Notes on the Clerical Body of the Law

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Nietzsche’s account of the clergy, passionate and acrimonious, densely ramifying through the different layers of his oeuvre, ever shifting in context and angle, remains the quintessential reference for any modern theory of the clerical. Its relative neglect by Nietzsche scholars and social thinkers, with the exception of Weber, is curious. Tracing the constitution of civilization and the social order to a clerical distortion of the powers of life, Nietzsche intuited the decisive, though convoluted and often covert, relationship between the clergy and power, the contrast between the clerical mode of being and productive life-assertion and the clerical embodiment of Truth and Law. Following these threads, I will try to characterize the place of the clerical function in social structure, its scope and components, and the division of labor between temporal and clerical authorities. The clerical body will be defined in relation to other sacred bodies: immortal ones – the communal body and the corporate body – and mortal bodies such as the divine king and, at the other end of the social order, the popular saint. Embodying the law, the priest and the judge are more successfully integrated into social structure than the often anarchical divine king and popular saint, though less so than ordinary mortals. As we shall see, it is by projecting much of its sacredness onto the renouncer, the monk, that the clerical body can occupy an office in social structure and assume human traits to a certain degree. While the following account of the clerical body illuminates the nature of judicial power, anthropological interpretations of executive and legislative powers will be proposed en route.
**Structure and communitas.** Victor Turner’s classical distinction between social structure and communitas provides a useful starting point for an exposition of the clerical function. The clergy counts among the building blocks of social structure while remaining in itself in a condition of permanent sacred communitas. The clergy exemplifies institutionalized, normative forms of the Sacred that can be found at the heart of social structure, allowing secular spheres of life to evolve around them and thereby making structure possible. A comprehensive account of social structure and communitas is not necessary in order to consider the clerical function. A few of their contrasting features provide sufficient background to our discussion.¹

Structure and communitas are two opposite, dialectically interrelated, modes of interaction. Social structures are marked by a high degree of interpersonal separation. Interaction within social structures takes place between firmly individuated members and is mediated by their concrete, differentiated, normative social roles. Structures embed their members in a network of normative categories and boundaries through which individual identities are defined. These categories and boundaries comprise social strata, different spheres of life (e.g., family – civil society – state), classificatory kinship categories, a clear distinction between structure’s inside and outside and a distinction between transcendence and immanence, the Sacred and the human. Structures are articulate, divided. Clash of interests, institutionalized competition over economic and political power, struggle over hegemony, oscillation between mutual recognition and self-assertion – these are inherent to social structure, whose greatest enemy is uniformity, and maintain a high level of individual autonomy within structure.

The categories that divide and subdivide structure and institute interpersonal separation are juridical. The medium of structural separation is invariably the law. The law enjoins individual autonomy through harsh standards of responsibility and the recognition of individual rights. More generally, structure’s juridical categories entrench individuation by defining individual identity-components such as name, gender, kin and status. The juridical distinction between private and public spheres of interaction is another condition for individual autonomy. By virtue of occupying positions in several spheres simultaneously,

¹ For a more elaborate discussion of structure and communitas, see L. Barshack, “The Subject of Ideals” 4(1) Cultural Values 2000, 77-100. The present exposition does not follow Turner’s version of the distinction.
the subject does not disappear into any single sphere or role. His position in each sphere of interaction is reinforced by his status in other spheres. Fortes suggested that all systems of kinship articulate an inner familial realm in relation to an external political-religious realm. The two realms, Fortes’ analysis implies, are regulated by two different sets of rules but these recognize each other and refer to each other.\(^2\) The subject, then, is always simultaneously inscribed under two different jurisdictions. Similarly, Arendt conceived of property as articulating private and public realms in relation to each other.\(^3\) Property institutes the divided capacity of the citizen as a party to relationships of need and emotion in the private sphere and, being sovereign in his own private domain, an autonomous and equal participant in the public sphere. Property defines at the same time an inner, subjective – and, Arendt stresses, mysterious – aspect of human existence, and a public, external aspect characterized by firm interpersonal separateness and equality before the law.

Structural individuation involves the composition of historical and personal narratives of action and responsibility. Through normative narratives – mythical and personal narratives that mirror each other – social structure captivates, colonizes and disciplines the body. The web of normative boundaries to which the body is subjected constitutes a permanent state of absence, a profane world of quotidian life tainted by every possible form of lack. Narrative itself, the fundamental form of cultural phenomena, reflects and perpetuates absence, the quintessential structural value: narrative confines human lives to the register of fiction and representation and separates the human from the real, the Sacred. Through its hegemonic, mythical narrative systems structure institutes the worship of absence. Social structure is, then, in itself a religious institution.

While social structure is afflicted with absence and division, \textit{communitas} precipitates the dissolution of interpersonal boundaries and occasions interaction between barely individuated total beings.\(^4\) The personal self expands and coincides with the collective self. Conflicts of status and interest which in social structure enhance individual autonomy are no

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\(^4\) As Turner writes (1969, 131), “… individuals are not segmentalized into roles and statuses but confront one another rather in a manner of Martin Buber’s ‘I and Thou’. Along with this direct, immediate, and total confrontation of human identities, there tends to go a model of society as a homogeneous, unstructured \textit{communitas}, whose boundaries are ideally coterminous with those of the human species.” Turner, however, does not characterize \textit{communitas} in terms of the psychoanalytic notion of violent fusion nor in terms of the theological concept of presence.
more. The alienation of the subject from his own and other selves, which accompanies firm structural individuation and legally regulated interaction, is no longer tolerated and is replaced by fusion. No boundaries are recognized between self and other, inside and outside, life and death, sacred and profane, male and female, or between the different spheres of life such as society and state. *Communitas* is an essentially lawless form of interaction: the normative system which dictates the differentiated identities of actors in everyday social structure is during *communitas* problematized, suspended, challenged and often modified.

While the processes and events that occur in social structure make up *history*, the time of radical *communitas* is *mythical time*, a time outside of ordinary historical chronology or the chronology of deliberation and action. *Communitas* consists of an immediate and intense presence of the Sacred which replaces everyday routine. Mythical time is timelessness, permanent immediacy, a total time like the total beings that inhabit it. A moment of complete actualization, it is self-sufficient, carefree and ignorant of past and future. While history unfolds with constant reference to given mythical foundations, *communitas* lacks distant, transcendent foundations but fervently relives and refashions mythology. Mythical time, then, is devoid of a fixed mythology. It gradually transforms into history, which starts afresh as sacred events are relegated to the realm of mythical memory and sacred presence gives way to representation.

The presence which defines *communitas* is that of a body. By the notion of the *communal body* I refer to the single, symbiotic body of the group that results from the dissolution of interpersonal separation. The communal body is the sacred fusion of all individual bodies which takes place during rites of passage, carnivals, natural disasters, fascist r*égimes*, wars, revolutions, referenda, elections, and other instances of *communitas*. The idea of the communal body can be identified within religious discourse, for example, in certain aspects of the Pauline concept of the Church as the body of Christ.5

**The Projection of the Communal Body.** The disentanglement of individual bodies from the communal body in social structure amounts, then, to a separation from the Sacred. It makes room for a profane realm of activity, a state of absence opposed to the

5 This concept referred to the Church alternately as structure and as ritual.
unadulterated presence of the communal body in the course of communitas. Everyday life in social structure is from time to time interrupted and revitalized by occasions of presence, but ordinarily the communal body is merely represented before the social. It is kept absent by an incessant process of division and subdivision of the various groups and spheres that make up social structure.

If social structure is divided into individual bodies, where can we find its unity? In the course of everyday life, the sacred and omnipotent communal body is projected beyond the social and becomes an object of worship. Only during occasions of communitas does the communal body descend back into the social and dissolves all structural boundaries. This answer is in line with various approaches in psychoanalytic group psychology which trace the establishment of the social order to a founding mechanism of collective projection. Interpersonal separation and individual autonomy within any sphere of interaction require projection of its communal body onto a meta-sphere. A complementary principle can be formulated according to which projection of the sacred communal body outside a sphere – the secularization and rationalization of a sphere – requires the inner articulation of this sphere.

The Divine King. Under divine kingship, the sacred and omnipotent communal body is projected onto the private body of the king. The installation of a divine king thus implies a radical departure from the realm of the human. To take a modern example, the sacred private body of Adolf Hitler incarnated the German communal body. However, the

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7 Some societies ensure the rupture between the future divine king and his human past by an extended liminal phase during which he sheds his human nature – his name, gender, language – and acquires divine powers. Balandier provides an illustration of such a passage into divinity: “Au Togo septentrional, le chef de clan de moba n’accédait & sa charge qu’après une retraite auprÈs des autels protecteurs. Il y recevait sacre, formation et insignes. Il devenait autre, en ‘tant marqu’ physiquement par une mutilation sexuelle, en portant un nouveau nom, en apprenant un code de conduite spÈcifique qui lui imposait notamment de ne plus parler que par le truchement d’un intermÈdiaire.” (G. Balandier, Le pouvoir sur scÈnes (Paris, Ballard, 1992, p. 31).

8 On the Führer as pure presence, see Carl Schmitt, Staat, Bewegung, Volk (Hamburg: Hanseatische Verlag, 1933) p. 42. [Carl Schmitt, State, Movement, People, The Plutarch Press, 2001, Corvallis OR, Trans. Simona Draghici, p. 48] On the will of the Führer as the ultimate and exclusive justification for the mobilization of human effort in Nazi Germany see, Ian Kershaw “Working towards the Führer” in
projection of the sacred communal body onto the Führer did not successfully deconsecrate society. It would be more accurate to describe the Nazi régime as a state of prolonged communitas rather than a deconsecrated structure. Many other historical examples indicate that a communal body cannot be securely and continuously deposited in the body of a single, divine leader. For example, the processes which took place in the aftermath of the Gregorian reform, far earlier in European history, illustrate the coincidence of deconsecration of the royal body and structural consolidation.9

Divine kingship is suited to periods of foundation and is replaced by human, non-magical, non-charismatic kingship once a stable social structure is established. As an embodiment of the communal body, divine kingship can consolidate and vigorously lead the group during transitional periods, but is hardly consistent with continuous and stable structures of rule. The divine king’s authority does not derive from an established constitutional norm but from his singular, personal powers and heroic exploits. Divine, in contrast to hereditary, kingship cannot secure long-term stability since the life-generating and unifying powers that are magically located in the private body of the charismatic leader vanish with him. Such a Frazerian explanation appears in De-Heusch’s description of the dialectics of divine and secularized kingship in ancient Egypt and Rome.10 However, it is not only by virtue of its continuity, its régime of transmission, that hereditary rule is more congruous with social structure. Because of its lawlessness, divine kingship cannot secure the expulsion of the communal body outside of the social. While divine kingship amounts to a denial of the rule of patriarchal law, rejecting both its license and its command,11 hereditary

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11 The divine king is not subject to the normal taboos in matters of sex and violence. Various theories of divine kingship and ritual murder argue that society projects dangerous urges, such as incestuous sexuality (Roheim) and mimetic envy (Girard), onto sacred bodies that are removed from its circles. G. Roheim, Animism, Magic and the Divine King, London, Routledge, 1972; R Girard, Violence and the Sacred. Baltimore: The Johns Hopkins University Press, 1977. As we shall see, this is essentially true also of the clerical body. In various societies, imperative royal incest established the king’s sacredness. The divine king was seen as taking part in the incestual practices of the gods. As the forbidden fusion par excellence, incest is a mark of sacredness. De-Heuch, thus, describes the notion of royal incest: “Les Kuba du Zaüré soulignent que le roi est hors clan. Il est projeté au sommet de la société dans une solitude qui vogue celle des sorciers. Dans plusieurs Etats africains le Roi est censé réaliser au moment de son
rule rests on an affirmation of kinship and law in general. In the passage from divine to human kingship, from *communitas* to structure, patriarchal law is instituted. Affirmation of law implies acceptance of division, secularity, and of multiple structural and historical constraints. The powers of the human king are not singular and magical but are vested in his office. Separated from the communal body, he manifests and sustains the distinction between sacred and profane and serves as a prototype of free, lawful, human existence.

**The Body Corporate.** We are led back to our original question: when the communal body is successfully projected outside the social, where does it find its resting-place? Under normative, human, hereditary kingship, it is the dynastic principle itself – the Law, the constitutional order rather than any particular king – which is invested with the sacredness of the communal body. As the king’s body is deconsecrated, its sacredness is projected onto the transcendent figure of an ancestral law-giver. This is the crucial moment in which society as a collection of deconsecrated individual bodies comes into being. A lawless *communitas* permeated with sacredness divides, disciplines and secularizes itself by subjecting itself to a law onto which it projects its sacredness.

Ancestral law does not only divide and secularize society. It also gives the group a sacred unity, which it places above the social: it denotes the transcendent corporate body of the group. Ancestral figures personify the corporate personality of the group of their real and fictional descendants. Families, dynasties, states and other corporate groups are identified

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*intronisation un acte sacré qui, dans la perspective clanique, est un acte de sorcellerie maléfique, un acte monstrueux: un inceste. Cet acte rituel est manifestement, au niveau de l’État, un acte magique de fondation, l’affirmation d’un ordre nouveau fondé sur la négation (partielle) de l’ordre familial ancien avec lequel il faut composer.” (Heusch, 223)*

The divine king can be distinguished from ordinary mortals by a license to perform acts of arbitrary violence. During the enthronement of the Buganda king “...two men were arbitrarily seized and brought before the king. The king wounded one of them slightly with his hunting spear. This man was called the “fowl”, and he was then taken away and put to death. Another human “fowl” was wounded by the king and killed at the conclusion of the installation ceremonies.... These murders fall under the general rubric of kukuza - “strengthening”, “maturing” and “protecting” the heir... the killing of the second human “fowl” is followed by a series of subsequent kukuza murders, all of which are said to “invigorate” and “confirm” the king in his kingdom”. [B. Ray, “Death, Kingship, and Royal Ancestors in Buganda” in F. E. Reynolds and E. H. Waugh (eds.) *Religious encounters with Death* (Pennsylvania, 1977), 56-69, in pp. 60-1] In *Staat, Bewegung, Volk* (see footnote 8 above) Schmitt advocates a model of leadership that is not subject to any norm. According to Schmitt, the liberal conception of authority as “supervision” (*Aufsicht*) subjects both supervisor and supervisee to a supposedly objective norm in a manner which implies their parity, and replaces political leadership with judicial control.
with the person of their mythical founder. Through their corporate personalities – their mythical ancestors and their multiple totemic representations – corporate groups represent themselves to themselves. The corporation is the juridical-religious form of every social structure as a transcendent – separate, absent and superior – immortal person. It is a crucial feature of corporate bodies that they retain their identity across generations.

The corporate body and the communal body correspond to social structure and *communitas* respectively. While in *communitas* the communal body is immediately present, social structure is premised on the projection of the communal body outside of the group and its transformation into the group’s corporate body. Structure, then, is a realm of absence, transcendence and eternal expectation. As Maine and Kantorowicz showed in their respective analyses of the Roman family and medieval monarchy, ultimate power vests in the corporate-ancestral personality of the family and the state, never in the private person of their current heads.

Since the corporation is associated with transcendent ancestral figures, since it originates in the projection of the sacred communal body, constitutes the self-representation of the group and possesses unlimited power and immortality, it cannot fail to be sacred. A displaced Thing, the corporation retains the Thing’s essential characteristics such as timelessness, oneness, sacredness. Together with its ancestral personifications, the corporation is the central deity of every social structure, that is to say, of every religion, historical or civil. The religious dimension of political and legal systems resides in their corporate structure. Like the gods, the corporate person of the group is an absent personality that acts through representatives.

The projection of the communal body institutes at the same time the corporate personality of social structure and every individual member of structure as a distinct organ of the corporation. The Ashanti made this idea explicit in formulations charged with psychoanalytic meaning: “Thus when the Ashanti define the lineage as being ‘one person’

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12 *On universitas* as the immortal legal form of collective entities see Kantorowicz *The King’s Two Bodies* (Princeton, 1957), pp. 302-317.

13 As De Heusch writes, “Si la magie est individualiste, la religion est liée nécessairement au groupe familial, elle est mère, pourrait-on dire, sœur de par la famille. C’est pourquoi les hêtres hors clan, fondateurs de royaumes ne peuvent qu’être magiciens solitaires”. De-Heusch, p. 235.

they are thinking of it as if the founding ancestress were eternally present in her descendants, multiplied and replicated but still one and the same, much as a tree (to which a lineage is often compared) is the same tree however many branches it proliferates”.\(^{15}\) This is a precise formulation of the psychoanalytic significance of the corporation as a transcendent, collective, ancestral body that retains its identity through its individual extensions. “Full matrisiblings are ‘one person’, ‘of one womb’, a corporate unit in the narrowest sense, and sibling succession expresses the recognition of this indivisible corporate identity of the sibling group…”\(^{16}\) In social structure individual autonomy is reconciled with unity through the projection of the collective body onto a meta-sphere and the concomitant fabrication of each individual member as a distinct organ of the lost collective body. Reconciling unity and autonomy, being functionally divided into multiple organs yet seen from the outside as a single body, the corporation is the essential form of social structure.

In both structure and \textit{communitas}, horizontal relations between individuals reproduce the vertical relations between individual and group, or between the group and its leadership. In structure, the corporate body is separate from its organs as much as they are separate from each other. In \textit{communitas}, non-separation between the group and its charismatic-populist leader – its communal body – infects all horizontal, interpersonal relations:

\begin{center}
\begin{tabular}{l l}
\textbf{Structure:} & \textbf{Communitas:} \\

The Corporate Body & The Communal Body \\
(Rational-Traditional Authority) & (Charismatic – Populist Authority, divine king) \\

\begin{tikzpicture}[node distance=1.5cm, thick, main/.style={draw, circle, minimum size=0.8cm}]

    \node[main] (a) {Individual a} ;
    \node[main, right of=a] (b) {Individual b} ;

    \path [->] (a) edge (b)
    \path [->] (b) edge (a);
\end{tikzpicture} & \begin{tikzpicture}[node distance=1.5cm, thick, main/.style={draw, circle, minimum size=0.8cm}]

    \node[main] (a) {Individual a} ;
    \node[main, right of=a] (b) {Individual b} ;

    \path [->] (a) edge (b)
    \path [->] (b) edge (a);
\end{tikzpicture} \\

(relations of separation/transcendence/representation) & (relations of fusion/immanence/presence)
\end{tabular}
\end{center}

\(^{15}\) Fortes 1969, p. 172. \\
\(^{16}\) Fortes 1969, p. 175. See also pp. 74-75, 119-121, 290-308 on the corporation.
Thus, for Rousseau, the sovereign is a general will that transcends the will of all and manifests itself only in the form of general laws. As we shall see, legislative power is placed on a higher level in comparison to executive and judicial powers, and unlike them always remains transcendent. It seems that the diametrical opposition between state and society was preceded by the class system as an alternative form of social articulation.

Placed under the commands of law, organs of corporate institutions are strictly separate from the sacred communal body while playing their institutional roles in its name. They are enmeshed in the quotidian and can articulate and pursue temporal interests. As Judaism and Protestant Christianity demonstrate, albeit their differences, resolute removals of the Sacred are accompanied by an accentuation of individuation, of Law – transcendent authorities function predominantly as law-givers – and of a pragmatic ethos. Still, mundane, pragmatic pursuits and individual interests are made meaningful by the corporate body, distant as it may be. As a sacred common body it continues to orient the lives of its individual organs. It remains the ultimate source of will and motivation.

**The Separation of Powers.** The relegation of the communal body to the corporate realm renders the royal body human and secular, one that is capable of humanizing and secularizing the social. Secularization requires the division of structure into spheres of interaction such as the social and the Political. This division constitutes the first step in a long chain of divisions and subdivisions which project sacred unity outside of social structure while sustaining the integrity of the individual across different spheres of interaction. Structural division is always accomplished through law. By monopolizing violence, temporal power separates itself from the social and establishes its supremacy, rendering the social deficient and subordinate to the superimposed law which it stages and implements. Held in a state of lack, the social is unable to enact the communal body and transform itself into an omnipotent, boundless union. Temporal power prescribes a high degree of individual autonomy throughout the social by implementing individual legal duties, rights and identities, thus forcing the communal body outside social structure. It maintains social structure as an ever-ramifying, elaborate web of jural divisions and subdivisions that obstruct sacred fusion.

The Political can separate itself from the social and found and epitomize worldly and lawful human existence only once it has been, on a par with the social, internally divided

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18 It seems that the diametrical opposition between state and society was preceded by the class system as an alternative form of social articulation.
Every social structure is organized as an ever-ramifying web of corporate units, in which identical corporate units are contained by larger and more important units, which are in turn contained by greater units, and so on. This form of organization gives expression to the forces of both fusion and fragmentation which animate social structure.

Power entrenches division within structure as a whole, the social and itself, attributing the commands of separation to a transcendent, ancestral agency. It celebrates ancestral law. A stable division between two spheres or bodies always implies the existence of a third body which issues the command of separation and onto which unity is projected. The unity, the shared body, of State and society, of the various State offices, of all group members, is lodged in the ancestral-corporate realm. As spheres whose shared body has been transformed into a transcendent corporate body, State and society – and their component parts: state institutions and ordinary mortals – are distinct organs of a single corporate order. At the same time, the State is generally viewed as occupying a higher level in relation to the social: as representing unity and ancestral will for the social. The Political, then, is Janus-faced. As Trinitarian dogma suggests, it is simultaneously one and divided.

Seen on one level, the different offices into which the State is divided are organs among others of the corporate order rather than embodiments of the communal body. Through a separation of powers, the Political expels omnipotence – the sacred communal body, the constituent power which transcends separated powers – to the corporate, absent realm. In order not to become vessels of sacred fusion, both the social and the Political have to be divided inwardly as much as they are separated from each other. The power of the divine king is split into human and sacred powers corresponding to the fundamental distinction between political and legal affairs and responsibilities. His body is divided into a desiring princely body and a robotic self-fertilizing clerical body. In contrast to the divine

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king, both princely and clerical bodies are deficient, occupying particular offices in social structure which dictate and restrict their capacities. They circumscribe, complement and depend upon each other.\footnote{Fortes records the ritual confirmation of the equal indispensability of the different offices. “… the ceremonial cycle confirms, annually, the occupation of each office and thus re-imposes on its holder his duties and capacities. This is quite explicit: the ceremonies are conducted in an idiom that highlights the ritual equality and indispensability of all the offices. All are equally essential. Each officiant can claim that his office and his ritual performances form the hub of the whole cycle and, consequently, the fount of tribal well-being.” M. Fortes, “Ritual and Office in Tribal Society” pp. 53-88 in M. Gluckman (ed.) Essays on the Ritual of Social Relations. Manch ater: Manchester University Press, 1962, p. 75.}

Combining spiritual and temporal powers, the military orders of the Middle Ages were hard to classify as either laity or clergy and were conceived by their contemporaries as lawless and subversive.\footnote{Gonda and Dumont describe the complementary nature of kingship and priesthood in India. Gonda and Dumont describe the complementary nature of kingship and priesthood in India. According to Gonda, “When the might of the ruling class is under the control of brahmans the kingdom was believed to become prosperous. … king and purohita are, for the sake of the well-being of the kingdom, an inseparable pair; they are each other’s complement. For the good and evil done in the kingdom, both of them are responsible.” J. Gonda, Ancient Indian Kingship from the Religious Point of View, Leiden, Brill, 1966, pp. 62-66. According to Dumont, “While spiritually, absolutely, the priest is superior, he is at the same time, from a temporal or material point of view, subject and dependent. And conversely the king, if spiritually subordinate, is materially the master.” Louis Dumont, Religion/Politics and History in India, Mouton Publishers, The Hague, 1970, p. 65. On the symmetry between clerical and temporal powers in Rome see John Scheid “Le prêtre et le magistrat” in C. Nicolet, (ed.) Des ordres N Rome, Paris, 1984.}

No dialectical move toward a complete unification of temporal and sacred powers is compatible with an enduring social structure.

Each office in social structure amounts to an impersonal, clearly demarcated role that can be occupied by different persons. Separation of powers conditions the possibility of the office; divine kingship is not an office. While the divine king is irreplaceable and superior to the law, the office subjects its changing occupants to a normative system.\footnote{Kantorowicz attributes great theoretical significance to the “oath of office urging the king as well as his officers to protect an impersonal institution which ‘never dies’, the crown.” Kantorowicz, The King’s Two Bodies, Princeton University Press, 1957, p. 354.} In addition to the separation of powers, the institution of office testifies to a separation between private and public. The individual occupant is distinguishable from his office by virtue of simultaneously playing other roles in other, private spheres. The office is impersonal in that it is a trust defined by collective values and interests; it is personal in the sense of being
occupied by deconsecrated individual bodies exercising worldly human capacities. The
office, then, emerges in the course of the deconsecration of the Political together with the
kind of self-regard that leads to its constant abuse by its occupants. The two distinctions that
gave rise to the office – the private-public distinction and the juxtaposition of clerical and
temporal establishments – increasingly overlapped with the gradual privatization of revealed
religion in the aftermath of the Reformation.\footnote{23}

The dichotomy between human and sacred powers is consistent with various local
institutional configurations, such as the modern distinction between legislative, judicial and
executive powers.\footnote{24} In fact, the dichotomy between clerical and temporal offices, found in
different civilizations, is already tripartite. Ensuing from the projection of the communal
body and reflecting the triangular structure of the corporation, every separation of powers is
tripartite: true legislative power – the constituent power – belongs to the transcendent
corporate body, while its chief organs, the clerical and princely bodies, exercise judicial and
human powers respectively. Legislative power constitutes an instance far superior to judicial
and human powers.\footnote{25} It cannot be fully vested in an office, even once it is distinguished from
the other powers. Since the law is in essence timeless, so must its author be. Even in the
absence of a superior constitutional text, the legislature is only authorized to elaborate a

\footnote{23} Barbara Rosenwein traces the modern protection of privacy back to medieval immunities of the Church. See, B. H. Rosenwein, *Negotiating Space* (Ithaca, Cornell University Press, 1999) p. 210. The present understanding of office seems to suggest that priesthood and adjudication cannot be considered offices. The clerical body is vested with sacred powers and its social existence is not divided into different spheres of interaction. However, monasticism allows the institutionalization of the Church into a system of offices by largely absorbing the sacredness of the clergy. To a considerable degree, it secularizes the Church. Vogüé portrays the monk’s life as confined to a single sphere and consequently far more total than membership in a church, and indeed more than ‘secular’ priesthood. “Here we have a group of men who bind themselves completely to a head at once spiritual and temporal. The human community here coincides exactly with the church, and the spiritual sons of the abbot are at the same time entirely subject to him, in the whole and in every detail of their temporal activity, with no secular domain answerable to a separate power.” (p. 115, see also pp. 120, 131) Adalbert de Vogüé, *Community and Abbot in the Rule of St Benedict*. Kalamazoo: Cisterian Publications, 1979. On the clerical office see F. L. Cheyette “The Invention of the State” in B. K. Lackner (ed.) *Essays on Medieval Civilization* (Austin, University of Texas Press, 1978), pp. 143-178 in p. 169.

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\footnote{25} According to Bodin, the principal mark of sovereignty as absolute and perpetual authority is legislative power, though for him such power is naturally vested in a prince. Bodin, *On Sovereignty* (edited and translated by J. H. Franklin), Cambridge: Cambridge University Press, 1992, pp. 58-59. According to earlier conceptions, the essence of sovereignty consists in jurisdiction rather than legislation.
given set of timeless principles embodied by the judiciary,\(^{26}\) and in that capacity exercises mostly powers of the human, secular, princely type. True legislative power can only reside in the absent corporate body, the constituent instance, the providential source and cornerstone of the legal system. In a democracy, the ultimate legislator – the sovereign, the “people” – remains a transcendent entity which materializes only during certain constitutional episodes: occasions of *communitas* such as declarations of independence, revolutions, referenda, certain historical-political trials and certain states of emergency, when state powers are not yet or no longer separated.\(^{27}\)

In modernity, clerical as much as human powers are embedded in novel institutional configurations. The divorce between church and State, however gradual and incomplete, made it increasingly difficult for revealed religion to posit an objective limit to temporal power. A new constitutional articulation of powers arose where the judiciary objectified the limits of human power and the latter’s source of legitimacy. It has thus gradually assumed the clerical function.

The structural separation of powers amounts to an *impersonalization of the Sacred*. It distinguishes human secular powers from impersonal sacred ones. Only under divine kingship is the Sacred enacted in a personal manner. In the course of a long historical development, the sacred sovereign will assumes the exclusive form of impersonal law. The clerical function, performed by the judiciary and the public administration at large, consists in embodying this law. Modernity saw public responsibilities transmitted from the hands of feudal lords and state entrepreneurs to salaried, professional, anonymous officials.\(^{28}\) The modern administration is an impersonal machinery set in motion by a complex set of general regulations that codify the sovereign will in an objective manner. It institutes *raison d'Etat* across the social world through its efficient, uniform procedures. This uniformity of


\(^{27}\) In the debates preceding the trial of Louis XVI by the revolutionary assembly, the Girondines held the position that the addition of judicial powers to the Convention’s legislative functions would constitute “a monstrous accumulation of powers” and advocated instead trial by referendum. See M Walzer *Regicide and Revolution* (Cambridge University Press, 1974) pp. 57-59. Whatever their procedure, such trials are not conducted by separate powers but by the sovereign incarnate. The same process occurs, for example, in the exercise of the pardoning power and in totalitarian show trials.

standards and procedures was made possible by a strict hierarchization and centralization of the administration, which rendered it extremely powerful. Moreover, this process made the administration oriented towards the implementation of an inbuilt reason. The bureaucracy may be answerable to the king, and then – with the conquest of power by the bourgeoisie through democracy – to the new administrative law, but the orientation of its conduct emanates from its inner, rational structure as a system of offices and principles. This self-oriented structure has become the supreme embodiment of the rational, secular, impersonal realm of the State and of raison d’État, and with the perfect functional ordering of its organs it epitomizes the corporate form of social structure. Embodying transcendent Law and Power, the constitutional order and the rule of law, the administration grounds social structure in its external foundations.

Through the legal, impersonal forms and formulas of the modern administration, superhuman authority is imposed upon the social. The purpose of administrative law is to preserve the impersonal, sacred nature of the administration, to eradicate any personal trace in administrative action and to uphold the division between sacred and secular powers. The judiciary, however, constitutes the purest manifestation of impersonal clerical power: a department of the general administration, its mode of performance remains the most ritualized, formalist, sacred. It functions as the most authoritative vehicle for ancestral voice and as the magical anchor of the social order.

The Totemic Function. Notwithstanding its inner division into human and sacred powers and offices, the Political performs the totemic function of embodying social structure’s unity. Since it is ancestral law with which all departments of Power are in different ways identified, and which gives social structure its unity, the Political performs the totemic function by representing the corporate realm as a single ancestral jurisdiction. While in communitas unity inheres in the body of the divine king, in social structure it is embedded in a transcendent, ancestral law in a way which reconciles sacredness and subjectivity, unity

and plurality. Law secularizes society by becoming in itself the embodiment of its sacred unity. Since ancestral, corporate authority functions primarily as supreme law-giver and judge, the unity of a corporate group is first and foremost expressed through the unity of the law that defines and regulates it. All organs of social structure and all their interrelations are defined by reference to the same corporate center and law. The governing and unifying idea in every social structure is that of the rule of law. The different branches of Power are defined by reference to this idea: temporal power manifests the ancestral empowerment of the human and the potency of ancestral jurisdiction, while the clerical body constitutes a magical incarnation of sacred ancestral law amidst ordinary mortals. Only powers that celebrate ancestral law are in enduring social structures conceivable and representable.

With the passage from divine kingship to a stable social structure, Power reveals rather than incarnates the communal body.\(^{30}\) It remains, however, the anchor of the social hierarchy, a sacred center that hosts infallible revelation and sacred images of absence. Power harbours the magical grace of the pre-historical founding \textit{communitas} which preceded its establishment, and grounds itself in this eternal flame. It thus exists partly outside the temporality with which the secularized world of ordinary mortals is afflicted, linking the temporal and the timeless, the human and the superhuman.

Alongside its secular existence, the body of the king signified the unity of the realm as a single ancestral jurisdiction: it functioned as an emblem of an absolute unity and Power which it did not contain. As such, it could possess a special charisma and even magical powers, but these were vested in the body of the king only as an offshoot of the ancestral, dynastic body. They were inherited. They vested in the crown as an icon of the governing and unifying principle of the realm: ancestral law and authority. With the collapse of the old r\^gime, it is the constitution rather than the crown which in many legal systems denotes the unity of the corporate order as a single jurisdiction.\(^{31}\) The constitution is a well-demarcated text whose singularity is accentuated and celebrated. In the American Protestant tradition, for example, a sacred constitutional text preserves the charisma, the sheer sacredness, of the

\(^{30}\) On the sacredness of the State, see Kantorowicz, “Mysteries of State, An Absolutist Concept and its Late Medieval Origins”, \textit{The Harvard Theological Review}, XLV III 1955, p. 65.

Constitutional lawyers have noted this aspect of the American constitution. According to Preuss, “It is the sanctity of the founding act by which the polity has been created which imputes to the constitution the authority of the supreme law. The supremacy of its authority over all other laws flows from the inherent significance and uniqueness of the act of nation building. The essential constitutional question which arises is how to preserve the legacy of the founding act, i.e., how to keep the polity alive.” Ulrich K. Preuss, “The Political Meaning of Constitutionalism” pp. 11-27 in R. Bellamy (ed) Constitutionalism, Democracy and Sovereignty: American and European Perspectives. 1996. Aldershot: Avebury. p. 21.

In France, by contrast, the constitutional text is hardly treated as a repository of sacredness and epitome of corporate unity. Perhaps in fidelity to Catholic tradition, it is the state as institution that embodies the unity of the corporate order and encompasses all instances of power. In any case, with the emergence of democratic, adversarial politics, the judicial representation of the realm’s legal unity becomes increasingly conspicuous. In the absence of a royal representation of ancestral law, the judiciary assumes a growing totemic responsibility which, together with its clerical function, accounts for its increasing sanctity.

**Excursus: Temporal Power.** With the projection of the communal body onto the sphere of the ancestors, the king ceases to be divine. His rule is legitimated by a normative order that is associated with ancestral authority, not by the sacredness of his own body, and he normally accepts his secular condition. Temporal politics is conducted with constant reference to the transcendent normative order in which it is grounded. The spectacle of power is designed to prevent the return of the communal body and keep social structure intact, rather than bestow sacredness upon the leader. It displays the unity of the corporate order and its externality to the social. Different cultures and civilizations defined the temporal office as consisting of the two fundamental duties of law enforcement and care for the material interests of the realm. Through the violent staging and enforcement of the law, temporal power confronts the longings for immanent materialization of the communal body. Power empties the social of its sacred unity and invests this sacredness in a transcendent law which divides society. In order to establish individual autonomy, temporal power implements individual rights and duties throughout the social and deprives the community of

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33 “Alors que la royaut’ magique est discontinue, héroïque et dramatique, Agamemnon se présente nous comme l’héritier d’une tradition légitimée par Zeus” (Heusch, 247).
Through displays of refinement, power may gesture toward an existence almost free of the dogmatic distinction between the sexes. Contrary to our liberal intuitions, the more the spectacle of Power is convincing, the safer are interpersonal separation and individual autonomy. An imposing political stage separates community from Power and ensures the projection of the Sacred outside of the social, thus upholding autonomy, reason and meaning. When Hobbes and some of his Huguenot contemporaries argued that an absolute monarchy secures the interests of the individual better than any other form of government, they anticipated the liberal intuition according to which a cleavage between state and society strengthens the individual vis-à-vis the community. Under Hobbesian Absolutism, the solid boundary between Power and the social excludes the possibility of a regression of the citizenry into a single, omnipotent collective entity. The view of the staging of Power as a non-democratic mechanism of oppression is insufficient not only because Power conditions autonomy. It also unduly reduces Power to the threats regimes level at their subjects. Through Power society collectively articulates and ponders its self-image. Leaders and subjects alike – actors and spectators – observe Power, forming the self-contemplating corporate subject. To be sure, such collective contemplation does depend upon a mise-en-scène of violence which convinces members of social structure to embrace their subjectivity and discard aspirations for fusion and disorder.

As traditional literature and drama amply attest, the prince stages the human condition before its subjects. He epitomizes structure as a temporal realm of action, reason and desire that is dedicated to the pursuit of worldly goods and grounded in firm interpersonal separation. Powerful yet bound by a superimposed law, the secular prince stages the human conquest and domestication of the world, the triumph of subjectivity and the taming of the Sacred. The splendor of kingship represents lawful, divided, secular human existence in its best light, human powers in their most extravagant form. However, displays of leisure and playfulness distinguish power from realms of everyday effort and moral regulation. Through displays of refinement, power may gesture toward an existence almost free of the dogmatic distinction between the sexes.
personality of the group, of which it is one organ. The symbolism of power must be delicately balanced: temporal power cannot dissociate itself too much from the normative world of ordinary mortals. It is always bound by the timeless Law of the ancestors, though not necessarily by the same rules and tribunals that regulate the social. As medieval thought discovered, it is placed below natural law and above positive law. It is in fact only the clerical body which, even in stable social structures, is not subject to ancestral law by virtue of being its magical embodiment.

Temporal power attests to the capacity of the human to represent itself for itself in a position of power. This tautology already implies a humanization of a world: society is seen as licensed by its ancestors and other cosmic powers and as partaking in their capacities rather than as their victim. By contrast, under divine kingship there is no hegemonic staging of the human as an autonomous category licensed and empowered by benevolent ancestors. Outside kinship, with neither ancestors nor descendants, the divine king is alien to the social; he cannot guarantee and epitomize the empowerment of the human, the victory of subjectivity, the efficacy of human, rational, action and the projection of the sacred devouring communal body outside of society. The divine king can hardly domesticate the world his subjects try to inhabit.

Temporal power renders the social, the clerical and itself deficient, thereby keeping structural divisions intact. It exercises violence in order to infuse its subjects with awe for the principle of division. It accomplishes, then, the projection of the communal body, the foundation of a social structure and the domestication and humanization of the world by staging itself as (a) the exclusive holder of temporal powers, capable of violent enforcement of ancestral law; (b) strictly deprived of sacred power; (c) licensed by transcendent authority; (d) bound by a superimposed law; and (e) the active, potent and beautiful prototype of secularized human existence. Under such a spectacle, society willingly engages in what Klein termed projective identification with power: society accepts the externality of Power to itself, and identifies with it as the container and executor of its own violent and morbid wishes in a way that allows for a peaceful and productive social order. When an efficacious spectacle of power collapses – with the murder of a prince, president or prime-

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36 The classical formula according to which the king is a living and breathing law (lex animata) captures the symbolic foundation of power and law. For a short survey of its history see F. Schultz, “Bracton on Kingship” in The English Historical Review LX 1945 136, 156-169.
The monastic ideal of love, as a search for union with God which will bring with it union with all human beings, betrays an underlying yearning for fusion with the communal body and for suspension of individuality. On monastic ideals of love, see Jean Leclercq, Monks and Love in Twelfth-Century France, Oxford University Press, 1976, pp. 22, 106. The investment of the communal body in the clerical body finds expression in the fiction that in sacrament officiant and recipient become kin and that the priest is the father of all community members. On clerical paternity and purity, see Amy G. Remensnyder, “Pollution, Purity and Peace” in Thomas Head and Richard Landes (eds.) The Peace of God (Ithaca, Cornell University Press, 1992), pp. 280 – 307, in 305.

The Clerical Function. While temporal power exercises the active powers of the divine king, the clerical body inherits his sacred powers. The sacred parts – if I may employ a Kleinian metaphor – of the divine royal body are not allowed into the realm of ordinary mortals; instead they find their way to various sacred bodies. The clergy constitutes one among a large variety of sacred bodies which includes, to take a few examples, local saints, magicians and shamans of sorts, hermits, divine kings, prophets and their modern descendants such as apocalyptic ideologues. Contrary to the terminology of some religions and of the sociology of religion, I consider the established monastic orders as instances of “the clergy”. The distinctive features of the clergy, including the monks, in relation to other sacred bodies have to do with its unique place in the corporate order. As opposed to most sacred bodies, the clergy occupies an objective position: the clerical body is the official sacred body. This position in the corporate order explains (a) the permanence of priestly cults, deriving from the notional immortality of the corporate order and from its resolute self-perpetuation; (b) the object of worship of priestly cults, namely, the transcendent corporate body; and (c) the association of the clergy with temporal power. Adjacent to temporal power at the center of a firmly established social structure, the priesthood is in its most natural condition.

37 The monastic ideal of love, as a search for union with God which will bring with it union with all human beings, betrays an underlying yearning for fusion with the communal body and for suspension of individuality. On monastic ideals of love, see Jean Leclercq, Monks and Love in Twelfth-Century France, Oxford University Press, 1976, pp. 22, 106. The investment of the communal body in the clerical body finds expression in the fiction that in sacrament officiant and recipient become kin and that the priest is the father of all community members. On clerical paternity and purity, see Amy G. Remensnyder, “Pollution, Purity and Peace” in Thomas Head and Richard Landes (eds.) The Peace of God (Ithaca, Cornell University Press, 1992), pp. 280 – 307, in 305.


The clergy secures the constitutional legitimacy of existing power, embodying a license that emanates from the mythical realm of the ancestors. But clerical power can never be completely appropriated by temporal power. Despite its multiple stakes in temporal power, a genuine clergy will not be fully loyal to the ruling or any other faction. It cannot be chained to any particular human cause, often shifting at ease from one temporal ally to another. Impartial, impersonal, inhuman, the clerical body always remains simultaneously inside and outside the array of divergent human interests that make up social structure. Temporal control over judicial and clerical appointments and over the resources of clerical institutions is therefore as offensive to modern intuitions as it was to Gregorius VII and his followers. As an instance of communitas, of the liminal, and of the Sacred in general, the clergy introduces into social structure a universal call. It implants ineradicable otherness and openness in the midst of structure in a way which deprives any temporal realm of sovereign self-enclosure. Clerical discourse, theological or legal, cannot be confined to a local frame of reference or field of application. Its origin and destination is a timeless and universal dogmatic discourse. By virtue of its externality to social structure and to structure’s constituent factions, the clerical body can be approached by the outcast, the foreigner, the enemy. It is reputed for the universality of its attention and message and for its competence as an impartial middleman in local as well as international disputes.

Despite its uncertain loyalty, only the clerical body can provide temporal power with legitimacy. Its function, however, is far more fundamental. It constitutes an essential component of the apparatus of public rituality – the sacra, the magic of the State – which makes the social order possible. The magic of the center anchors in the real – in the Sacred – the deconsecrated bodies and thoroughly fictional lives of its ordinary spectators while confining them to the realm of religion, a realm of narrative, fiction and absence. The clerical body is a sacred extension, a magical enactment rather than a mere representation, of

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40 “Usually, the state will know how to win the priests over, because it needs their most private, secret education of souls and knows how to appreciate servants who seem outwardly to represent a quite different interest. Without the help of priests, no power can become “legitimate” even now – as Napoleon understood.” (Nietzsche, Human, all too Human, trans. Marian Faber, Harmondsworth: Penguin, 1994, fragment 472).
42 In this respect, contemporary international institutions can be seen as heirs of the Church.
the corporate body. A higher rank in clerical hierarchies implies a greater degree of participation in the Sacred. In modern civil religion, offences to the independence, separateness or dignity of the court constitute the most severe sacrilege. The projection of the communal body outside of the social is made possible by its institutional objectification in the form of the radically Other, sacred presence of the clerical body.

As a visible extension of the absent ancestral body, the clerical body performs the official rites, that is, the various instances of ancestral presence. Prominent among them are oracular rites. In its capacities as judge or preacher the clerical body voices the sovereign ancestral will. Once projected outside of the social, the Sacred manifests itself as the form of valid oracular pronouncements. In the passage from *communitas* to social structure, the magic of divine kingship transforms into legal magic. Validity is *communitas* converted into formalistic, ritualistic patterns of legal enunciation. The division between clerical and instituted – as opposed to charismatic and transitional – temporal power secures this metamorphosis of *communitas* into valid, truthful categories. According to Hobbes, it is the sovereign as the holder of ultimate power who is the source of meaning, truth, validity and justice. While Hobbes’ intuition is revealing insofar as Power makes meaning, truth, validity and justice possible and inseparable – structure and representation vanish with the collapse of Power – it is the clerical body which performs the oracular function of embodying them. The legal order revealed by the clergy resides in the clerical body. The notion of *lex fori* depicts the judicial body as the body of a particular ancestral code: the court embodies a certain legal order and is therefore omniscient of it. Because it is identified with the law, the clerical body in itself is not subject to human law. Thus, the medieval priesthood claimed and, to varying degrees, enjoyed exemption from temporal law and jurisdiction, an indispensable privilege in which our notion of academic freedom and doctrines of judicial inviolability are rooted. Radicalizing the sacred lawlessness of the clerical body, the

44 See L. Barshack (2000), “The Totemic Authority of the Court” 11(3) Law and Critique, pp. 301-328. In the *Will to Power* Nietzsche describes the intermediary role of the clergy. “Priests are the actors of something superhuman which they have to make easily perceptible…” (*The Will to Power*, trans. W. Kaufmann, Vintage, 1968, paragraph 138); “They establish themselves as indispensable intermediaries: they need as conditions of their existence: (1) belief in the absolute superiority of their God, belief in their God; (2) that there is no other, no direct access to God. The second demand alone creates the concept “heterodoxy,” the first the concept “unbeliever” (i.e., one who believes in another God --).” (*The Will to Power*, trans. W. Kaufmann, Vintage 1968, paragraph 140.)

45 Modern lawyers and historians continue to debate the respective legalistic merits of Henry’s and Becket’s arguments in their famous dispute over the scope of the clerical exemption. See, for example,
monasteries demanded exemption from both temporal and Episcopal jurisdiction. They regulated themselves through the charismatic, sacred body of the abbot and were otherwise answerable only to the sacred papal body. The monastic world pushed the religious ideal to its extreme in a way that allowed for the growing adoption of human traits on the part of the “secular clergy” and for the thorough institutionalization and rationalization of the Church, epitomized by the Canon law tradition. The monasteries emptied to a great extent the religious establishment of sacredness by absorbing it within themselves. The more the monastic world approximates the condition of communitas, the more the Church can structure itself as a network of clearly demarcated offices. The interdependence of the religious establishment and monastic spirituality is by no means unique to Medieval Christianity. It reflects a fundamental pattern of religious institutionalization, consisting of a gradation between different levels of clerical renunciation.

Through a gradation in the degrees of detachment, otherworldliness and sacredness of the various clerical cults of civil as well as historical religions, social structure can partly institutionalize the Sacred, an enterprise fraught with contradiction that would have been

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46 On the development and extent of monastic exemptions see H. E. J. Cowdrey, The Cluniacs and the Gregorian Reform (Oxford University Press, Oxford, 1970) pp. 22-32; C. H. Lawrence, Medieval Monasticism (2001 Longman Harlow), pp. 132-137. The status of the vestal virgins provides an example of the externality of sacred persons to kinship, gender and the law in general. “As happens in many so-called primitive societies, virginity, which generally involves mystical powers and peculiar magic, is conceived among them as an intermediate stage between femininity and masculinity; not mythologically, but juridically, as elsewhere, but juridically, as one might expect at Rome: they are exempted from guardianship, bear witness, and dispose of their property by will without restriction…” G. Dum’zil, Archaic Roman Religion, The Johns Hopkins University Press, Baltimore and London, 1996, p. 587.

47 One of the most communal features of the monastic association is the sacredness of abbatical authority. On the Christ-like nature of the abbot in the Rule of Saint Benedict see Adalbert de Vogüé, Community and Abbot in the Rule of St Benedict. Kalamazoo: Cisterian Publications, 1979, p. 103. Bynum has studied the use of maternal images in the construction of abbatical authority. Caroline W. Bynum, Jesus as Mother, Berkeley: University of California Press, 1982, pp. 154ff. Such images are clearly indicative of a symbiotic mode of interaction.

impossible otherwise. Society aspires to contain, tame and institute the Sacred in order to control it, affirm itself against it, receive its blessing, and deny its radical otherness. However, social structure rests on a projection of the Sacred; it cannot fully contain the Sacred. This inherent paradox is mitigated through an institutional gradation between different degrees of sacredness/secularity and externality/internality, which prevents the sacred and secular bodies from collapsing into each other. An equilibrium, a stable tension, between the Sacred and the profane is accomplished as the evolution of the church into a structure through its juridification and institutionalization is countered by the monastery pulling the clerical body in the direction of *communitas*. In this way the Sacred is neither thoroughly accommodated by structure nor does it threaten structure from outside, as an intractable external force.
A psychoanalytic account of clerical practices would reinforce the characterization of the clerical body as simultaneously embodying law and exempt from it, as the dual incarnation of law and transgression. The projection of communal sacredness onto the clerical body and its consequent castration – castration being understood as confinement to a rudimentary state of sacred fusion – eradicate all personal traits and turn the clerical body into a teeming fountain of legal validity and truth. At the same time, castration exempts the clerical body from the law by engulfing it in a forbidden fusion with the sacred communal body. Such fusion deprives the clerical body of normative gender, desire and position within the system of kinship, which assume a subjection to the law of separation.

Like the divine king, the clerical body is immersed in permanent incestual fusion with the communal body and as a consequence becomes a repository of transgression. The relegation of sacred parts of the divine king to the clerical domain amounts to a deployment of the Sacred which reflects an advanced domestication of the world and self-assertion of the human. The clerical body willingly absorbs sacredness, castration and symbiosis (death) into itself and assures the secular world that the Thing will not be launched back into the social. By acting out the Sacred for ordinary mortals, it makes possible the projection of the Sacred outside of the human realm. By virtue of its official position, the priesthood can cooperate with temporal power’s efforts to uphold the corporate economy of the Sacred: unlike other

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50 “The Jews tried to prevail after they had lost two of their castes, that of the warrior and that of the peasant; in this sense they are the ‘castrated’: they have the priests – and then immediately the chandala –” (*Will to Power*, trans. W. Kaufmann, New York: Vintage, 1968, paragraph 184; see also paragraph 204 on priestly castration).

51 Reduced to mere Things, the mutilated bodies of the martyr, the castrated monk, the animal sacrificed for divination, the denying, unwavering suspect, emit truth and validity. They bear witness to ultimate truth like sacred relics. Nietzsche often likens the philosopher’s search for truth to a clerical preoccupation. As is well known, the clergy was in a large number of traditions regarded as the final authority on truth and charged with its systematization and transmission. The truth deposited in the clerical body is not meant to be fully shared with ordinary mortals, as guarantee, for example, the privileges of the clergy in the law of evidence.

52 For Freud’s highly controversial explanation of the relation between castration anxiety and subjection to the law see “Some psychical Consequences of the Anatomical Distinction between the Sexes” (1925) *The Standard Edition of the Complete Psychological Works of Sigmund Freud* London Hogarth Press 1953-1974 Vol. 19, pp. 248-260. Gender marks such as hair are often removed from the clerical body. See, for example, Serge Sauneron, *The Priests of Ancient Egypt*, p. 37.

53 See note 11 above on the divine king as a container of transgression.
types of holy men the priest is removed from the surrounding community and his sacredness does not infiltrate the social. In this way, the clerical body purifies the human world and allows it to thrive. By renouncing the world, the clerical body makes the world possible; by impersonating the inhuman it enables the human to prosper. The function of the priest, like that of the divine king, is self-sacrifice. In the analogy between sacrifice and trial, pursued by Girard and other theorists, the sacrificial victim should be identified not with the accused but with the judge—a permanent surrogate victim placed in the position of the Third, a small-scale redeemer who makes possible through self-sacrifice the appeasement of social friction.

The Body Clerical. A sacred relic of the founding celebration of the communal body, the body clerical is bereft of individual will or opinion. It is a medium through which impersonal powers manifest themselves. Since rights establish and protect autonomy, the body clerical is not qualified for self-ownership or any other civil right. Its lack of autonomy is reflected in the inapplicability of the attributes private and public to clerical practice. In contrast to ordinary mortals, the world of the clergy is not divided into separate spheres. The immersion of the clerical body in the Sacred allows no distinction between different realms of interaction and renders individual autonomy impossible.

As a mere extension of the Sacred, the clerical body performs preordained, ceremonial actions. Weakness and incapacity to act freely on objects or subjects in the world

54 An objective dual representation of church and State as independent of each other is therefore highly conducive to structural development: it entrenches the separation between the Sacred and the profane and checks the totalitarian aspirations of both realms. The visible cooperation between the distinct offices of prince and priest functions as a constant confirmation of the reconciliation between the human and the Other and of the viability of the cosmos as a deeply humanized, all-inclusive, harmonious order. When the clerical administration of the Sacred fails to nourish and reassure society or particular social groups, unofficial holy men of various types and other manifestations of sacredness are likely to proliferate throughout the social.

55 “...a priest is and remains a human sacrifice.” (Gay Science, trans. W. Kaufmann, Vintage, NY, 1974, p. 294 / paragraph 351.)

56 See Vogüé, pp. 112–119, on the symbiotic relations between abbot and flock. (“there is but a single will in the monastery”, p. 119). The prohibition of ownership, which can assume various degrees of severity, is liable to arouse controversies between mainstream religious establishments and more zealous groups, such as the conflict between Rome and the mendicant orders. On Franciscan poverty as communitas see Turner The Ritual Process (1969, p.140).
are inherent to the clerical body and to forms of *communitas* in general. As Nietzsche argued and Turner beautifully illustrated, sacredness is the power of the weak. Since *action* refers primarily to free and reflective forms of social cooperation and cannot be reduced to work or labour, incapacity to act implies an incapacity to speak.\(^{57}\) Much has been written on monastic silence, which constitutes one instance of a wider phenomenon: the silence of all holy persons, the silence of the clergy and the judiciary, of the totem and the State.\(^{58}\) Speech assumes a deconsecrated speaker, one that is separate from his body and objects and hence from the Sacred.

Faceless, silent, barely individuated, the clerical body provokes an experience of the uncanny. According to Freud, the uncanny is occasioned by experiences which suggest the fading away of the individual self, such as confusions between man and machine, the double and threats of castration. The uncanny, Freud argued, is evocative of early repressed experiences of a threat of fusion. As Freud notes, *das Unheimliche* is often almost interchangeable with its opposite: the too *heimliche*, the too familiar, the symbiotic. Consecrated to the communal body and implicated in permanent fusion with the Sacred, the clerical body constitutes an instance of the uncanny.\(^{59}\)

Melanie Klein’s account of states of failed individuation and interpersonal fusion describes the attitudes of envy, masochism, sadistic vengefulness and greed that Nietzsche repeatedly attributed to the clergy. The work of Klein and other psychoanalysts suggests a theoretical perspective that links Nietzsche’s account of clerical moral masochism with the foregoing account of sacredness as fusion: if the clerical body as an instance of the Sacred is immersed in fusion, and if, as Kleinian theory suggests, relations of fusion are intensely sadomasochistic, then Nietzsche’s observation of clerical sadomasochism should not be surprising. This theoretical synthesis is lent credibility by the fact that Nietzsche’s views

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For political elaborations of these assumptions, see Axel Honneth, The Struggle for Recognition; L Barshack, Passions and Convictions in Matters Political.

According to Nietzsche, clerical weakness and humility disguise the greatest ruthlessness. “As is well known, the priests are the most evil enemies – but why? Because they are the most impotent. It is because of their impotence that in them hatred grows to monstrous and uncanny proportions, to the most spiritual and poisonous kind of hatred.” (Genealogy of Morals, trans. W Kaufmann, New York: Vintage, 1989, part I paragraph 7) “They are bad enemies: nothing is more revengeful than their humility. And he who touches them is easily defiled.” Nietzsche, Thus Spoke Zarathustra, trans. R. J. Hollingdale, 1969, Penguin, p. 114 (“Of the Priests”).

From a Kleinian perspective, the nourishing and devouring sacred communal body, to which the clerical body is consecrated and sacrificed, can be identified with the early violent fusion with the maternal body. In the terms of object relations theory, symbiotic object relations are sadistic and masochistic. Klein and her disciples traced failed personality integration and individuation to early experiences of excessive internal and external persecution that entrench a permanent posture of sado-masochistic fusion; individuation, by contrast, was seen as conditioned by genuine love and recognition. According to Klein, the early internalization of excessive persecution, misrecognition, and of others’ wishes for transgression and death, aggravate and fuel one’s own inner destructiveness, thwart the mitigation and integration of destructive and symbiotic urges, and thereby prevent the consolidation of an integrated, firmly individuated good self. The victim of misrecognition has no alternative but to identify with his outer and inner “persecutors”, perpetuating their sadism and practicing it on others and himself.

Nietzsche’s description of the priest’s moral sadism, envy and vengefulness, informed by a long European tradition of anti-clerical mockery and judicial parody, anticipates Klein’s account of the sadistic envy of the misrecognized, unindividuated weak self. According to Nietzsche, the castrated yet sacred victim of real and imaginary misrecognition is envious and vengeful of the self-loving and life-asserting good selves. Moral masochism was seen by Nietzsche as a result of the priest’s recognition of his weakness and inferiority, amplified by the consequent redirection of aggression onto oneself.

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60 For political elaborations of these assumptions, see Axel Honneth, The Struggle for Recognition; L Barshack, Passions and Convictions in Matters Political.
61 According to Nietzsche, clerical weakness and humility disguise the greatest ruthlessness. “As is well known, the priests are the most evil enemies – but why? Because they are the most impotent. It is because of their impotence that in them hatred grows to monstrous and uncanny proportions, to the most spiritual and poisonous kind of hatred.” (Genealogy of Morals, trans. W Kaufmann, New York: Vintage, 1989, part I paragraph 7) “They are bad enemies: nothing is more revengeful than their humility. And he who touches them is easily defiled.” Nietzsche, Thus Spoke Zarathustra, trans. R. J. Hollingdale, 1969, Penguin, p. 114 (“Of the Priests”).

Psychoanalytic thought has endorsed Nietzsche’s association of self-hate with internal persecution, often situating these phenomena within a general ongoing condition of sadomasochistic fusion, though accounts of how the internal persecutor is established vary. According to Fairbairn, masochism results from an incorporation of external aggression which is intended to exonerate an external persecutor by imputing the latter’s violence to himself. According to Klein, inner persecution is primary; it does not have to be imported from society, though external misrecognition can aggravate one’s inner violence to the point of hampering the integration and consolidation of a firmly individuated good self. According to both accounts – as well as Nietzsche’s – the masochistic identification with the inner persecutor is designed to overcome an overwhelming sense of helplessness and pacify, seduce and somehow control the “persecutor”. The priestly renouncer and other masochists accept and come to love and praise their dispossession and suffering, because only by means of such a reversal can they survive in the given world.

These psychoanalytic intuitions are often implicit in Nietzsche’s portrayals of the priest’s moral masochism. Nietzsche described clerical masochism as the struggle for survival of the weak under the most unfavourable of conditions through the assertion of a totally reversed notion of life. Ascetic practices and ideals respond to the need to institute permanent humiliation and submission as a feasible form of life in order to appease an internalized persecutor. Through the ascetic ideal, the clerical body disciplines and keeps


63 Freud 1919 “A child is being beaten: A contribution to the study of the origin of sexual perversions” The Standard Edition of the Complete Psychological Works of Sigmund Freud London Hogarth Press 1953-1974 Vol. 17 175-205, p. 189. Berliner traced masochism to early object relations: “The defense mechanisms involved are primarily denial and libidinization of suffering. The experience of hate and ill-treatment is repressed. The child, in its imperative need for love, accepts this hate and ill treatment as it they were love and is not conscious of the difference. Suffering thus libidinized is introjected.” (Berliner 1958, 44). B Berliner 1958 The Role of Object Relations in Moral Masochism. 27 The Psychoanalytic Quarterly, 38-56.

64 The Genealogy of Morals, trans. W. Kaufmann, Vintage, New York, 1989. III 13: “…the ascetic ideal springs from the protective instinct of a degenerating life which tries by all means to sustain itself and to fight for its existence… life wrestles in it and through it with death and against death; the ascetic ideal is an artifice for the preservation of life.” III 13: “The ascetic priest is the incarnate desire to be different, to be in a different place, and indeed this desire at its greatest extreme, its distinctive fervor and passion; but precisely this power of his desire is the chain that holds him captive so that he becomes a tool for the creation of more favorable conditions for being here and being man – it is precisely this power that enables him to persuade to existence the whole herd of the ill-constituted, disgruntled, underprivileged, unfortunate, and all who suffer of themselves, by instinctively going before them as their shepherd. You will see my point: this ascetic priest, this apparent enemy of life, this denier – precisely
he is among the greatest conserving and yes-creating forces of life.”

65 Nietzsche described on a number of occasions the moral masochism of the clergy. “For [the priests] found all the value judgments within them turned against them, they had to fight down every kind of suspicion and resistance… As men of frightful ages, they did this by using frightful means: cruelty toward themselves, inventive self-castigation…” (Genealogy of Morals, trans. W. Kaufmann, New York: Vintage, 1989, III 10) “…if one wanted to express the value of the priestly existence in the briefest formula it would be: the priest alters the direction of resentiment. [into guilt]” Genealogy of Morals, trans. W Kaufmann, New York: Vintage, 1989, III 15.

66 “They thought to live as corpses, they dressed their corpses in black; even in their speech I still smell the evil aroma of burial vaults.” Thus Spoke Zarathustra, (trans. R. J. Hollingdale), Penguin, 1969, p. 116 (“Of the Priests”). In monastic literature the life of the monk has been compared to a form of death. The very notion of monastic self-mortification associates renunciation and death in a manner highlighted by Nietzsche’s account of the denial of life in ascetic ideals. On the ideal of self-mortification in Cassian, see Owen Chadwick, John Cassian, Cambridge: Cambridge University Press, 2nd ed., 1968, p. 66; Adalbert de Vogüé, Community and Abbot in the Rule of St Benedict. Kalamazoo: Cisterian Publications, 1979, pp. 52, 117.

67 On the political domestication of death, see L. Barshack, “Death and the Political”, 47 Free Associations, pp. 435-462.

68 Whenever death seems to be approaching society, whether in funeral, war or natural disaster, structure might recede into communitas because the advent of death suggests the descent of the communal body into the social. Death is considered an independent force in the religious imagination of fragile social structures which fail to domesticate and humanize the world to a sufficient degree. On the concept of evil as an independent intractable force in the Gnosis and the Kabbalah see, for example, G. Scholem, 1974, On the Kabbalah and its Symbolism. New York: Shocken.
Through diverse representations of Power, the corporate order in its entirety emerges as invincible to death manipulating and utilizing it. The viability of political associations depends as much on their symbolic capacity to domesticate death as it does on their economic, military and administrative resources.

The clerical body encapsulates the monistic corporate order within which death is contained, sublated and disarmed. Through its self-sacrifice the clerical body bridges and reconciles the world of the living and the world of the dead. It plays a crucial role in society’s handling of death and the Sacred. The administration of death, when it assaults society and during its periodic ritual pacifications, is handed over to the clerical body in the belief than it can integrate death, sometimes at the cost of its enactment, in a way that will secure the endurance of the life-asserting human-corporate order. As Nietzsche saw, the clergy, while instituting the negative, makes life possible. In the name of civilization and for its sake, the clerical body is given the highest power within the corporate order: jurisdiction as power over the life and death of the subject.

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69 As Heesterman writes, “All oppositions – diksita and sacrificer, giver and recipient, world and transcendence – have been drawn together and fused in the single sacrificer. In the mythical language of Prajapati’s [the lord of Life] victory over death, the sacrifice is now “one”. Dualistic sacrifice has become monistic ritualism. It does not communicate or connect anymore but, by means of identification, posits the unification of opposite poles in the individual. This also means that the ritual has withdrawn into splendid isolation and requires its adherent to view himself as equally withdrawn… “J. C. Heesterman, “Vedic Sacrifice and Transcendence” in The Inner Conflict of Tradition, Chicago: University of Chicago Press, 1985, pp. 81-94, in p. 94. Heesterman describes the ritual integration, assimilation and containment of death though without reference to the psychoanalytic dimension of these processes. See his “Brahmin, Ritual and Renouncer” in The Inner Conflict of Tradition, pp. 26-44, p. 34. See my paper on “Death and the Political” for a psychoanalytic interpretation of these processes.

70 See footnote 64 above.