

## Before the Law(s): Wole Soyinka's *Death and the King's Horseman* and the Passages of "Bare Life"

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The protagonist of this book is bare life, that is, the life of *homo sacer* (sacred man), who *may be killed and yet not sacrificed*...

—Giorgio Agamben, *Homo Sacer*, 8

Writing in 1983 about state violence in contemporary Nigeria, Wole Soyinka relates the story of a medical doctor, Seinde Arigbede, who had been kidnapped by a special wing of the state police and subjected to the terror of imprisonment and torture. "The circumstances," Soyinka suggests, "would have amazed even Franz Kafka" (*Man Died* vii). The reference point creates an intriguing moment of intertextuality that connects the narrative of brutality in a troubled postcolonial Nigeria with a central expression of the horrors of European industro-capitalist modernity. The terrors experienced by Arigbede—"taken to an empty cell, where he was hung up by the wrists and left dangling, his feet away from the ground, from specially fixed ceiling hooks" (*Man Died* vii)—are here implicitly aligned with the metaphysical traumas that accompany Joseph K in *The Trial* as he is processed by a legal system that refuses to reveal his putative crime. In Soyinka's rendering of it, the postcolonial space seems unable to escape the uncanny return of those most traumatic elements of colonial power systems, or is at least haunted by the possibilities of such repressed, and repressive, links. It is of note, then, that the allusion should come in the course of a new Preface for Soyinka's prison notes, *The Man Died*, at the outset of which he insists on the obligation to witness the deprivation of humanity upon which certain forms of the Law rely:

I testify to the strange, sinister by-ways of the mind in solitary confinement, to the strange monsters it begets. It is certain that all captors and gaolers know it; that they create such conditions specially for those whose minds they fear. Then, confidently, they await the rupture. It is necessary to keep in mind always that we know only of those who have survived the inhuman passage. (12)

Here Soyinka makes clear that the problem of the Law and the violence done to subject-bodies under its control is not simply one of profane praxis; understanding the proper source of its power requires us to look more closely at the radical othering that lies at the very heart of the Law's metaphysical origins. Moreover, within the postcolonial space, Soyinka's memory of prison suggests, the othering at the centre of the juridical order is haunted by colonial Law and the very specific

forms of violent othering that sustained it (and European modernity more generally).

A Body that Matters: Death, Ritual, and the Law in *Death and the King's Horseman*

In terms of his work for the theatre, Soyinka's interest in the metaphysics of Law is most openly played out in his masterly work *Death and the King's Horseman* (1975), a play written just a few years after his release from a Nigerian prison and while in exile in England. The contexts informing its gestation shaped a play closely concerned with the functioning of different systems of Law (European and indigenous) and the philosophical underpinnings driving their performative praxis. At the play's heart we find a moment of contact between European legality and the older systems of law and justice it sought to supplant; the play in effect becomes about the metaphysical traumas that such a process instigates. In this regard the shadow of postcolonial Nigeria retroactively haunts the action on stage that concerns itself with the methodologies of colonial intervention. It is a piece structured by a series of passages (to borrow Soyinka's image)—gateways, doorways, punitive spaces, transitional spaces between life and death—that mark occasions of purchase and/or slippage for radically different conceptions of the Law and its power over subject bodies. At its core stands the metaphysical relations between the Law, ritual, knowledge, and power—and the role played by this relational nexus in the production of the meanings attached to certain bodies and their deaths. Indeed what is revealed by, and is at stake in, the conflict staged by the play is something akin to Jean-François Lyotard's *differend*, a concept that Gayatri Spivak usefully parses as “the inaccessibility of, or untranslatability from, one mode of discourse in a dispute to another” (96). Read in these terms the play becomes about the spaces of un-readability and difference produced when two renderings of the Law face each other.

*Death and the King's Horseman* tells the story of Elesin, chief of the King's stables, who lives a most privileged life amongst his Yoruba tribe in return for his future role in a key tribal tradition—when the King dies it is his duty to sacrifice himself and to follow him to the realm of the dead. This is the Law as ritual, tradition, and sacred duty. As one character (Joseph, a local man now working as a servant in the local colonial administrator's household) explains it: “It is native Law and custom. The King die last month. Tonight is his burial. But before they can bury him, the Elesin must die so as to accompany him to heaven” (167). This duty is seen as fundamental to the continuing well-being of the tribe—it is in this sense a ritual function of the Law, a purification that ensures communal cohesion. It is also a duty that is located within the fabric of a particular communal understanding of time and space, and of the body as a site of interconnection between metaphysical abstraction and corporeal reality. In the first scene, for example, we meet Elesin on the day of his appointed (self-willed)

death and it is clear that he reads the proper meaning for his upcoming actions in the context of an extra-profane relationship with the community that has sustained him in his privileged life. Walking through the women of the market place (the central space of communal self-expression) he proclaims: “This market is my roost. When I come among the women I am a chicken with a hundred mothers. I become a monarch whose palace is built with tenderness and beauty” (148). It is in this metaphysical rendering of the community that Elesin locates the source of his power (“I become a monarch”), and the importance of his duties. Indeed the transcendental nature of these duties is quickly reinforced through an exchange between Elesin and a powerful representative of the tribe (the female Praise-Singer). It is an exchange designed to remind Elesin to remain focused on the task that lies before him and the perils of not doing so:

PRAISE-SINGER. There is only one home to the life of a river-mussel; there is only one home to the life of a tortoise; there is only one shell to the soul of man; there is only one world to the spirit of our race. If that world leaves its course and smashes on boulders of the great void, whose world will give us shelter?

ELESIN. It did not in the time of my forebears, it shall not in mine. (149)

Crucially, Elesin’s body is here rendered as a shell for a soul that is part of a larger continuum of spirits—his profane body is thus a signifier of a transcendental tribal history. As we will see this concept of Elesin’s corporeality is key to the play’s rejection of European norms of jurisprudence.

In this regard we should note the extraordinary care and attention that is paid to Elesin’s body throughout these opening moments of the play. Time and again we see the ways in which Elesin’s body is seen as the site of a communal safeguard; thus Elesin can demand that almost any of his desires be met. As in the moment, for example, when he tells the women of the market-place to clothe him in the best finery they can muster—a demand that is answered instantly by Iyaloja (the “mother” of the market):

Richly, richly, robe him richly  
The cloth of honour is *alari*  
*Sanyan* is the band of friendship  
Boa-skin makes slippers of esteem. (156)

In all of this Soyinka demonstrates the ways in which the community sees Elesin’s duty to accompany the King on his journey through the realm of death as an essential ritual, one that ensures the continuing balance of a world divided into the realms of the living, the unborn, and the dead—all of which are kept in their proper relation by the fourth stage of transition, of which Elesin’s duty is a key part (see discussion of “The Fourth Stage” below).

Fatally, however, Elesin is distracted from his duties by the fruits of his favoured life—just as the Praise-Singer feared he might be. Confronted with his imminent death, Elesin succumbs to the desires of the life-instinct and decides to take a new young bride—thus delaying the act that will allow him to follow his King away from the

world of the living. His decision is clearly imbued with the hope of conceiving a child before he dies:

ELESIN. Who does not seek to be remembered?  
Memory is Master of Death, the chink  
In his armour of conceit. I shall leave  
That which makes my going the sheerest  
Dream of an afternoon. Should voyagers  
Not travel light? Let the considerate traveler  
Shed, of his excessive load, all  
That may benefit the living. (159)

The hesitation proves disastrous as it allows the local colonial officer (Simon Pilkings) to intervene in what he sees as a barbaric primitive ritual; as he puts it: “You think you’ve stamped it all out but it’s always lurking under the surface somewhere” (166). In this image of barely repressed fear we see the ways in which the colonized body is articulated in terms of an incommensurate mimicry: “torn between exclusion as something radically different to the West and the demand to join and become the same as it” (Fitzpatrick and Darian-Smith 2). From this moment onwards Elesin’s body becomes a contested site, the locus of the slippages implicit in Lyotard’s notion of the *differend*. In a crucial moment of miscommunication, for example, we observe as Pilkings learns of Elesin’s fate from a report submitted by a local man (Amusa) who has converted to Christianity and joined the local colonial police service. Pilkings reads the report out to his wife Jane:

PILKINGS. Amusa’s report. Listen. “I have to report that it come to my information that one prominent chief, namely, the Elesin Oba, is to commit death tonight as a result of native custom. Because this is criminal offence I await further instruction at charge office. Sergeant Amusa.”

JANE. Did I hear you say commit death?

PILKINGS. Obviously he means murder. (165-166)

The way in which Pilkings’s European viewpoint automatically mistranslates the nature of this event—transforming ritual sacrifice into the legalistic terminology of “murder”—is vital to the play’s metaphysical investigation. Indeed this mismatch of an imported terminology attempting, and failing, to grasp the proper significance of events is confirmed when Jane makes the point that her husband surely cannot arrest Elesin “simply on the er . . . what is the legal word again?—uncorroborated word of a sergeant” (166). Later in the play the need for effective and reliable surveillance to sustain European power is confirmed when the local senior colonial administrator tells Pilkings: “Nose to the ground Pilkings, nose to the ground. If we let all these little things slip past us where would the empire be eh? Tell me that. Where would we all be?” (188). By this time Pilkings has already arrested and imprisoned Elesin before he could complete his ritual duty—the ostensible motivation here is to protect Elesin from himself. That the figure of colonial legitimacy clearly reads his actions as saving “the native” from his superstitious (pre-modern) barbarity links

Soyinka's play with the ideological grammar of corporeality (and, finally, death) traced out by Gayatri Spivak's deconstruction of the banning of *suttee* in nineteenth-century colonial India. Her formulation that this legal intervention was based on the sense that "White men [were] saving brown women from brown men" (92) certainly captures a form of power-dynamic that speaks to the action of *Death and the King's Horseman*. Elesin's hesitation, in this regard, betrays the faith of the market-place women who earlier assured the local policeman Amusa that "Tonight our husband and father will prove himself greater than the laws of strangers" (175). Moreover, Elesin is all too aware of the damage done by his failure to complete the ritual—telling a self-satisfied Pilkings: "You did not save my life, District Officer. You destroyed it" (204).

In the end it is Elesin's son Olunde (returned from England where he is studying medicine) who completes the ritual in his father's place, sacrificing "himself in his stead to try to ensure the continued spiritual wellbeing of his community" (Crow and Banfield 81). In these final moments of the play Elesin, after witnessing his son's sacrifice while "languishing in a colonial jail," kills himself using his prison chains (Amkpa 29). As Awam Amkpa parses it:

The place and manner of his self-execution, thus, occurs outside the prescriptions of the community's codes of ritual. By the play's end, the tragic protagonist cursed with an identity drained of all communal significance, rids the world of his presence by strangling himself with his chains in his prison cell—a cavernous metaphor for colonial subjugation. (29)

This makeshift prison cell's potential as "cavernous metaphor for colonial subjugation" is only deepened by the revelation that this cellar was once (as Pilkings puts it) "where the slaves were stored before being taken down to the coast," and that it is now used "as a storeroom for broken furniture" (*Horseman* 200). This room thus operates as a multivalent space of repression within the local colonial apparatus—as Craig W. McLuckie puts it: "What has been implicit throughout the play is now explicit—the bare power structure of the white colony" (157). Elesin's body is stripped of its proper signification in a space filled with the material detritus of colonial presence and practice; his body is also revealed as a kind of palimpsest as Pilkings's intervention in the name of the (European) Law is implicitly encoded as the latest in a series of corporeal strategies born out of the imperial will to power. This seemingly incidental revelation adds force to Ngugi wa Thiong'o's assertion that "colonialism and the forces it generated have always been part of capitalist modernity" (in Amkpa xi); Elesin's position within the official discursive fabric of empire is located in a clear line of descent from another version of the "native body" as product. Which is not to suggest a simplistic binary opposition—as Amkpa notes, *Death and the King's Horseman* "presents dramatic conflict as multilayered and complex rather than a Manichean contest between well-defined heroes and villains" (29). This complexity operates through every facet of the piece. Throughout the play it is made clear that Elesin's actions must be read not in

isolation but in terms of a complete set of cultural codifications. In particular, the signification of “death” in the proposed actions of Elesin is presented as largely incommensurate to its operative function within the Eurocentric imperial imagination. It is this dynamic that produces a particular kind of imaginative tension throughout the piece. The multivalent articulation of death as a cultural signifier with different performative functions within the European and Yoruba worldview traces the tensions connected with the implementation of imperial conceptions of the Law. At stake here is the production of, and resistance to, a juridical order as ideological bellwether for capitalist modernity. It is this tension that haunts the Praise-Singer’s final words to Elesin (moments before he takes his own life):

Elesin, we placed the reins of the world in your hands yet you watched it plunge over the edge of the bitter precipice. You sat with folded arms while evil strangers tilted the world from its course and crashed it beyond the edge of emptiness—you muttered, there is little one man can do, you left us floundering in a blind future. Your heir has taken the burden on himself. What the end will be, we are not gods to tell. But this young shoot has poured its sap into the parent stalk, and we know this is not the way of life. Our world is tumbling in the void of strangers, Elesin. (218)

The play’s ending is thus extraordinarily complex and ambiguous, on the one hand the community has seen the ritual completed at last, but it is clear that a fatal imbalance has been introduced to the world of the Yoruba. The laws of life and death, and the power to define the correct relationship between the two stages, have been usurped and disrupted.

#### The Fourth Stage: Law as Metaphysics

In his essay “The Fourth Stage” Soyinka unpacks the underlying intellectual fabric of this issue further, revealing the ways in which the life/death cycle is imagined differently within the Yoruba and European worldviews (the European ordering of “time” is here obviously shadowed by the rise of capitalism as an organising principle):

The Yoruba is not, like European man, concerned with the purely conceptual aspects of time; they are too concretely realised in his own life, religion, sensitivity, to be mere tags for explaining the metaphysical order of his world. If we may put the same thing in fleshed-out cognitions, life, present life, contains within it manifestations of the ancestral, the living and the unborn. All are vitally within the intimations and affectiveness of life, beyond mere abstract conceptualization. (144)

For the Yoruba, then, “the past is the ancestors,” the present belongs to the living, and the future to the unborn—but in addition there is a “fourth stage” that Soyinka terms the “gulf of transition” (148):

This is the fourth stage, the vortex of archetypes and home of the tragic spirit. It is necessary to recall again that the past is not a mystery and that although the future (the unborn) is yet unknown, it is not a mystery to the Yoruba but co-existent in present consciousness. (149)

There are clear links here with the division between profane and sacred time (linear in the former, cyclical in the latter) to be found in the work of structural anthropologists like Mircea Eliade and Claude Lévi-Strauss.<sup>1</sup> However, Soyinka's explication of the temporality of the Yoruba worldview is more properly read as a resistance to, and/or rejection of, the implicit narrative of progress and development that underpins the modernist (Eurocentric) drive of such anthropological projects. What is at stake is the coherence of a world articulated through, and structured by, this ordered division of time as it maps out the relationship between ways of living and ways of dying.

Indeed, in his well-known "Author's Note" to would-be producers of the play, Soyinka makes it clear that the purpose of his piece is not to present some reductive "clash of cultures," insisting that the "Colonial factor is an incident, a catalytic incident merely." Rather, the "confrontation of the play is largely metaphysical, contained in the human vehicle which is Elesin and the universe of the Yoruba mind—the world of the living, the dead and the unborn, and the numinous passage which links all: transition" (145). Soyinka's point is to reject that insistent worldview that sees postcolonial culture as driven by a continuing obsession with Europe and a Euro-centric normative intellectual history: "It is thanks to this kind of perverse mentality that I find it necessary to caution the would-be producer of this play against a sadly familiar reductionist tendency, and to direct his vision instead to the far more difficult and risky task of eliciting the play's threnodic essence" ("Author's Note" 144). Such an insistence is clearly readable in terms of a postcolonial intellectual history; Soyinka is in effect refusing his characters as othered Subjects who serve to reinforce the European mind as normative. In his Nobel acceptance speech in 1986, for example, he took the opportunity to undertake a brief but powerful deconstruction of the position of the African "Subject" in colonial discourse (he does this in the context of what he sees as the continuing epistemic violence that haunts the reconfiguration of relations within the postcolonial). In particular, returning to Hegel, Soyinka locates the African as legal (non)Subject at the heart of Europe's philosophical/juridical project:

Friedrich Wilhelm Hegel, to cite just my favourite example, found it convenient to pretend that the African had not yet developed to the level where he "attained that realization of any substantial objective existence—as for example, God, or Law—in which the interest of man's volition is involved and in which he realizes his own being." (par 24)

*Death and the King's Horseman* is in effect a tragedy born of the tensions inherent in this "pretence." This is certainly the case if we read tragedy in the manner proposed by Soyinka as "the most insistent voice that bids us return to our own sources. There, illusively, hovers the key to the human paradox, to man's experience of being and non-being, his dubiousness as essence and matter, intimations of transience and eternity, and the harrowing drives between uniqueness and Oneness" ("Fourth Stage" 140). *Death and the King's Horseman*, as reinforced by Soyinka's interpretative strategy, is a tragedy centred on

crises of being and non-being, of transience and eternity, played out in a space ordered by the Yoruba worldview—as opposed to the Hegelian space of existential absence.

While understanding Soyinka’s desire to see the work as a self-contained tragedy, it is difficult to sustain completely the position that the colonial factor is a mere catalytic incident. The play’s structure is quite reliant on the intervention of the colonial officer in the tribal traditions surrounding royal death, and many of the piece’s central dialogues play out the problematics of communication, unequal power, and incommensurate philosophies shaped by different intellectual laboratories. The stage-space of *Death and the King’s Horseman* is constantly occupied by a multivalent philosophical nexus, which stages two different metaphysical worldviews and, more particularly, two different conceptions of the Law and the source of its power over the bodies in its purview. The first is the metaphysical “universe of the Yoruba mind,” a space in which the Law’s power resides at the level of communal transcendental needs. In the ritual of which Elesin is the central protagonist, at least as Soyinka seeks to present it, the Law appears to reside in the stage of transition—the body on which the Law acts is thus seen as part of a continuum rather than as the marker of a binary opposition (life/death). The second metaphysics of the Law is revealed by Pilkings’s (European) intervention, whose actions rely on a series of juridical binaries (civilised/barbaric; modern/primitive; European/other). The bodies on which such a version of the Law act are constructed in terms of a particular kind of individuality that reveals a radically different conception of the source and power of the Law. This is not to return the play to the reductive readings rejected by Soyinka, but rather to reveal the multivalent metaphysics at its centre. In order to do this more fully I want now to explore the ways in which *Death and the King’s Horseman* is haunted by a figure representative of a certain kind of European modernity: “bare life.”

#### “Bare Life”: Western Modernity and the Law

Giorgio Agamben’s recent influential work on the nature and function of (European) sovereign power—with its specific attention to sovereignty as executed through “the Law”—has centred on the recovered archaic and paradoxical figure of *homo sacer* (sacred man), a figure Agamben re-presents as “bare life.”<sup>2</sup> For Agamben this archaic figure (he traces its existence back through classical Greek and Roman juridical systems) was one from whom the usual protection of both the Law and religion had been removed. Thus: *homo sacer* could be killed and yet not murdered—as defined in Law; *homo sacer* could be killed and yet not sacrificed—as defined by religious codification.<sup>3</sup> Placed outside all modes of protection, then, sacred man is transformed into “bare life,” a body stripped down to the point where all that remains is its corporeal signification. It is in this passage from inclusion to exclusion that Agamben detects the proper significance of *homo sacer* for the performance of the Law and, thus, sovereign

power. In this version of the juridico-political order the Law includes us all in its purview exactly through its power to exclude us from its protection. Slavoj Žižek frames this paradox succinctly by locating *homo sacer* as “that so-called sacred being who is the object of expert caretaking knowledge, but is excluded ... from all rights” (35). This paradox of inclusion/exclusion (our possible exclusion from the Law is the very thing that defines our inclusion within its reach) is the juridical motor, Agamben argues, at the heart of the development of modern biopolitics. This is a development which we can in turn read as central to the very nature of modernity—as Agamben reminds us: “It can even be said that the production of a biopolitical body is the original activity of sovereign power” (*Homo Sacer* 6). Sovereign power is thus the source of an ideological locus that has the “right” to decide when the Law can be suspended—i.e. withdrawn in a manner that leaves certain bodies in the position of “bare life.”<sup>4</sup> At the heart of sovereignty, that most complex of abstractions, then, we find the power to define and create bare life, a power revealed as all too material in its execution on real bodies.<sup>5</sup>

In the course of tracing the development of (European) sovereign power and the Law into the twentieth century (which involves tracking down and revealing the shadowy figure of *homo sacer* as an ever-present juridical concept), Agamben points us to a Franz Kafka short story that he reads as revelatory of the invasive reach of disciplining power in late modernity (as with much else in Kafka, this nightmare of legal totality can only seem evermore prescient to his twenty-first century readers). “Before the Law,” a story perhaps better described as a parable, tells of a “man from the country” who comes in search of admittance to the Law. He comes to an open door—an entrance to the Law we are told—but the attendant doorkeeper refuses to let him pass to what is beyond: “The man thinks about it and then asks whether in that case he will be allowed in later. ‘Possibly’, says the doorkeeper, ‘but not at the moment’” (194).<sup>6</sup> This perpetual deferral—“not yet”—is key to the story’s power; its effect is to require the man to sit waiting at the door awaiting his admittance. This pattern of request and refusal is continued for many years, with the man from the country now permanently camped at the threshold to the open door. In fact the man spends the rest of his life in just this position, summoning up points of clarification to be addressed to the intransigent doorkeeper (discussion is possible but the final answer is always a refusal to admit the desperate man), until he reaches the very final moments of his life:

He has not long to live. Before he dies, everything he has learnt in the entire time becomes concentrated in his head into a question that he has not asked the doorkeeper hitherto. He beckons him to approach, for his body is growing stiff and he can no longer get up. The doorkeeper has to bend right down to him, the difference in height between them having altered very much to the man’s disadvantage. “What do you want to know now?” the doorkeeper asks. “You’re insatiable.” “Everybody seeks the Law,” says the man, “so how is it that in all these years no one but me has demanded admittance?” The doorkeeper sees that it is all over for the man, and to penetrate his growing deafness he shouts at him, “No one else could gain admittance here because this entrance was meant for you alone. Now I am going to close it.” (195)

The seemingly counter-intuitive denouement on further inspection reveals the real power of the Law (within Western modernity). *In the end* it is those moments when we are excluded from the Law's gaze that reveal the extent to which we have been included in its reach all along. In the late-modern world of totalising power we cannot enter into the Law because we are already and always included in its grip. It is for this reason that Kafka's man from the country cannot be 'admitted' to the Law—as Massimo Cacciari puts it: "We can enter only there where we can open. The already-open [*il già-aperto*] immobilizes. The man from the country cannot enter, because entering into what is already open is ontologically impossible" (qtd. *Homo Sacer* 49). The man, then, has been in the grasp of the Law all along, precisely through his position of waiting for admittance to it. Standing at a site of possible exclusion awaiting the enactment of a potential juridical power are the very acts of exception that define our presence/inclusion (already and always) in the open field of the Law. At the heart of this reading of power stands a very particular understanding of politicised death.

Death is no longer the limit of biopolitics (as Foucault at times seemed to suggest); it is rather now the very place at which sovereign power is specifically exercised. Sovereign power and the Law have become concerned with the manner in which certain kinds of death are legitimised and allowed to happen (or "made happen"). Death can no longer be read as a final refuge from power, in the sense of a place that stands beyond its grip, instead it is the realm of power's most explicit execution. Or, to put it another way, while the production of death may always have come within power's purview, its signification and performance (as related to the body in politics) has radically altered within late modernity. As Agamben puts it, while at times the nature of sovereignty may have been described as the power "to make die and to let live," it now often seems to be better framed by the dictum "to make live and to let die" (*Remnants* 82-83). Death stands not as an unspeakable gap within the biopolitical order, in other words; rather it provides the grammar of signification through which sovereign power inscribes its hegemonic modality. Agamben and Kafka, in their different ways, each reveal a radically exposed legal individual at the heart of European modernity. This is European man before the face of power, stripped to the very essentials of singular selfhood. The legal Subject in modernity is thus one that stands completely individuated in an open field of power. Located in terms of oppositional binaries, and stripped from his/her signification within the broad field of communal identities, the modern legal Subject under the gaze of sovereign power is that which has the potential to be bare life.

There is little doubt that the production of a legal order that produces "bare life" stands at the heart of the colonial project. There is a critical difference, however, in the colonial production of individuated legal subjects, as read against the performance of this process in the imperial centres, in that the colonised other was caught in a doubly complex power-matrix. It is not so much that this othered

subject could be made “bare life” but rather she/he was already “bare life” by the very nature of her/his status as colonial other. Rather than a condition of potential, in other words, the othered subject was pre-read as beyond the limits of civilised Law in a self-generating discourse of inclusion and exclusion. Indeed the colonial project was reliant on the production of such excluded bodies—while colonialism’s declared aim may have been the inclusion of such bodies within the *civis*, the justification for its continuation relied on the perpetual failure of this self-same process. As Peter Fitzpatrick and Eve Darian-Smith put it, “European or Western identity is constituted in opposition to an alterity that it has itself constructed. Identity is so formed in a defining exclusion of certain existent peoples accorded characteristics ostensibly opposed to that identity—savages and barbarians” (1). This is a process that is crucial to understanding the metaphysical struggles that regulate Soyinka’s *Death and the King’s Horseman*.

Before the Law(s): “Bare Life” and *Death and the King’s Horseman*

Keeping Kafka’s figure of European man stripped bare before the door of the Law in mind, then, I want to return finally to the ideas of passages and gateways that haunt *Death and the King’s Horseman*. Elesin’s ritual destiny is continually explained (by himself and others) in terms of a transitional phase—a movement through a passage or gateway—and it is in the abstract performance of this metaphysical movement that we find the idea of the law as the regulator of communal needs and desires. While making his case for taking a new bride on the day of his ritual, for example, Elesin repeatedly conjures the image of standing at the entrance of a space that escapes binary notions of existence:

All you who stand before the spirit that dares  
 The opening of the last door of passage,  
 Dare to rid my going of regrets! My wish  
 Transcends the blotting out of thought  
 In one mere moment’s tremor of the senses.  
 Do me credit. And do me honour.  
 I am girded for the route beyond  
 Burdens of waste and longing.  
 Then let me travel light. Let  
 Seed that will not serve the stomach  
 On the way remain behind. Let it take root  
 In the earth of my choice, in this earth  
 I leave behind. (160)

It is an argument that the Praise-Singer Iyaloja finds unable to resist, telling the women of the market: “It is those who stand at the gateway of the great change to whose cry we must pay heed” (161-162). Crucially, this image of the gateway returns to Elesin in the final moments of the play as he tries to explain the effect of Pilkings’s intervention in his duty: “You saw it, Iyaloja. You saw me struggle to

retrieve my will from the power of the stranger whose shadow fell across the doorway and left me floundering and blundering in a maze I had never before encountered” (210). In terms generated by Agamben’s work, Elesin may here be read as describing the process of being made “bare life.” Pilkings’s intervention, in other words, removed Elesin from a version of law based on the phases of transition (envisaged above by Elesin as the “last door of passage”) and placed him before the door of European law. The result is a form of radical dislocation or existential crisis—“left me floundering and blundering in a maze I had never before encountered”. In the end Elesin’s death has been stripped of its proper signification, his is a death that can thus only be read in a simple binary with life. The colonial project presented as an extension of the *civis*—seen here functioning in its legalistic rendering—in fact produces bodies stripped of any protection, left before the door of a law that must necessarily exclude them to justify its own existence.

The figure of “bare life” may thus be located as a constituent grammatical element of the epistemic violence involved in what Gayatri Spivak sums up as “the remotely orchestrated, far-flung, and heterogeneous project to constitute the colonial subject as Other” (76). The production of “political bodies” simultaneously embraced by an imperial juridical order and yet removed from the position of fully protected “subjects” provides a clear link between *homo sacer* and Spivak’s sense that this project involved “the asymmetrical obliteration of the trace of the Other in its precarious Subject-ivity” (76). Agamben’s work on the “othered” body within (and thus without) the juridical order also adds new emphasis to Spivak’s assertion that the “constitution of that Other of Europe” was formulated “not only by ideological and scientific production, but also by the institution of the Law” (75). The Law thus becomes one more discursive space wherein “great care was taken to obliterate the textual ingredients with which such a subject could cathect, could occupy (invest?) its itinerary” (Spivak 75). In these terms colonialism can be read as the project whereby non-European territories were opened up, and thus re-articulated as “open spaces,” for the performance of an “always-happening” European juridical order. If the production of the biopolitical body stands at the centre of modernity, at the heart of colonialism we find the construction of a juridical order that holds othered bodies in its grip by leaving them (constantly) exposed to their articulation as bare life. The real face of power is thus revealed most clearly at those moments when what is at stake is the juncture between political life and politicised death; and it is this juncture (spatial and temporal) that Soyinka opens up to radical enquiry in *Death and the King’s Horseman*.

## Notes

1. See for example, Eliade, “Cosmogonic Myth and ‘Sacred History,’” and *Myths, Dreams and Mysteries*.

2. For an extended discussion of this figure, as well as *Homo Sacer*, see Agamben's *State of Exception*.

3. As Agamben puts it, the proper significance of the *homo sacer* figure is that it is "situated at the intersection of a capacity to be killed and yet not sacrificed, outside both human and divine Law" (*Homo Sacer* 73).

4. There is a particular paradox at work here, one which Agamben notes as "the Law is outside itself," or alternatively as "I, the sovereign, who am outside the Law, declare that there is nothing outside the Law" (*Homo Sacer* 15). For a powerful explication of the ramifications of this power in the context of post-September 11<sup>th</sup> geopolitics, see Judith Butler's *Precarious Life: The Powers of Mourning and Violence*—particularly the essay "Indefinite Detention."

5. In this respect Agamben's work sheds new light on Carl Schmitt's definition of sovereignty: "Sovereign is he who decides on the state of exception." For more on this relationship see *Homo Sacer* 8-19 *passim*, and Carl Schmitt's *Political Theology: Four Chapters on the Concept of Sovereignty*.

6. Franz Kafka, "At the door of the Law," as found in *Franz Kafka: Stories 1904-1924*. Agamben's translation of this title is "Before the Law."

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