Governing the dead? Theoretical approaches

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Following a trend of emerging interest in carnal fetishism¹ and the politics of dead bodies (Verdery 1999), this volume focuses on the particular relationship between sovereignty on the one hand and (dead) bodies and human remains on the other, arguing that this analysis can help us understand fundamental ways in which sovereignty is claimed and performed. We see sovereignty as an effect of practices that are fundamentally related to the body and to issues of life and death, and pertaining to the state as well as other political and moral communities.

This chapter sets out the theoretical terrain that the authors of the volume navigate in their analyses, a terrain where dead bodies and sovereign practice intersect. More specifically it looks at four different approaches, including psychoanalysis ('fear of death'), critical theory ('between bio- and necropolitics'), the anthropology of rituals ('sacralisation of authority') and lastly more recent ideas of materiality and alterity ('dead agency').

Fear of death

The point seems rather banal and commonsensical: the encounter with a dead body articulates our fear of death by reminding us that we are all going to die, that our social world can always be shattered by the death of somebody close or important to us, including for

example presidents of totalitarian regimes, as the volume *Death of the Father* describes so well (Borneman 2004). In all political and moral communities, however, practices, discourses and institutions have developed that prescribe and guide how dead bodies should be taken care of, thus mitigating the fear of death and defending society against the ravages of death and the potential meaninglessness of life. By fulfilling these functions, the practices help forge the authority of the institutions that take responsibility for the transition from life to death.

While not explaining how sovereignty comes into the picture, this is, in a very simple form, the point that a range of theories from Hobbes to psychoanalysis make regarding the linkage between power and the fear of death. Hobbes himself makes an explicit connection between sovereignty and the fear of (pain and) death. Noting that human beings are naturally repulsed by pain and death – which slows down the ‘vital motions’ around the heart – he suggests that it is the fear of pain and death that ‘entices the subjects to yield certain freedoms and power to a sovereign being, through a social covenant in return for civil peace.’²

We find a much more detailed elaboration of the relationship between power and the fear of death in Hertz’s seminal 1907 essay on death and reburial in Borneo. Hertz pointed out that the corpse is ‘an object of horror and dread’, not only because of the process of decomposition but also because ‘when a man dies, society loses in him much more than a unit; it is stricken in the very principle of its life, in the faith it has in itself’ (1960: 37, 78). It seems as if the moment of crisis caused by the death belies society’s investment in terms of ritual consecration of its members and hence the transcendental and sacred quality of society. In Hertz’s study these sentiments are expressed through the fear of spiritual contagion. Due to this fear, the possessions and closest relatives of the dead are subject to taboo and set apart during the ‘wet state’ of the dead body. In this Durkheimian interpretation, the degree of emotion and ritualisation around the dead body reflects society’s investment. Thus, some corpses, such as those of strangers, do not inspire any emotion or ritualisation at all (1960: 76).

In psychoanalysis the fear – or ‘terror’ – of death is taken as an indisputable, universal fact:³ nobody is immune to the all-consuming fear of death, a fear that influences all other fears (Becker 1973). Death, in other words, is the mother of all fears. In order to live with this fear, we tend to repress the feeling of fear by different means, ensuring that it emerges only in particular ruptures and chocks

such as those provoked by the encounter with dead bodies. Looking into this encounter and borrowing Bataille's concept of 'the abject', Kristeva (1982) characterises the corpse as the paradigmatic form of the abject, understood as something nauseating and repulsing that causes us to turn away, and from which we seek to distance ourselves: 'The corpse, seen without God and outside of science, is the utmost of abjection. It is death infecting life. Abject. It is something rejected from which one does not part, from which one does not protect oneself as from an object' (1982: 4). The abject is radically excluded as an object of loathing, but since it is also part of our own life, as in the case of human waste or death, the abject collapses the distinction between subject and object. It invades or even expels the subject, doing away with the fundamental boundaries that mark subjectivity. Drawing upon Mary Douglas, Kristeva sustains that it is 'not lack of cleanliness or health that causes abjection but what disturbs identity, system, order. What does not respect borders, positions, rules' (1982: 4). Against biological explanations of the repulsion that dead bodies produce, Kristeva holds that the abject and abjection are 'primers of culture' that draw us 'toward the place where meaning collapses', a place beyond discourse. The abject does not *signify* death: 'No, as in true theatre ... refuse and corpses *show me* what I permanently thrust aside in order to live' (1982: 2). In Kernaghan's interpretation (2009; this volume), the Peruvian Shining Path movement used these powers of abjection as a kind of 'political pedagogy' aimed at opening up and changing political subjectivities when leaving corpses to rot on the roads.

Bataille (1991) gives the fear of death and the abject powers of the dead body a key role in his conceptualisation of sovereignty. He shares Hertz's image of the dead body as an object of horror and dread. Thus, the dead body partakes of 'a whole sticky horror' that cannot be assimilated into 'the order of things' (1991: 215–16). But for Bataille, analysing modern, secularised society, the horror is not related to the fear of *spiritual* contagion as in Hertz's case, but rather to the fear of contagious *violence*. Obsessed as he is with 'the fine line between repulsion and desire' (Posel and Gupta 2009), Bataille notes that the violence of death constitutes 'a supernatural peril which can be "caught" from the dead body' and that the 'desire to kill may take hold of us' (Bataille 2006: 46–7). Therefore the dead body is subjected to taboo. Within the community, but less so when the dead body belongs to a stranger, the 'taboo which lays hold on the others at the sight of a corpse is the distance that they put between themselves and violence' (2006: 44).

For Bataille (1991) the constant containment or repression of the fear of death and the sentiments that death produces characterises the profane domain of everyday life. This includes in particular the taboo against killing, while its transgression characterises the sacred domain of sovereignty, what Mbembe (2003) calls the domain of death. In Bataille's interpretation, sovereignty is intrinsically embedded in the body and in life as a biological force, expressed either in the will to take life or in the willingness to disregard one's body and one's own life. Like other manifestations of sovereignty, the display of will, sacrifice and disregard of death appears both frightening and awe-inspiring as it thematises the almost sacred character of life itself. Thus, the emaciated body of the hunger striker (Aretxaga 2001) or the blood of the jihadist martyr (Devji 2005) remains a powerful weapon in what we may call 'necropolitics' (Mbembe 2003), a concept to which we will return in the next section.

In a certain sense, Bataille points to the fear of death and the attempts of authorities to ameliorate and control the powers of abjection of dead bodies as constitutive elements in relation to political communities. Unlike many other attempts at identifying the defining traits of sovereignty, Bataille understands sovereignty as an effect of practice rather than seeing a sovereign will as the source of sovereignty. He may easily be criticised for the unmistakably vitalist tenor of his fascination with the decision, excess and (disregard of) death, and his corresponding critique of the dull, bureaucratised and fainthearted everyday life under modern capitalism. Nevertheless, his focus on the body at the centre of sovereignty has inspired various later elaborations of the concept of sovereignty, as we will see below.

Dead bodies between bio- and necropolitics

Given the theoretical links established above between sovereignty and dead bodies, it would be no surprise if shifts in the ways authorities claim to govern dead bodies coincide with shifts in the ways in which sovereignty is claimed. In this regard, and focusing on Western modernities, it is instructive to look at the correspondence between the shifts that took place from the late eighteenth century onwards, when the modern cemetery was generalised as a concept for disposal of dead bodies and the general relationship to death changed, as Ariès (1981) and others have documented vividly. Regarding sovereignty, an influential narrative holds that modern forms of power,

the power of life, in this period began to displace the power of death, understood as the right of the sovereign to kill and to let persons sentenced to death live. The power of death is associated with classical accounts of sovereignty and manifested for example in medieval spectacles of executions as described by Foucault (1977). In Dean's words, sovereignty

is the most ancient of powers, the most mysterious, the darkest, the most allied with the sacred, the mythical, the divine and the demonic. It is the power of powers. Its symbols are blood, the sword and the executioner. Its mechanisms are the ceremonials of public execution and rituals of torture, with their motifs of confrontation, revenge, terror and what Foucault called 'atrocities'. (Dean 2004: 18)

Against this, modern forms of power rely on the development and refinement of the power over life, as manifested in improved public health systems, decreasing mortality rates, elaborate regimes of discipline and new forms of subjectivity. With the bourgeois revolutions and the emergence of the nation form, the locus of sovereignty changed from the sovereign to the people or the nation, whereas the right of the sovereign to take life became increasingly limited by the assumption that the life of every citizen had a value. In the modern state, lives could be taken or sacrificed only in the name of the future of the people, the nation, society or the species (Borneman 2004).

In fact, the sovereignty of the modern state was theorised – famously by Hobbes – against versions of the state of nature, in particular characterised by the proximity to death (and exaggerated sex-drive) (Lomnitz 2005: 36). This general idea of a movement 'away from death' (Fabian 1973: 55) has been also evident in anthropological studies of death. As Fabian noted in the 1970s, anthropologists since the late nineteenth century had had very little to say about death in modern society; they did not study death in the singular but tended to forward a parochial vision of death-related behaviours, customs or 'folklores' of death in different cultures, thus 'relegating reactions to death to "the others", or at least the other that has survived in us' in archaic forms (1973: 53). In a similar, critical fashion, other scholars have depicted death in modern Western society as being pushed back, marginalised, suppressed, silenced or even denied.⁴ Turning Hobbes' vision of 'the State of Warre' on its head, the critics have sometimes tended to romanticise the relation to death in pre-modern societies as in the case of Ariès' (1981) notion of 'tamed death'.

Foucault also wrote, at the end of the 1970s, about the 'gradual disqualification of death' that had taken place since the late

eighteenth century. Then death was a spectacular ceremony manifesting the transition from one power to another, from 'the sovereign of this world' to 'the sovereign of the next world'. Now, in contrast, death has become 'something to be hidden away' (2003: 247). The reason is the shift from the power of death (or of 'sovereignty') to the 'power of life'. The shift coincided with the emergence of clinical medicine and bio-medicine, which permitted the constitution of life and death as biological processes (Rose 1999). Thus, in Foucault's words (2003: 247–8), bio-power, the power of life, emerged 'beneath' the power to take life:

Now that power is decreasingly the power of the right to take life, and increasingly the right to intervene to make live ... death becomes, insofar as it is the end of life, the term, the limit, or the end of power too. Death is outside the power relationship. In the right of sovereignty, death was the moment of the most obvious and most spectacular manifestation of the absolute power of the sovereign; death now becomes, in contrast, the moment when the individual escapes all power, falls back on himself and retreats, so to speak, into his own privacy. Power no longer recognizes death. Power literally ignores death. (Foucault 2003: 248)

This analysis gives material for at least three reflections. Firstly, since the late eighteenth century dead bodies have increasingly become objects of biopolitics, with profound implications for how the dead have been governed in and beyond the Western hemisphere. Developments in biomedical science were articulated in states' progressive introduction of the 'concept of the cemetery' and prohibitions against 'intra-mural burial', as the Spanish king wrote in a decree in 1789.⁵ Authorities justified the new measures with reference to public health and the danger of disease and infection stemming from decomposing and uncontained dead bodies buried in and around overcrowded churches, and during the nineteenth century medical doctors were involved in campaigns for the construction of extramural cemeteries.⁶ However, many people in nineteenth-century Latin America violently opposed the separation of the dead and the living, which they saw as an abandonment of the dead, who, in very practical terms, were left alone in distant cemeteries without the protection and ceremonial attention they had received when buried in and next to the churches. As Wilson (2004) shows in the case of nineteenth-century provincial Peru, the new regulations contributed to producing and sanitising a bourgeois notion of public space by banning and displacing the lively indigenous burial processions from the cities with reference to the risks they represented for public health.

The birth of clinical and bio-medicine was also the precondition for other developments in the governance of dead bodies. One was the systematic registration and standardisation of causes of death that developed with the death certificate during the nineteenth century (Trostle 2005), generating information that fed into the production of knowledge and policies of public health. Another development was the emergence of forensic medicine, which – with great disparities – became part and parcel of the state procedures surrounding dead bodies, with particular importance for the enforcement of state criminal law. In regard to (necro-political aspects of) sovereignty, forensic medicine and the associated state laws and procedures are essential to upholding the state's claim to a monopoly of legitimate force and the elimination of killing with impunity.

Thus, on this background it is not entirely true that death is the limit of modern (bio-)power. The dead are subjected to public health considerations at least until they reach the 'dry state' after a number of years,⁷ and as an Italian friend who wanted to keep a little of his mother's ashes had to realise, states can be very firm in holding on to the human remains. In Italy it is illegal to remove ashes from the sealed urn, and the cemetery attendant doing it risked his job. Whereas there is no rationality involved in forming the subjectivity of the dead as such, we may see the way in which the dead are governed as a disciplining – or a stabilisation as Fontein argues in this volume – of the leaking, putrefying bodies.⁸

Furthermore, reading the justification for the new nineteenth-century regulations, it is obvious that the public health rationality was linked to considerations of the human dignity of the dead, including their individuality, as Ariès (1981) also shows. Whereas many states left questions of the soul to religious institutions, they tended towards establishing a direct relationship to every dead citizen within the territory by taking responsibility for the disposal of the body, irrespective of the religious creed of the citizen. Unlike older forms of sovereignty, which were primarily legal and symbolic reigns, the modern state tended to establish comprehensive, effective and totalising forms of detailed government of populations and territories (Burchell *et al.* 1991).

A second reflection relates to the temporal relation implied in the quotation from Foucault given above between a time of 'sovereignty' understood as the ancient power of death, and a posterior time of the power of life, of biopolitics. Even though Foucault reserves the notion of sovereignty for pre- or early-modern forms of power, he is interested in how the seemingly contradictory powers of life and

death are related in modern societies where ‘thanato-politics’ – or necropolitics – continues to mark dynamics of political communities (Foucault 1978). Thus, modern techniques of government made possible much more exhaustive, ambitious and effective forms of sovereignty, culminating in systematic exterminations of population in modern states as well as their colonies. This was particularly evident in the twentieth-century totalitarian states that were characterised by both a highly developed politics of disciplining and improving the body and the species, and an unprecedented will to exterminate populations in order to defend, protect and purify the political community – nation, society or people – often defined in racial or ethnic terms (Foucault 2003). Thus, central concepts of the power of death such as blood, fatherland and nation were reinscribed in bio-political discourses of hygiene, eugenics, etc. (Dean 2004). The bodies of those who died in these systematic exterminations were not disposed of with the dignity that supposedly applied to citizens of modern states. The exception that they were subjected to while alive was extended into death, including highly industrialised methods of disposal.

In an attempt to develop a modern idea of sovereignty that incorporated Foucault’s insights into modern forms of power, Agamben (1998) suggested that biopolitics was the original form of sovereignty and that political communities are constituted on the possibility of reducing fully human members to purely biological beings, stripped of dignity and desymbolised as ‘bare life’ that can be killed with impunity. Less interested in the sequence of bio- and necropolitics, Agamben focuses on cases of indistinction between bare, natural and moral, political life, between exclusion and inclusion, between law and nature, which characterise situations in which legal or ethical exceptions are becoming the norm such as camps for indeterminate detention. As expressed by Dean (2004: 22), ‘[w]e do not need to look for a historical point of connection between the powers of life and death because [together] they are constitutive of the sacred character of political community’. Rather, Dean suggests, we should ‘delineate the co-ordinates of this philosophical twilight zone’ of indistinction.

Thus, whereas we in general may see the overlap, interrelation and even indistinction between bio-power and necro-power as lying at the heart of modern sovereignty, Das and Poole (2004) argue that this relationship is particularly visible at the margins of the state. In a highly disconcerting analysis of the borderland between Mexico and the USA, Magaña (2011) gives an example of this. She shows how

the Mexican state, being unable to protect and nurture the life of its citizens as they seek to cross the border into the USA, puts great effort into rescuing and repatriating the bodies of those who die in the attempt to leave Mexico, a point Trans also makes in this volume. Fontein (this volume) shows how an exhumation in Zimbabwe generates uncertainty because of the competing interpretations regarding the identity of the decomposed dead bodies: If they were killed by the colonial regime they would legitimate the ruling party as protecting and nurturing postcolonial life. If they were killed by the ruling party itself, the capacity and will of the party to use violence against its own population would not, from the party's point of view, be a totally unwelcome subtext produced by the exhumation.

The overlap or indistinction of bio- and necropolitics is also evident at the margins of life where biomedical regimes of power have brought new subjects into being, such as the brain-dead organ donor or 'fetal subjects', who are subjected to decisions of life and death by health professionals, administrators, prospective parents, relatives and others (Kaufman and Morgan 2005). Again, the dead bodies provide an entry point for the analysis, for example by posing the question of whether the foetuses are given a proper funeral or just disposed of unceremoniously in a dumpster (Melhuus 2005).

Finally, Foucault's analysis of death as the limit of modern power gives material for a third reflection: Death constitutes such a limit to the extent that the state has been secularised. In these cases, the rationality of the state excludes the idea of an afterworld – and hence the political nature of the passage from life to death – which otherwise has been an important element for the construction of hegemony and social order. In Latin America, for example, ideas of an afterworld and in particular of purgatory were crucial for Spanish colonisation, when the brute, law-making force of the conquest was replaced by law-enforcing political governance, including the insertion of the Catholic Church between life and death to help people to 'die well'.⁹ This ensured a certain power over life in the form of confessions and other pastoral techniques of government (Lomnitz 2005). But as the postcolonial states were consolidated towards the end of the nineteenth century, they often took over only the management of the dead bodies (and the recording of birth and death), whereas the fate of the soul and relations to an afterworld were left to the religious communities to manage (see R. Kristensen, this volume).

As an extreme example of secularisation, the Soviet Union in the early years aimed at introducing cremation as an atheist funeral

while suppressing any commemoration of the millions of dead from wars and persecution (Borneman, this volume; B. M. Kristensen, this volume). Nevertheless, even the Soviet Union could not just leave the dead to themselves but had to move significant dead bodies such as those of the imperial family around, as Borneman describes in his contribution. And with twentieth-century nationalism, secularised states engaged in different sorts of death cults in which dead bodies of citizens who had given their lives for the nation were celebrated and commemorated extensively. In this sense, the sovereignty of the nation seems to rest on the remains of its dead, as Lomnitz (2005) and Taussig (1997) have shown in the cases of Mexico and Venezuela. Thus, whereas sovereignty no longer relies (only) on the power of death, dead bodies have an important role to play in the enchantment of politics and the sacralisation of authority, which is the theme of the next section.

Rites of separation and the sacralisation of authority

Since the emergence of the discipline, scholars of anthropology have analysed extensively the rituals associated with death, partly for the sake of analysing the key elements of culture that supposedly surface in mortuary ritual, and partly for the sake of developing more general theories of ritual, culture, society and power. This section will look at ways in which anthropologists and others have interpreted the ritualisation of death as linked to power and sovereignty. Common to these interpretations is the idea that the qualities of the dead body – the process of its immanent decay and its ambiguous being both subject and object, pure and impure, sacred and profane – endow the ritual with its symbolic power and political efficacy. Described in terms such as ‘alchemy’ (Bloch 1982), ‘sacralisation’ (Kaufman and Morgan 2005), ‘transgression’ (Taussig 2006) and ‘catharsis’ (Kristeva 1982), the ritualisation may be interpreted as being productive of a gift of the authority in terms of fertility and reproduction of the polity.

Like Borneman in this volume, we may characterise the ritual performance at the threshold between life and death as a ‘rite of separation’, a ritual that separates the living and the dead and transforms persons into non-persons, ancestors, spirits or just corpses.¹⁰ But the ritual also entails a reordering of social relations, such as positions in the family and in society, personal and kinship alliances, hierarchies, etc. Therefore the context of the ritual is characterised by

provisionality, indeterminacy and danger (Kaufman and Morgan 2005). The rituals are 'moments of social drama' (Jewsiewicki and White 2005: 6) that bring not only interpersonal relations into the public domain, but also relations between the deceased and the political/moral community in question, for example in terms of rank, status and membership. As Hertz noted, '[t]he emotion aroused by death varies extremely in intensity according to the social status of the deceased, and may even in certain cases be lacking. At the death of a chief, or a man of high standing a true panic sweeps over the group. On the contrary, the death of a stranger, a slave or a child will go almost unnoticed; it will arouse no emotion, occasion no ritual' (Hertz 1960: 76).

Capturing the sense of indeterminacy and danger, Hertz's classical account of rituals of death and reburial depicts death as a process of parallel transformation of the dead body, the mourners and society. In the vein of his teacher, Durkheim, Hertz interpreted mortuary rites as a socially constructed orchestration of emotions and beliefs that worked to manage the dangers posed by the death of a member of society. Between the physical death and the much later reburial the person was disaggregated from the collectivity, and the social roles and capacities invested in the person were reallocated to others. Hertz saw the reburial of the remains – now in a considerably more 'dry' state – as a celebration of the incorporation of the soul of the deceased into the community of the dead, which coincides with the end of the relatives' mourning. More importantly, he read the reburial as a celebration of the regenerated society that survived the death of a member – which he saw as 'tantamount to sacrilege' (1960: 77) – and the threats posed by a potentially malevolent and socially uncontrolled spirit. Thus, Hertz offered a redemptive, functionalist approach to grief and pain: in the end, life triumphs over death and harmony reigns (Taussig 2001: 307).

Hertz invoked death as a passage between social orders to emphasise the similarities between mortuary rites, rites of initiation and marriages (Bloch and Parry 1982). This was soon picked up by van Gennep (1909) in his famous analysis of *rites de passage* and later by Turner (1967) in his elaboration of 'liminality' as the transformative and potentially dangerous phase of being 'betwixt and between' social orders, literally at the threshold (*limen*): the dead person has been excluded from the order of the living but not yet included in the order of the dead. Turner showed how key elements of society – its rules and hierarchy – were put into play and negated in the liminal phase, which he considered an 'anti-structure'. This negation gave the ritual

its transformative symbolic power but was also related to the dangers associated with decomposing dead bodies, their homeless, spiritual and ghostly manifestations, and the mourners, as Hertz noted.

From a structural-functionalist point of view, these rituals are not only about separating the dead from the living. Like other rites of passage, mortuary rites (re-)order and separate categories of fundamental significance for the symbolic order. In Douglas's terminology (1966: 41), they are 'rituals of separation' in the sense that they hold the total structure of 'keystones, boundaries, margins and internal lines' in relation. They deal with what blurs the boundaries – and hence what is seen as impure, polluting and defiling – by separating, demarcating and punishing transgressions. It is worth noting here that Douglas also inspired Kristeva in her thinking about the abject as a transgressive state, a 'non-respect' of structure and prohibitions, which is dealt with by means of ritualised purification, a restorative 'catharsis' either in the form of religious rituals or through art (Kristeva and Lotringer 1999: 18, 25).¹¹

Building on the insights of Hertz and others, Bloch and Parry (1982) analyse mortuary rituals as linked not only to the problem of *symbolic* order in the face of death and decay but in particular to the problem of *political* order. They see these rituals as privileged occasions for negating the finality of the social order and confirming the existing authority as stable and legitimate. Focusing on the coinciding symbolisms of death and fertility/regeneration in many mortuary rites, they show how the idea of an eternal, unchanging political order (of traditional authority) symbolically claims victory over the challenges posed by contingent, arbitrary and discontinuous individual death.

The trick played out in the rituals consists in the juxtaposition of negative and positive elements: The rituals elaborate the negative aspects of death – primarily the decay, putrescence and pollution that underscores the finality of life – as something to get rid of to make way for the regeneration of the ideal order (1982: 27). These aspects are pre-eminently, but not always, associated with women, who have been given the ritual role of 'soaking up' the pollution caused by decaying flesh, by weeping, mourning or preparing the dead body, a burden that otherwise have been shouldered by, for example, untouchables or low-grade priests (1982: 25). Overall, the ritual represents the purification of the soul/spirit and the 'alchemy' that transforms death into fertility as a 'gift' of the authorities (1982: 41), which, as Kaufman and Morgan note, in the same movement 'sacralizes authority' (2005).

Thus, in the vein of Hertz, Bloch and Parry see the celebration of the soul's incorporation into the collectivity of the dead as a celebration of society, the continuity and fertility of which is nurtured by this pool of ancestors.¹² Correspondingly, a 'good death' is a death that permits this kind of victory over biology and unpredictability, whereas a 'bad death' is one that does not permit control of bodily decay and the regeneration of fertility, for example in the case of a missing body (Bloch and Parry 1982: 15–17). This latter situation makes it impossible for society to recuperate its life-essence.

We may not find the regenerative, fertile aspect in any strong form in the funerary systems of Western societies. As Bloch (1982: 229–30) notes, this is because the creativity and continuity of legitimate power is 'attributed to God and/or to capital' and affirmed elsewhere. Nevertheless, in the modern states of the West immense efforts are invested in the retrieval of (nationalised) dead bodies, be they Danish explorers who died in Greenland's ice, tourist tsunami victims in Thailand or American soldiers missing in action in wars overseas. In the words of American soldiers, the retrieval of dead bodies is 'no less than a sacred duty' (Samet 2005: 624), which, of course, may not be universal.

Commonly, the structural-functionalist approaches described above have been criticised for being ahistoric and for their tendency to impose system and order on an unruly reality. In Turner's version of the *rite de passage*, for example, he has been accused of sanitising what can be an inherently untidy experience and ridding it of disturbing, transgressive elements (Taussig 2006). In this regard Taussig is obsessed with the place of transgression and its relationship to taboo and the sacred. Here he follows Foucault (1998), who, wondering what becomes of the sacred and of profanation when God is dead, suggests that transgression points to the sacred in a secularised society. Taussig sees the human body as a 'privileged theatre of sacred activity' (2006: 170). The decaying body is an important site of (religious) reflection with a unique transgressive and sacred potential, not being a symbol but a vehicle of transgression: 'Pride of place should be given first to the cadaver and then to menstrual blood, compared with which polluting and hence sacred power, other components and features of the body ... are usually quite inferior in terms of sacred, transgressive potential' (2006: 162). In a later analysis, he interprets the unceremonial disposal of a chopped-up dead body in a river in Colombia as an example of a transgression that is also sanctifying (Taussig 2012: 513). Depriving persons of proper disposal – the most basic sign of being human according

to Bataille and many others – strikes at the heart of what we consider as human, what separates us from the non-human, including the inhuman. ‘Yet, the inhuman is every bit as religious, every bit as sacred, as the pious rites that help move the corpse from its frightening negative state to that of hallowed ground.’ In this way, we may understand the disposal of a chopped up body in the river as ‘an arc of sanctification’ (2012).

Whereas the classical anthropological insights suggest how authorities make use of the opportunity of every death to (re-)produce political community and sacralise its authority, Verdery (1999) analyses how rituals are orchestrated around the bodies of renowned dead persons to legitimise the authorities and reorient and give new meaning to political communities in moments of crisis. Looking at post-socialist states in the 1990s, she notes how restless and symbolically charged dead bodies ‘enchanted’ or ‘animated’ transitional politics as the remains were (re-)buried in public spectacles, pointing to and correcting wrongdoings of the previous regime, such as denying people a proper burial.

Verdery (1999: 27–33) attributes the symbolic efficacy of dead bodies to (1) ‘the aura of sanctity the corpse is presumed to bear’ due to the tendency of religious institutions to monopolise death and burial, (2) their ‘self-referentiality’, which allows people to identify with the dead persons in terms of victimhood and suffering and (3) the materiality and ‘thereness’ of the corpse. The latter property is what makes abstractions – such as patriotism and civil society – concrete and tangible, and the concreteness that nevertheless transcends time also helps make the past immediately present and mark particular sites, territories and boundaries with specific meanings. This kind of symbolic work is particularly relevant in relation to nations and other political communities that base claims to sovereignty in ideas of kinship and ancestor worship. As both Fontein and Myrntinen show in this volume, this is not a straightforward mechanism but rather a strongly contested process where different factions struggle over which dead bodies should represent the nation and how they legitimise different factions.

The latter observation furthermore underlines one of Verdery’s main points, namely that dead bodies are polysemic political symbols that allow for an excess of meaning which is hard for authorities and elites to control. This is, however, also the point that allows recent approaches to the analysis of the political lives of human remains to critique Verdery. Whereas she regards dead bodies as political vehicles that are used by political agents, the approach presented in the

following section suggests that we have to think of their materiality as having effects, or even as endowing the remains with something that could be interpreted as material agency.

Dead agency

The title of this volume, *Governing the Dead*, plays on the (Foucauldian) notion of liberal governance as the conduct of the free will of citizens. The title is of course somewhat contradictory since dead bodies in a modernist ontology do not have agency. As Verdery (1999) notes, 'corpses don't talk much'. This stands in contrast to much of the ethnographic literature in which the dead are often depicted as extremely powerful and talkative beings. As much as people assume that the community of the dead nourishes the community of the living (Bloch and Parry 1982), they also experience the dead as haunting the living and placing onerous demands on them in terms of respect, expenses and attention. Following these accounts, the dead can be a scary, capricious and even hateful crowd, an 'awfully envious lot' (Taussig 2001: 307).

However, with the segregation, silencing and medicalisation of death in Western societies, the dead, in the shape of spirits, ghosts and ancestors, seem to have lost much of their power over the living.¹³ The dead in modern societies are assumed to let their will be known only indirectly, through the written will they leave behind, a will that they wrote while still alive and governed through social norms and sovereign laws. When people are dead, norms and laws dictate how and where the bodies can be disposed of and remembered. As several chapters in this volume analyse, the dead bodies can also fall into the hands of people who transgress these norms and laws, who violate and mutilate the dead bodies, abandon them unburied to mark new territories or inscribe messages of sovereign power on them. Or the dead bodies can be exhumed and reburied and made symbolically and politically 'efficacious', as Verdery (1999) argues. But in all these cases, the dead bodies are usually depicted as being without agency, while the living are acting upon the dead bodies as matter that can be interpreted and given meaning; they are not governed in Foucault's sense of the 'conduct of conduct', however.

Against this image, recent approaches – including several of the chapters in this volume (Fontein, B. M. Kristensen, Kernaghan, and R. Kristensen) – attribute to dead bodies something that comes close to agency, not only because of the subjectivity in terms of their

biographies as (formerly) living and known persons but also because of the mere materiality of the bodies. These approaches are related to theoretical debates that question Cartesian binaries (subject/object, mind/body, meaning/matter, person/thing, culture/biology), and in particular the privileging of subject–mind–meaning over object–body–matter. In the social and human sciences this tendency leads to a representational and semiotic bias, meaning that, in this case, analysts tend to read the (living and dead) body as a text rather than including a complementary perspective of the body as an experiential ‘being-in-the-world’ (Csordas 1994).

In this phenomenological vein, the Bones Collective (Fontein and Harries 2009) and Fontein (this volume) engage critically with Verdery’s analysis of the politics of dead bodies in which the living talk on behalf of the silent human remains. They argue that human remains ‘speak to us but not eloquently enough’, that the remains provoke an ‘uncontrolled empathy’ as well as ‘efforts to control it, or to speak, care or respond to the dead’ (Fontein and Harries 2009: 7). Hence, dead bodies and human remains are not only symbolising aspects of social and political life and acting as a blank canvas for the inscription of political agendas. It is not politics that gives meaning to bones, they argue; rather it is the bones that animate social and political processes such as mourning, othering, marginalisation and subversion. Thus, the very materiality of the human remains deserves analysis as a phenomenon in itself, a phenomenon that has the power to animate politics and produce affect.

Inspired by the recent turn in anthropology towards the materiality of things and substances, Fontein and his colleagues attribute the disturbing, animating, constraining and enabling power of human remains not simply to the ambiguity of dead bodies as uneasy subject/objects or persons/things, but as flowing, transforming materials that are recognisably human, thus demanding stabilisation into definable ‘objects’ and perhaps identifiable ‘subjects’ (Filippucci *et al.* 2012). Yet human remains defy these contested processes by their excessive alterity or indeterminacy: the ‘torque of materiality’, in Fontein’s case, of the leaky, fleshy and stinky remains exhumed from a mine shaft in Zimbabwe.¹⁴ This ‘torque of materiality’ suggests that human remains are more metonymic than metaphorical, that they signal ‘presence’ more readily than meaning, and that therefore processes to turn human remains into metaphors, such as ‘the dead’, are often contingent and contested (Filippucci *et al.* 2012).

Here we may see a parallel between this approach and Posel and Gupta (2009), who interpret the ritualisation and careful preparation

for disposal of the dead body as attempts to stabilise the boundaries and (re-)establish the dignity and human-ness of the dead body, and thereby reproduce the threatened distinction between humans and animals. Whereas Posel and Gupta (with Nussbaum 2004) focus on the human/animal distinction, Fontein and colleagues focus on the human/thing distinction. Using Latour's (1999) 'post-humanist' approach,¹⁵ we could interpret the post-mortem human intervention as an attempt to stabilise and 'purify' the category of the human against the thingy-ness, the material indeterminacy and the excessive potentiality of dead bodies and human remains.

We may also relate this discussion back to Bataille's and Foucault's understanding of sovereignty as a form of power that is being performed on the body and therefore relies on the resistance and the resilience of the mere lifeforce of the body. Even in death, however, when the lifeforce of the body has been subjected, the bodily substances resist in their materialities. Dead bodies do not go away that easily, a fact that represents very real and practical problems for those responsible for mass violence. As the Nazis realised, even cremation is a meticulous time- and energy-consuming method of disposal that in no way could keep up with the daily toll of dead bodies in the extermination camps; this, as van Pelt (2002) has convincingly documented, was the background for the development of new types of ovens and slackened regulations for cremation in Nazi Germany. And after attempts at hiding the dead and mutilated bodies in mineshafts as in Zimbabwe or removing, transporting and reburying them elsewhere as in the case of ex-Yugoslavia, they may still show up and *qua* the 'torque of materiality' (and DNA-tests) threaten to overturn political agendas and foundational narratives and challenge the power of those who are responsible.

In his psychoanalytical register, Borneman (this volume) also in a way attributes agency to the dead, which has implications for how dead bodies are related to politics and sovereignty. Polemically he asks how the living have become convinced that the dead are governable. How come they believe they are governing the dead, that it is not the other way around? The living seek to govern the dead through rituals. Following Lévi-Strauss, these can be rituals of mourning that transport the present into the past promising closure by placing the dead irrevocably in a separate time-space as ancestors; or rites of commemoration that transport the past into the present by recreating 'the sacred and beneficial atmosphere of mythical times' in which the living can mirror their ancestors and their deeds (Lévi-Strauss 1966: 314).

Nevertheless, as Borneman's and several other chapters in this volume show, the living are often not very successful in their attempts to govern the dead. Borneman argues that the dead, like the Lacanian real, produce affect. This may be seen as having effects in terms of displaced aggressions, repetition compulsion, the compulsive moving around of dead bodies and even the belief that the dead can, and indeed should, be governed. Borneman uses the case of communist leaders and the Marxist ideology, which, in stark contrast to fascist ideologies and leaders' obsession with death and the dead, sought to govern the dead away from the present. As Marx wrote in the introduction to *Capital*, 'the tradition of the dead generations weighs like a nightmare on the brain of the living', which is why we should 'let the dead bury their dead,' as he famously quoted from the Bible (Matt. 8:22).¹⁶ But the communist leaders were unable to govern the dead. Rather they placed themselves inside the nightmare of the dead generations by disappearing the dead imperial family, mummifying the body of Lenin and cremating and officially deeming as ungrievable – even in the private sphere – the millions who suffered death because of the regime.

Conclusion

As the foregoing theoretical approaches suggest, each in its own way, we are dealing with deep layers of the constitution and change of political and moral communities, with phenomena that eschew simple rationalisations and explanations. Whether we take psychoanalysis, phenomenology, critical theory or even (to some extent) structural functionalism as our theoretical frame of reference, they all point to an excess of meaning and affect, something that evokes the mystical, the sacred, the liminal and the transgressive, which, in the end, escapes control as well as explanation. In this perspective it seems as if states and other sovereign bodies can be associated with practices of controlling and appropriating for themselves the excessive 'powers of death' or, alternatively, preventing contenders from appropriating these powers by disappearing, annihilating or otherwise preventing the proper disposal of dead bodies.

Whereas some of the theoretical approaches set out in this chapter are ahistorical, there is no doubt that relations between sovereignty and dead bodies have to be understood in their historical contexts. Thus, we may end by asking why the interest in dead bodies/human remains and their relation to politics has

been growing over the last decade. One factor could be the current denaturalisation of state sovereignty that accompanies privatisation, deregulation, globalisation and the challenges posed by sub- and trans-national political entities. Not only are many states unable to control mortality and uphold the monopoly of violence, but they are also unable to effectively stabilise, contain and hold on to the dead bodies, as de Boeck (2007) and Magaña (2011) have shown in the cases of Kinshasa and Mexico, and as both Robert and R. Kristensen document in this volume. These are among the phenomena that suggest that the powers of death, to the degree that states were ever able to control them, are in the process of being disassociated from the state and being appropriated by other political and moral communities. On the basis of the material and arguments brought out in this volume, the fate of dead bodies and human remains seems to be a very appropriate field to study in order to trace how claims and performances of sovereignty are developing in the contemporary world.

Notes

- 1 Understood as beliefs in the sacred nature of human bodies (Bernault 2006: 371).
- 2 Quoted in Barbour and Pavlich 2010: 3.
- 3 This is disputed by Ariès (1981), who historicises the terror of death, linking it to eighteenth-century changes in the domestic sphere where death became less random, less mystical and less familiar than before. Death became a self-conscious terror instead of the tame death that characterised death in medieval European society (see also Borneman 2004).
- 4 See for example Ariès 1981; Becker 1973; Freud 1959. For an overview, see Seale 1998.
- 5 Real Cedula, 27 March 1789. Archivo General de Centro America A.1.2.4, Leg. 2246, Exp.16218.
- 6 See for example Pinfold 1997.
- 7 In Guatemala, for example, relatives can have dead bodies exhumed after six years and bring home the bones if they so wish.
- 8 You may of course argue that bio-power is not governing the dead but rather governs the living subjects by constraining and conditioning their access to corpses.
- 9 The First Provincial Council of Mexico 1555, quoted in Lomnitz 2005: 83.
- 10 Rites of separation were first described by van Gennep (1909), who saw them as a type of rites of passage that were 'pre-liminal', characterised by exclusion and symbolic death.

- 11 'The various means of *purifying* the abject [the various catharses] make up the history of religions, and end up with that catharsis par excellence called art' (Kristeva 1982: 17).
- 12 However, unlike Hertz, who sees society as an agent that orchestrates emotions, Bloch and Parry perceive society as being produced through ritual.
- 13 Seale (1998: 52) explains this in terms of the separation of the old and dying, who are socially dead before death.
- 14 Pinney 2005, in Fontein, this volume.
- 15 Holbraad (2011) distinguishes between humanist (for example Gell and Miller) and post-humanist approaches to materiality.
- 16 From *The Eighteenth Brumaire of Louis Bonaparte*.

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