

# Shakespeare's Curse

THE APORIAS OF RITUAL EXCLUSION  
IN EARLY MODERN ROYAL DRAMA



Björn Quiring

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in Early Modern Royal Drama*

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Translated by  
Michael Winkler and Björn Quiring



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# Shakespeare's Curse

Conceptualizing the curse as the representation of a foundational, mythical violence that is embedded within juridical discourse, *Shakespeare's Curse: The Aporias of Ritual Exclusion in Early Modern Royal Drama* pursues a reading of *Richard III*, *King John*, and *King Lear* in order to analyze the persistence of imprecations in the discourses of modernity. Shakespeare wrote during a period that was transformative in the development of juridical thinking. However, taking up the relationship between theatre, theology and law, Björn Quiring argues that the curse was not eliminated from legal discourses during this modernization of jurisprudence; rather, it persisted and to this day continues to haunt numerous speech acts. Drawing on the work of Derrida, Lacan, Benjamin and Agamben, among others, Quiring analyzes the performativity of the curse, and tracks its power through the juristic themes that are pursued within Shakespeare's plays—such as sovereignty, legitimacy, succession, obligation, exception, and natural law. Thus, this book provides an original and important insight into early modern legal developments, as well as a fresh perspective on some of Shakespeare's best-known works.

A fascinating interdisciplinary study, this book will interest students and scholars of law, literature, and history.

**Björn Quiring** is a Research Associate at the Peter Szondi Institute of Comparative Literature, Freie Universität, Berlin.

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## Introduction

The curse is usually defined as a formula by whose mere expression its speaker seeks to inflict harm on others.<sup>1</sup> This definition is at once too narrow and too broad: too narrow because the person who utters a curse often does not think of the execration as a harmful act at all, but sees it, for example, in its prophetic function as an objective statement about impending events. (The medieval literature on cursing concentrates on this theme in particular.) And the definition is too broad because various performative acts such as legal judgments may also inflict harm on somebody by their mere pronouncement, but nonetheless would not normally be considered curses. The customary definition, then, is insufficient. At times, the definition is augmented by the assertion that curses are reactions to a transgression, thereby turning them into primordial acts of restituting rightful law and justice.<sup>2</sup> That is itself a reactive conception, for it presumes that societal structures are always already given without considering how and to what extent speech acts like curses and oaths themselves contribute to the process of constituting laws and institutions.<sup>3</sup> Admittedly, the heterogeneity of the phenomenon makes it difficult to find a more useful definition. Even the word's etymology is lost in obscurity: "Curse," according to the first edition of the *Oxford English Dictionary*, is "of unknown origin"; no similar word exists in the Germanic, Romance and Celtic languages.<sup>4</sup> The German "Fluch" seems to be derived from the Germanic root "floka-," denoting acts of striking, splitting and thrusting; but even this etymology is uncertain.<sup>5</sup> The words "curse" and "Fluch" are not derivable and not strictly definable. They cover several semantic fields that are separated in other languages, for example in Hebrew. The Hebrew terms that in Bible translations are rendered as "curse" essentially designate either an act of punishment by God (arûr, אָרַר), or an appeal to His avenging justice (alah, אֱלֹהִים).<sup>6</sup> The concept of "curse" in this respect is overdetermined. It is exactly this semantic condensation that, since the early Middle Ages, is decisive for the prevalent Christian use of this term in Europe: malediction is at once an appeal to, and a condemnation through a punitive divine judgment, however the correlation and efficacy of these two aspects may be construed. In the culture of the Middle Ages and of the early modern era, the curse can, at best, be defined through this ambiguity.

On the one hand, the word "curse" then seems to designate the mythical entity of an exclusionary divine judgment that posits a new law and gives the world a new structure. Both Yahweh's curse upon the serpent, man and the ground in the Book of Genesis (3. 14–19), and Jesus' apocalyptic condemnation of the reprobate (Matthew 25. 14) conform to this description. Such a curse is inscribed into narratives and at times has a narrative form itself. It marks the places where the law borders on foundational myths and establishes a continuity between the two. In the myth of the Fall, for example, God's curse justifies the necessity of human work, female subordination and the inevitability of death. In this context, curses not only determine the future; they also legitimate the past and the present, and they serve as explanatory patterns. But the concept of the "curse" also designates the ritual representation of these judgments within the legal order itself, as exemplified by the Biblical obligation to repeat every seven years the curses in Deuteronomy that perpetuate the covenant with Yahweh (Deut. 27–28 and 31. 10). These curses represent a transcendental world order within the juridical system; and in this respect they do not appear as lawmaking but as law-preserving.<sup>7</sup> Due to this bipolarity, the relationship of curse and law amounts to a paradox: the curse institutes the law and at the same time presupposes it. Like its more courteous twin, namely the oath *qua* conditional self-execration, the curse seems to belong to the mythic, lawmaking sphere outside the law,<sup>8</sup> even though the law itself demands and regulates it. The curse comprises and frames the law, but the law also determines the legitimacy of cursing. Accordingly, curses appear as a significant surplus in the legal order, as a supplement of the law in Derrida's sense.<sup>9</sup> The term "supplement" can designate both a surplus and a substitute. Accordingly, the curse can complement and represent the law, but also threatens to dissolve and replace it. The supplement demonstrates by its necessity the deficiency of what is being supplemented: "if [the supplement] fills, it is as if one fills a void."<sup>10</sup> It does not, however, fill the void with anything determinable; it has no essence of its own, or rather, it is essentially derivative.<sup>11</sup> For a curse always refers to a mightier curse. It opens the perspective on a primordial condemnation that, like a primordial law, can only be thought of as transcendental.<sup>12</sup> Hence, the curse always inserts itself into a chain of curses, always extends another curse and quotes it. "It is the strange essence of the supplement not to have essentiality."<sup>13</sup>

This makes it difficult to define the curse in traditional categories: not only does the addressee of a curse remain a little indistinct due to this bipolarity, but also its sender nearly always remains unidentifiable due to the curse's derivative nature.<sup>14</sup> In the curse, self-affirmation and self-suspension of the speaker are interdependent. The execrator appeals to God and at the same time turns himself into His mouthpiece. In the empirical act of cursing, the creative power of a foundational mythic Word is referenced as a force that from the outset determines the situation in which the curser and the cursed find themselves. This suggests that the curse as an empirical speech act reduces itself to an empty, repetitive gesture: it posits what it already presupposes, forever redundant. On close analysis, even the logical position of the execrator in this arrangement is paradoxical: the condemnable deed itself, or the condemnable person, have already brought a pre-existent

curse down on themselves to which the execrator merely lends his voice in repetition. Through his curse, he or she affirms an order of the world in which the accursed has already been condemned. Yet, on the other hand, the same impre-cator aspires to carry out this condemnation himself through the curse, thereby insinuating that, at the moment of its utterance, judgment and world do not coincide after all. Since the curse, while denying the divergence of judgment and world, at the same time upholds this difference as its own cause and origin, it subverts itself. This performative contradiction<sup>15</sup> is the reason that the curse is always ahead of itself, but also that its fulfillment remains constitutively deferred. That makes the curse interminable and excessive. The temporal structure of the curse eludes the present. Since words of execration are always merely quoted by execrators, curses situate themselves within the past. But as an interminable speech act, the curse is also suspended indefinitely. In this sense, its time is that of an unending deferment, forever moving toward an unattainable future. The curse is a speech act that can neither be pronounced in a present time because it has always already been pronounced, nor bring about its effect in a present time because this effect can never be concluded. The curse is situated in an inaccessible future perfect. It is the unending announcement of a past performative.<sup>16</sup> The curse is the place where the first and the last verdict meet and merge.

The curse is symptomatic of an overdetermined relationship of its speaker to language. The execrator claims a position of power while recognizing that this position is denied to him. Curses thus mark the point where absolute power and complete impotence blend and become indistinguishable: the curse is a sovereign speech act that demonstrates the impossibility of sovereign speech acts. In that respect, it endangers its speaker. Curses are so constituted as to split not only the one execrated but also the execrator. The curse is always included in a fatal strategy of the law. It asserts a connection to the supreme power and, on the basis of this authority, lays claim to exerting a (re)constituting influence on the administration of justice. Curses can support existing orders and secure existing boundaries, but they can also question and subvert these arrangements. The difference is not always clear cut; often it can be determined only in retrospect. The curse is extra-vagant but also ritualized. It is contingent but also necessary. It marks an excep-tion, but it is inscribed into a rule. It is precisely this irreducible ambiguity that turns the execration (just like the oath, the declaration<sup>17</sup>, the Althusserian “inter-pellation”<sup>18</sup> and the command<sup>19</sup>) into a political speech act. The ensuing study concentrates on precisely this political dimension of the curse and its status within socially polarizing confrontations. In analogy to the concept of the “political oath” (as developed by Ernst Friesenhahn),<sup>20</sup> one might call the speech act to be analyzed here a “political curse”.<sup>21</sup> Its historical relevance is easy to underestimate. But the legal historian Gerhard Thür goes so far as to argue that the political and juridical institutions of ancient Athens emerged from curse and oath ceremonies and their codification. According to him, the transitions between execrations and juridical verdicts were fluid during the Archaic Age.<sup>22</sup> Be that as it may, many indications suggest that, in the cradle of democracy, the execration (ἄρα) figured as a central public ritual. According to many sources, the members of the ancient Athenian

polis committed themselves to their shared projects through oaths which contained an explicit conditional self-execration. Even extant treaties between Greek city states are sealed with prospective curses against anyone who might commit a breach of contract.<sup>23</sup> According to Livy, war declarations were substantiated with execrations of the enemy.<sup>24</sup> As late as the fourth century BC, Demosthenes mentions in a speech that every public assembly of the Athenian citizenry commenced with a herald's recitation of a curse upon the enemies of the state.<sup>25</sup> That the political curse is supposed to establish a precarious sort of legal security becomes palpable in such ceremonies.

The curse positions itself at the origin of Western law and asserts its binding character. The imprecatory ceremony affirms social coherence in that it addresses not merely the person cursed but also the community. Its members are expected to uphold the curse collectively, and the dismal fate of the accursed, serving as an exemplary warning, urges them to do so. By means of this feedback loop, the curse polarizes and homogenizes in equal measure.<sup>26</sup> One can describe the curse as marking a borderline, as inscribing the difference between an inside and an outside onto both the body politic and the individual subject. But the "outside" a curse delimits is in fact not an extraterritorial place. Due to the curse's paradoxical structure, the outside takes the form of an "interiorized outside." It is an outside that needs to be incorporated into the symbolical system that declares it to be an outside; the foreclosed exterior permeating the interior. Inasmuch as the curse must always preserve what it appears to exclude so as not to dissolve, it subverts itself and therefore needs to be constantly renewed and intensified excessively. Indeed, excessivity is the curse's *conditio sine qua non*. An execration is an interminable speech act because it obstructs its own effectiveness, and it perpetuates itself through its own failure. The curse is cursed with the need for its own endless repetition.

The blind spot of the law is the groundlessness of its foundation, a void which the ritual curse both conceals and demarcates. Luhmann's dictum that "law is what the law deems to be law"<sup>27</sup> implies that the justification for the law's validity depends in the final analysis on a tautological as well as violent affirmation: "Jurisdiction is done like this because it is supposed to be done like this." Since positive law lacks its own final justification, its constitution or reconstitution must take place in a space devoid of law. The curse that supplements the law represents the law's concealed, violent genesis which myth processes.<sup>28</sup> To draw a more precise outline of this problematic intersection of law and myth, concepts taken from Giorgio Agamben's *Homo Sacer*—inspired by Walter Benjamin's "Critique of Violence"—prove useful, especially the concept of the "inclusive exclusion" as "exception." Agamben adopts the concept of the "state of exception" via Benjamin from Carl Schmitt's *Political Theology* and makes it the center of his legal philosophy. According to Schmitt, a state of exception arises when a danger to the order of the state (for example, a coup d'état, a revolutionary uprising, a civil war, etc.) requires the suspension of civil laws. In this emergency, the validity of the law is made so precarious that the sovereign, unconstrained by laws, must first bring about by violent means "a situation in which legal prescriptions

can be valid" again.<sup>29</sup> By proclaiming a state of exception, the sovereign may declare the order of law to be invalid without being obligated himself to invoke an existing law that would justify his decision. Schmitt reverses this definition—the state of exception is the result of a sovereign decision—and defines sovereignty as the authority both to proclaim and to end a state of exception: "Sovereign is he who decides on the exception."<sup>30</sup> In this respect, whoever institutes and guarantees the legal order is the one who is exempt from it and can suspend it, if necessary, in order to replace it with a "state of nature." The institution and the suspension of the law—rule and exception—are united in Schmitt's figure of the sovereign. Agamben expands Schmitt's concept by defining exception as an "inclusive exclusion."<sup>31</sup> Under this paradoxical inclusion of the excluded he subsumes not only Schmitt's state of exception but also phenomena that Schmitt would define quite differently. For example, a consideration of the principle of equity (*aequitas*) that supplements the law is, according to Agamben, an exception,<sup>32</sup> as is its Roman institutionalization through the praetorial *ius honorarium*.<sup>33</sup> Furthermore, even regular, codified jurisdiction takes the form of an inclusive exclusion, insofar as the legal prohibition names and consequently integrates its transgression into the law that thus "designates itself as exterior to itself."<sup>34</sup> Punishment by law codifies the transgression as a transgression and thereby integrates it into the legal system by excluding it. The concept of exception, when defined in such broad terms, obviously becomes the clandestine paradigm of every legal order. Consequently, jurisdiction produces nothing but "inclusive exclusions": every judgment is exclusionary, and every exclusion leaves a mark that must continue to remain legible within the marking system, and must therefore circulate within it so as not to lose its effect. This omnipresent confluence of law and exception must be ascribed to a concept of exception that does not differentiate one particular juridical structure from others but is supposed to form the comprehensive matrix of legality. Agamben declares Schmitt's figure to be the essence of any legal order: the law exists by positing itself outside of itself. In doing so it feeds like a vampire on everything it applies itself to, since it consists only of what it can absorb through inclusive exclusion.<sup>35</sup> Consequently, Agamben does not see the *circuli vitiosi* of violence as the opposite of the law; rather, he designates them as the law's primal form. The first manifestation of the law, therefore, is the *lex talionis*, i.e. the vengeance of an "eye for an eye" in which violence always defines itself as counter-violence: "The juridical order does not originally present itself simply as sanctioning a transgressive act but instead constitutes itself through the repetition of the same act without any sanction, that is, as an exceptional case."<sup>36</sup> What many theorists (René Girard among them) describe as the law's antithesis, unending revenge,<sup>37</sup> for Agamben is the law in its pure form. He presents the law as a relationship of fatal, unrepeatable exchanges with mythical surplus value.

It is via the exception that the law manages to include the entirety of social life within itself and thus to coincide with pure facticity; it is unenforceable and yet always in force, it cannot be formulated and yet becomes the only valid language.<sup>38</sup> The omnipresent state of exception institutes "a situation that is neither one of fact

nor one of right,"<sup>39</sup> thereby opening the space in which the positive legal order can prove its efficacy as a modifying force. But the state of exception does not recede once the legal order has been established; rather, it remains constantly present and effective in its regime. The legal order may change but only within the structure established by the exception. When seen from this perspective, the exceptional situation is the fundamental determinant of juridical forms. "The relation of exception thus simply expresses the originary formal structure of the juridical relation."<sup>40</sup> "Formal" in this context also means "semiotic": it is the state of exception that generates the signs with which jurisdiction operates. The state of exception produces ambiguous designations (inclusively exclusive) and thereby bestows precarious identities. It makes legal subjects determinable by means of ambiguous concepts. That is the "pure reference" of the law. The form in which its own constitutive "inclusive exclusion" is perceived by the legal subject itself is that of guilt. The identity of a legal subject is *per se* afflicted with guilt, this guilt being caused neither by deeds committed in the past nor by a sinful interiority. Instead, it represents the manner in which a subject participates in the legal system. (Agamben uses Benjaminian figures in this context as well.)<sup>41</sup> Hence, it is not the norm that establishes the basis of guilt; it is guilt that makes the norm and its transformations possible; guilt is their origin. "Guilt refers not to transgression, that is, to the determination of the licit and the illicit, but to the pure force of the law, to the law's simple reference to something."<sup>42</sup> Another term Agamben uses to describe this relationship is "ban."<sup>43</sup> The law puts everything and everyone under a ban by putting them simultaneously inside and outside the legal order, by abandoning them, and then by reapplying itself to them. The law's primordial form supposes a demand that it is impossible to meet insofar as its transgression is antecedent or, as it were, is *a priori*. Jurisdiction does not terminate this collective guilt but institutionalizes it. The law conquers its domains in the dynamic of the permanent state of exception.<sup>44</sup> Agamben's antinomian terminology strikes one as problematic and even obfuscating in that it equivocally subsumes and homogenizes very heterogeneous objects and hence implies questionable affiliations that may prevent rather than promote insight.<sup>45</sup> But all the same, his Benjaminian concepts of the permanent state of exception and the inclusive exclusion open new perspectives on the relationship between law, life, and language and hence also on the curse.

The curse, defined as both an appeal to and a condemnation by a divine jurisdiction, precisely circumscribes Agamben's "paradox of sovereignty" in the realm of theology: within language, it represents a zone in which it is impossible to differentiate between facticity and divine law. In God's domain, which is that of the most supreme sovereign, His eternal verdict constantly coincides with reality inasmuch as His judgment is identical with the course of the world; but by the same token, God's law also contrasts with this course. As a speech act supplementing the law, the curse expresses this ambiguous relationship, since it simultaneously posits and negates the difference between the world and divine judgment. In this respect, the curse functions as the verbalization of a "ban" (in Agamben's sense) that God as the sovereign imposes upon mankind through his representatives. The "pure



reference" of divine law is the medium whose sole appropriate message is the eternal curse that assigns to the subjects their appropriate paradoxical place in creation. It is exactly this paradoxical, interminable status of the curse which forces subjects to be involved in its problematic nature. Similar to the way in which, according to Foucault, the unending confession assumes a decisive role in constituting modern subjects,<sup>46</sup> one can attribute a generative effect on the formations of subjectivity to the entanglement in the curse. Curse and oath split the speaker and the addressee, pitting each against him- or herself. But this split allows them a specific form of self-reference that is mediated through the binding word. Curses belong to the set of instruments that power employs to divide and rule, by objectifying the subject.<sup>47</sup> This can be seen, for example, in the attempt, initiated by state and church authorities during the early modern age, to engage by way of curses and oaths in the serial production of subjectivity *qua* guilt.<sup>48</sup>

In Christian contexts, the power to curse depends on acknowledging God's primordial maledictions—free-floating, quasi-ontological curses that cannot be ascribed to empirical persons—even if these divine curses may merely provide the frame and ritual form for any actual execration. Only the speaker who takes up a divine imprecatory threat hovering over everyone's head and representatively repeats it is capable of pronouncing an effective curse. Subjects may damn their opponents, but only by quoting the word of God. Thus, in every concrete speech situation a curse is re-activated, varied at best, but not invented; in that respect, the curse is a conventional act. Austin's speech-act theory developed in his book *How To Do Things With Words* helps provide a better understanding of those peculiarities of its employment resulting from its paradoxical structure. The curse is doubtless a performative in Austin's sense, it is "doing something by saying something."<sup>49</sup> But due to the ambiguity of the "something" which the curse performs, curses do not fit neatly into Austin's theoretical framework. Austin himself classifies the curse as a "behabitive."<sup>50</sup> According to his definition, it is by means of behabitives that one reacts to the behavior of another and expresses one's attitude toward him or her. The motivation for this uncommented categorization appears to be that the curse is normally seen as a reaction to deeds that the curser considers damnable. But it may be argued that the curse does not necessarily react to the behavior of an antagonist and that, granted the requisite qualifications, it can also be subsumed under the other four of Austin's speech-act categories. The "verdictive" utterance, for example, consists of "the delivering of a finding, official or unofficial, upon evidence or reasons as to value or fact,"<sup>51</sup> as in the rendering of a verdict by jurors. The Bible's first curse, the one pronounced on the Serpent, satisfies, when read in Spinoza's sense,<sup>52</sup> the criterion of a verdictive: "Because thou hast done this, thou art cursed above all cattle, and above every beast of the field" (Gen. 3. 14).<sup>53</sup> God utters the verdict that the Serpent has turned into an accursed animal because it has seduced Eve to eat of the apple. Austin's third speech-act category is the "expositive." Expositive utterances expound arguments and facts, as when one makes a descriptive statement or develops an interpretation.<sup>54</sup> In the curse, however, "world-to-word direction" and "word-to-world direction" are inseparable. The speaker gives a directive by describing something that does not depend on

his utterance. The effect and sense of the utterance are obviously correlated; curses situate themselves exactly at the place where these two factors are supposed to converge. That is why the curse often assumes the form of a representation of facts. But maledictions can also, fourthly, be considered "exercitive" speech acts, a term Austin defines somewhat imprecisely as "exercising of powers, rights or influence."<sup>55</sup> The difference between verdictive and exercitive is reduced to that between the jurors' verdict and the sentence of the judge.<sup>56</sup> If one defines the curse as condemnation through divine judgment, one classifies the curse as an exercitive utterance. Consequently, Austin himself subsumes the verdict of excommunication under the exercitives.<sup>57</sup> Lastly, "commissive" speech acts are also contaminated by the curse, commissives being utterances by which one declares an intention or enters into an obligation.<sup>58</sup> If a witness swears an oath in a court of law, he performs a commissive, and an oath, as mentioned above, is a conditional self-condemnation. Curses resist Austin's schema: while derivatives of it can be put into all five of his categories (which are obviously derived from juridical procedures), the curse itself does not really fit into any one of them. That this result also applies to oaths, which are classifiable as a subset of curses, could be easily demonstrated. Austin himself points to the porosity of his categories, but this degree of multivalence of a speech act is unusual. An explanation of its exceptional status will emerge from a more detailed analysis of Austin's theory.

Austin defines the conditions under which a performative act can come about as follows:

There must exist an accepted conventional procedure having a certain conventional effect, that procedure to include the uttering of certain words by certain persons in certain circumstances, and further, the particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked.<sup>59</sup>

This statement asserts that performatives are always related to institutions and conventions which legitimize them.<sup>60</sup> This estimation seems incomplete insofar as performatives also contribute to the establishment of institutions and conventions. For example, declarations of independence are instrumental in the constitution of some nations, while decrees help to establish binding norms of behavior, e.g. for judges and juries. One performative, then, supports another performative; they form chains. Can final links in these chains be detected? Austin continues his enumeration of criteria for successful speech acts as follows:

The procedure must be executed by all participants both correctly and completely. Where, as often, the procedure is designed for use by persons having certain thoughts and feelings, or for the inauguration of certain consequential conduct on the part of any participant, then a person participating in and so invoking the procedure must in fact have those thoughts or feelings, and the participants must intend so to conduct themselves, and further must actually so conduct themselves subsequently.<sup>61</sup>



Particularly the topic addressed in the last sentence—the quality of the performative to obligate its speakers both internally and externally—implies the problematics of the oath and the law. In the final analysis, the speech act guarantees its own effectiveness: it is commissive with regard to itself. When seen from this angle, every performative looks like an oath. Consequently, the term “performance” originally designated, at its inception in the early modern era, the ceremonial execution or discharging of an obligatory action.<sup>62</sup> Curse and oath are thus implicitly intrinsic to the very term “performative act”. Oath and curse alike appear as “performatives of the second order”. They add themselves, obligatorily and obligingly, to other speech acts and, when uttered explicitly, heighten their performative potential. It can be observed that, as a general practice, their proclamation is added to other speech acts whose perlocutionary effectiveness is in some way problematic, e.g. insofar as they are new and have not as yet been firmly established within the social sphere or, on the contrary, are already outdated.<sup>63</sup>

In the second half of *How To Do Things With Words*, Austin puts forward that performativity is not one particular kind of language use that can be separated from others, but rather underlies all linguistic utterances as their “illocutionary” force. Accordingly, the binding word in its two manifestations could be designated not only as the common property of a certain class of institutionalized or institutionalizing pronouncements but also as the foundation for any authoritative, responsible use of language. Not the extra-linguistic, objective world but the curse/oath implicit in it guarantees the coherence and social relevance of language.<sup>64</sup> Serious utterances generate themselves by solemnly vouching for themselves. Communication in society functions on account of this promise of coherence. Since language makes this pledge of itself, thereby positing itself as an already given entity, it too bypasses the present time in its act of self-constitution. The curse is the reverse side of the never-present unity of language. Modern theories of language with a political orientation frequently emphasize the connective, consensual and consensus-building dimension of language. (Habermas’ work could serve as the prime example in this context.)<sup>65</sup> But this bond also latently supposes an exclusionary aspect of language: its persistence as the threat which the curse formulates.<sup>66</sup> It is therefore problematic to suppose a determinable perlocutionary effect of curses: on account of their paradoxical openness, they cannot have any effect that is univocally demonstrable as well as determinable by language. Absolute power and absolute impotence converge in the curse as well as in language. For this reason, it is structurally impossible to disprove or to prove the effectiveness of curses empirically. The failure of a malediction remains forever uncertain because its success can remain hidden or lie in the future. A curse is indeterminable in precisely the same measure that it does not determine. Insofar as the possibility that a speech act fails is one of its constitutive conditions,<sup>67</sup> the curse is not so much a typical speech act as the horizon of all speech acts. Perhaps the political relevance of curses in the modern era has diminished not so much because of their increasing obsolescence and their replacement by more rational speech acts, but because the curse is now taken for granted anyway, as a horizon persisting in latency.