relationship to a divisive nomos that I am interested in pursuing as a conceptual site for thinking a thoroughly materialist antinomianism. Staying with this Pauline opening, moreover, provides a useful way for thinking the antinomian contrast between an *enfleshed* Paulinism that evades capture into the proper name of Christianity and the transcendent Christian body that he has come to represent. This is to say that I think there is a fleshly surplus to extract out of these texts that can be posed against the colonialist and imperial Christian bodies of capture that they have historically produced. Like Spiller’s valorization of claiming the “monstrosity” of female flesh’s excessive, dispossessed, and paradoxical position within the world of Man – “only the female stands in the flesh, both mother and mother-dispossessed”<sup>47</sup> – I want to affirm an excessive, disposed, and paradoxical Pauline antinomian flesh that makes possible

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<sup>44</sup> Jeffrey Librett, “From the Sacrifice of the Letter to the Voice of Testimony: Giorgio Agamben’s Fulfillment of Metaphysics” *Diacritics* 37, no. 2-3 (2007), 17.

<sup>45</sup> Mayra Rivera, *Poetics of the Flesh* (Durham: Duke University Press, 2015), ch.2.

<sup>46</sup> Amaryah Armstrong, “Of Flesh and Spirit: Race, Reproduction, and Sexual Difference in the Turn to Paul.” *Journal for Cultural and Religious Theory* 16, no.2 (Spring 2017).

<sup>47</sup> Spillers, “Mama’s Baby Papa’s Maybe,” 80.

both Christian identity and its deconstruction, one that exists in the liminal space between Christian and Christian-dispossessed, so to speak.

In *A Materialism for the Masses: Saint Paul and the Philosophy of Undying Life*, Ward Blanton finds buried away under the traditional Paul (as “founder of Christianity”) a “Jewish partisan” Paul of a radical messianic and materialist faith in what he calls an “undying life” that sides with the crucified against apparatuses of imperial identity. Eschewing ontotheological readings of Paul that reduce his texts to metaphysical treatises on the transcendent God of Christian salvation, Blanton’s Paul is demythologized and materialized into a non-sacred text resistant to orthodox sedimentation as he is inserted into a genealogy of immanent and materialist thought running from Epicurus to Deleuze. Aligning the Pauline notion of “calling” (*klêsis*) with Lucretius’ epicurean concept of *clinamen*, or the unpredictable “swerve” of indeterminately moving atoms, Pauline faith is read as the performance of a kind of singular, excessive, and immanent event through which material embodiment is conjured as the “peculiarly open or contingent ground of our emancipatory hope.”<sup>48</sup> In the fleshly swerve of a calling toward new creation, an event through which the given order of things is refused for something else, anything can happen. It is the messianic structure of a faith vulnerable to what may come through any given set of material relations that opens upon the space of social possibility, where new assemblages come together through the kenotic relinquishing of enclosed identities. Through Stanislas Breton’s account of Pauline kenosis, where the cross signifies the “madness of love within Pauline divinity” as a kind of materialist swerve against sovereign and self-enclosed identity, including *Christian identity*, what is traditionally read as ontotheological and doctrinal pronouncements of transcendent representation is immanentized as an ephemeral act of “‘mad love’ itself.”<sup>49</sup> Such is the insurgent, demonic ground of an “undying life” of immanent excess against apparatuses of capture. We might as well call this undying life the flesh, even if Paul himself never would, which in its ungovernable contingency and aleatory movement would be exactly what makes possible a new assemblage in which, to further swerve Paul in this immanent direction, “there is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you belong in the *flesh*.”<sup>50</sup> Against the ontotheological spirit of Christian identity, which would abandon the flesh for an abstracted and allegorical body of Christ, it is the flesh that enables “new modes of *undoing the power of power, rendering ineffective the coding of codes or reversing the value of effective history*.”<sup>51</sup> In a word, antinomian.

Jewish philosopher and Paul interpreter Jacob Taubes also helps dig under the ontotheological and imperial framework of the Christian Paul to find an antinomian flesh in resistance to the *nomos* of empire. In his *The Political Theology of Paul*, we find a non-supersessionist reading of a Paul not so much concerned with the Torah as an obstacle for his vision of a new Jewish-Gentile community, but rather with a general *nomos* that goes well beyond the Torah, which Paul by no means wants to get rid of but rather open up to the “swerve” toward Gentile inclusion into the covenant. Much more than the problem of religious ritual and ethnic particularity, it is the political reality under which Jews and Gentiles alike live that poses the real barrier to the differential community imagined. It is in this political sense

<sup>48</sup> Ward Blanton, *A Materialism for the Masses: Saint Paul and the Philosophy of Undying Life* (New York: Columbia University Press, 2014), 42.

<sup>49</sup> *Ibid.*, 89-91.

<sup>50</sup> Galatians 3:38 (paraphrased)

<sup>51</sup> Blanton, *Materialism for the Masses*, 178 (italics in text).

that Pauline antinomianism is read not against Jewish law, but against the power of a Roman-imperial *nomos* built on oppressive religious, political, ethnic, and economic distinctions. Paul's critique of law, Taubes argues, "is a critique of a dialogue that Paul is conducting not only with the Pharisees – that is, with himself – but also with his Mediterranean environment."<sup>52</sup> This is no supersessionist and anti-Jewish "reject and replace" theological formula, but rather a prophetic renunciation of Roman imperial authority:

the concept of law – and this [...] is political theology – is a compromise formula for the Imperium Romanum." All of these different religious groups, especially the most difficult one, the Jews who of course did not participate in the cult of the emperor but were nevertheless *religio licita* ["an approved religion"] ... represented a threat to Roman rule. But there was an aura, a general Hellenistic aura, an apotheosis of *nomos*. One could sing it to a Gentile tune – I mean, to a Greek-Hellenistic tune – one could sing it in Roman, and one could sing it in a Jewish way. Everyone understood law as they wanted to ... law as hypostasis.<sup>53</sup>

Despite the vast differences of ethnic and religious identities spanning across the Roman Empire, what unified everything under the authority of single political identity was this *nomos* of Roman imperial sovereignty. The political reality of Roman power was the "measure of measure," it was where the buck stopped. What Paul is performing with his antinomian messianic declaration of intra-belonging in the crucified Christ was not just a stance against exclusive religious identity grounded in the Torah, but a rejection of the entire "Greek-Hellenistic" order built on systems of oppressive political and ethnic divisions. The differential new community of Jewish-Gentile relations in which bodily identity – whether ethno-religious, political, or gendered – was conceived as no longer having any bearing on social status and belonging was an antinomian threat to the Roman *nomos*. The Christ event, not in its appropriation as a spiritual reality but in its materiality as a text being written over and over again in every performance of its cruciform "foolishness" against imperial identity, is precisely the signification of new possibilities of intra-fleshly belonging within systems of oppression and control.

### *The Poetics of the Flesh*

Moving through this Pauline messianic portal of fleshly resistance to *nomos*, a conceptual space of possibility opens up in which the flesh announces the performative practice of an unending and trans-immanent "swerving" in and out of every frame of embodied capture. As Edouard Glissant writes at the very beginning of *Poetics of Relation*, this conceptual space is indissociable from poetics: "thought in reality spaces out into the world. / It informs the imaginary of peoples their varied poetics, / in which it then transforms, meaning, in them its risk becomes realized."<sup>54</sup> For Glissant, poetics is flesh and flesh is poetics; both are of the earth and move within the contrasts between its forms of life. Here we arrive at what Mayra Rivera calls a "poetics of the flesh" that unsettles the (unavoidable) reifications of the body that make up social hierarchies and norms. In her Glissant inspired text of the same name, various "corporeal imaginaries" spanning Christian theological and philosophical accounts of the flesh are put

<sup>52</sup> Jacob Taubes, *The Political Theology of Paul* (Stanford: Stanford University), 25.

<sup>53</sup> *Ibid.*, 23.

<sup>54</sup> Edouard Glissant, *Poetics of Relation*. (Ann Arbor: University of Michigan Press, 1997), 4.

together towards new visions of spiritual, organic, and social worlds. Embracing while also unsettling the Johannine view of the incarnation as “word made flesh,” Rivera articulates a Christian poetics of the flesh that binds flesh and word so as to “stir new imaginaries” against bodily reifications and towards new relations of material exchange and production.<sup>55</sup> Though Rivera rejects the Pauline “abandonment of the flesh” in favor of the Johannine framework, her account of the flesh aligns with the alternative version of an enfleshed antinomianism outlined above and names the key site for thinking and enacting the kind of relational and imaginative openness and indeterminacy of which “what is at stake is nothing less than the possibility of love.”<sup>56</sup> Following Rivera, poetics names the spacing out of living thought within the enclosures of nomos that opens upon new and imaginative configurations of corporal relation and fleshly desire. Informing and realizing the imaginaries of peoples grounded in their fleshly desires and reified systems of bodily meaning, an enfleshed poetic imagination is indispensable towards producing and shaping liberatory movements within contexts of oppression and loss. Drawing from Merleau-Ponty’s entanglement of flesh and world, in which “the flesh of my body interlaces with the flesh of the world,”<sup>57</sup> an imagination of ecological connection beyond the enclosures of Man emerges as a poetics of the flesh. Poetics is about expanding the horizon of thought as it moves in the flesh as perpetually incomplete, malleable, and ecological. Moving with the flesh as a poetic spacing within the enclosures of nomos, new and imaginative configurations of corporeal relation are risked in all the vulnerability and worldly foolishness of fleshly desire.

While her impressive and highly productive assemblage of various poetic reflections (mostly through religious and philosophical texts) offers a compelling account of a Christian poetics of the flesh as animating and unsettling body and world, her interventions hover above what I have foregrounded as the most important site for reflecting on the flesh’s relationship to bodies within racial modernity. Despite her grounding in Caribbean thought and significant attention to issues of race and gender, there is virtually no discussion of the middle passage or the figure of the slave. Reflected in her lack of engagement with both Glissant’s attention to the slave plantation, “one of the bellies of the world ... [that] has the advantage of being able to be studied with the utmost precision,”<sup>58</sup> and Spillers, who for black studies is the definitive theorist of the flesh within the frame of the New World, Rivera’s poetics stops short of a full exploration of the threshold of the flesh’s meaning within the many violences of Man’s nomos of being human. This is meant not so much as a critique of Rivera’s highly compelling understanding of the poetics of the flesh, but rather to push it further towards a poetics of blackness and black thought born in the absolute depths of Man’s “high crimes against the flesh.” Deeper still, and within the frame of the middle passage and the plantation, the possibility of new forms of poesis in and out of Man’s nomos finds its generative mode in (and as) blackness, both as the originary (included) exclusion of Man’s nomos of being human and as the very possibility of its demise. In “Blackness and Poetry,” Fred Moten writes,

black thought, which is to say black social life, remains a fruitful site for inhabiting and soliciting the human differential within the general ecology. Black thought is the socio-poetic project that examines and enacts these possibilities insofar as they exist over

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<sup>55</sup> Rivera, *Poetics of Flesh*, 155

<sup>56</sup> Ibid.

<sup>57</sup> Ibid., 85.

<sup>58</sup> Glissant, *Poetics of Relation*, 75.



the edge of the separatist, monocultural and monotheistic imperium that will have been defined in and by ontological and epistemological settlement.<sup>59</sup>

As its target, black flesh is the remainder that cannot be contained by slavery or the plantation. Its fugitive poetics against its brutal targeting are born as enfleshed resistance. In its violent objectification as a slave body, black flesh is the ongoing fugitive resistance to Man's claim to sovereignty over living flesh. The "sociological *poiesis*" of black fugitivity that Moten theorizes emerges and finds its generative mode of performance against the specific and singular catastrophe of Man's colonization of the earth and its inhabitants. Black flesh, the "zero point of social conceptualization" for western Man, is the deconstruction of its bodily phantasms of identity. Its poetics keeps everything open and incomplete, a "black hole" in the fabric of Man's universe. As Moten eloquently and poetically describes, "this openness, this dissonance, this residual informality, this refusal to coalesce, this differential resistance to enclosure, this sounded animateriality, this breaking vessel and broken flesh is poetry, one of whose other names, but not just one name among others, is blackness."<sup>60</sup>

Descending to the depth of a tradition born out of the terror and brutality of bodies stolen and stripped of all meaningful human markers through the experiences of the middle passage and enslavement, in *Blackpentecostal Breath: The Aesthetics of Possibility*, Ashon Crawley imagines and performs the announcement of antinomian flesh's "infinite alternatives to what is."<sup>61</sup> The name given to this poetic alternative within the frame of the Middle Passage and its afterlife is "blackpentecostalism," an "intellectual practice grounded in the fact of the flesh, flesh unbounded and liberative, flesh as vibrational and always on the move."<sup>62</sup> In and out of black religious spaces, vibrating in the musical traditions of the blues and jazz, and adhering in every social gathering against the protocols of proper political identity, blackpentecostalism is not an object that is possessed or owned, nor is it something given from above or outside – it is generated in the living performance of the flesh's encounters and entanglements. Its calling (*klesis*) has a privileged relation to black people, who are most intensely marked by the antiblackness of Man's nomos, but blackpentecostalism also signifies the in-common desire of the living to belong and the belonging of desire, refusing the enclosures of nomos wherever they are imposed. Following Crawley, The poetic practices of blackpentecostalism are *sent* by the flesh into the lowest depths of a world founded on high crimes against the flesh, into and against nomos as so many forms of life striving for actualization. Against the white fantasy of sovereignty, in all of its violent possessions of measurement and order, those of us accepting the fact of our living in, our inhabitation of the flesh seek abolition from this way of life, from this way of thinking relation. Life in the flesh is seeking otherwise possibilities not just for our 'own' but for the world to live, to be, truly liberated. And insofar as being sent, Blackpentecostalism is the performance of otherwise possibilities in the service of enfleshing an abolitionist politic.<sup>63</sup>

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<sup>59</sup> Fred Moten, "Blackness and Poetry" in *Arcade: Literature, Humanities, and the World* 55 July 1, 2015 <https://arcade.stanford.edu/content/blackness-and-poetry-0> Accessed June 1, 2020.

<sup>60</sup> Moten, "Blackness and Poetry."

<sup>61</sup> *Ibid.*, 2.

<sup>62</sup> *Ibid.*, 4

<sup>63</sup> *Ibid.*, 6.

This otherwise is made possible through the poetic swerve of antinomian flesh as the opening of each and every bodily enclosure.

Placing this theorization of antinomian flesh within the American tradition of antinomianism spanning from Anne Hutchinson and Harriot Jacobs to Aimes Cesaire and Sun Ra,<sup>64</sup> Moten's poetics of blackness and Crawley's exploration of blackpentecostalism speaks to, at the same time, a highly specific and a general American underground tradition of enfleshed resistance. As I have argued, this resistance is enacted within the modern "nomos of the earth" and its (bio)political and economic order that rests on a broader "nomos of being human" most forcefully and effectively developed within the American site of racial slavery. In modern nomos' measurements and distributions that establish the distinctions and boundaries of political, economic, and human subjects, the flesh signifies both the target of Man and the element of his deconstruction.

America — a historical signifier of a massive epistemological, imperial, ecological, and genocidal upheaval of life and the earth itself<sup>65</sup> — is a site of both unimaginably brutal violence and generative resistance. The imbrication of violence and resistance in America generates a break within nomos where an antinomian flesh lives and moves against every protocol of the master — the propertied and sovereign self of an American nomos organized around religious, political, economic, and social significations of proper order. Such antinomian flesh and its Pauline "madness of love" is the perpetual riot that has been and continues to be enacted against the order of (white male) American exceptionalism. At times in direct and conscious resistance to its nomos and at other times in an accidental swerve towards an open-ended set of possibilities, there is an antinomian flesh that has persisted in American thought that has resisted and evaded the nomos of American identity invested in containing and controlling blackness. I end with what is perhaps the most famous instance of the "poetics of the flesh" in American literary history, Baby Suggs' soliloquy in the "clearing" in Toni Morrison's *Beloved*. Here, antinomian resistance is manifest as nothing less than the love of flesh: "In this here place, we flesh; flesh that weeps, laughs; flesh that dances on bare feet in grass. Love it. Love it hard. Yonder they do not love your flesh. They despise it."<sup>66</sup> Man stands in violent and anti-black opposition to our common flesh. In its love there is another possibility.

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<sup>64</sup> Fred Moten, *Stolen Life* (Durham: Duke University Press, 2018), 187.

<sup>65</sup> Sylvia Wynter, "1492: A New World View" in *Race, Discourse, and the Origin of the Americas: A New World View*, Ed. Vera Lawrence Hyatt and Rex Nettleford (Washington, DC: Smithsonian Institution Press, 1995).

<sup>66</sup> Toni Morrison, *Beloved* (New York: Vintage, 2008), 103.