

Does *homo sacer* exist in virtual reality?

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Abstract: This paper explores the concept of exclusion from virtual space and virtual reality, drawing on the theory of Agamben's *homo sacer*. By placing the figure of *homo sacer* in a spatial context, this text questions the transition between actual and virtual spaces and realities. At the same time, the opposition of actual/virtual is considered a second level of the old opposition between nature/culture. The paper shows that despite some difficulties, applying the term *homo sacer* is helpful to researchers on virtual reality about the sovereignty of virtual spaces, their states of emergencies, and considerations about public space in terms of virtuality. The most important aspect is that new forms of control over virtual spaces could manifest a shift in the classical triad of state-nation (birth)-territories, opening up a range of potential threats.

One day, I was walking in Campfire, a cozy virtual reality place in AltSpaceVR. Suddenly, I noticed it—an absence. A poster showed the avatar of someone banned for being “disruptive” with a call to put pressure on the development team to reverse the ban. This poster only told me that someone who was supposed to be here was not. At the same time, I could not find any reasonable analogies for this case. It was not a death notice stating, “X died on the such and such day under such and such circumstances,” or the feeling that can arise when a person goes abroad for a long time or gets imprisoned. After all, you know where they are, although this “where” may not have a precise territorial definition and may be reduced to abstract topological categories such as “abroad,” “in prison,” and so on. This message was simply about a person no longer in this space. A portion of his life was “severed.” He was forbidden to be present *here* but was simultaneously somewhere else.

In his work *Homo sacer: Sovereign Power and Bare Life*, Giorgio Agamben uses a figure of Roman law, *homo sacer* (sacred man), to describe the structure that enables the existence of what we refer to as a modern political system and propose “the key by which not only the sacred texts of sovereignty but also the very codes of political power will unveil their mysteries” (Agamben 1998, 8). In terms of meaning, *homo sacer* refers to a simple but paradoxical description: a person who may be killed and yet not sacrificed—*Sacer esto* or “Let him be given to the Gods” (67).

Consequently, the person who received this “curse” is excluded from the social order. The impunity of his murder and the simultaneous impossibility of redemption through sacrifice renders such a person utterly miserable. The person had only two options: live in eternal fear for their life, or become an outcast and seek happiness in other communities.

In ancient Germanic law, we see a similar figure - *wargus* (wolfman) or *Friedlos* (the man without peace) (88). In this second example, it is best to trace the placement of such a person within the nature/culture opposition (or nature/City, as Agamben writes). The wolfman is, in fact, a zone of indistinguishability between this opposition. He exists precisely on the line between nature and culture (City), neither of which he is a part. However, simultaneously, he establishes a relationship with these two domains, i.e., he is included in them, but in the only way possible: by exclusion. In the *homo sacer*, however, “human life is included in the juridical order solely in the form of its exclusion” (9).

So, what happened to John, the man on the poster? Does this case correspond structurally to the homo sacer described by Agamben? Was that mysterious formula, *sacer esto*, evoked here?

Moreover, what theoretical perspectives do these questions reveal for us if so? To answer these questions and formulate theoretical considerations, we must clarify the division of space and reality into virtual and actual. After doing so, we will understand the structure of “exclusion” from virtual space and virtual reality.

The formula *sacer esto* reveals the subject’s relationship to the City and the space of nature. Upon leaving the space of culture, a person loses his *bios*, remaining alone with his *zoē* (Agamben 1998). The nature/culture opposition, on which Hobbes builds his reasoning about the social contract when he describes the natural state as *bellum omnium contra omnes* (war of all against all), became extremely important for Enlightenment theology. Suppose we imagine the position of *homo sacer* in this coordinate system, where nature and culture are two separate domains. In that case, its placement will be precisely on the border, and the possibility of its precise localization will structurally correspond to whether the outline of a circle is a circle itself.

The Marxist tradition (or rather its continuation in the thought of Levi-Strauss) also outlines a division between the space of culture and the space of nature. However, at the same time, Levi-Strauss finds some phenomena that simultaneously require a cultural predicate and a natural predicate (Derrida 2002, 357). Questioning division causes a “*scandal*” in his theory. The possibility of this spatial scandal can be demonstrated by the relationship between these two domains (illustrated as two separate horizontal planes), which are superimposed on each other. However, from above, there is only one point of view for the subject, and it becomes impossible to establish a clear distinction. In this case, *homo sacer* can be described as being between these domains, which can only be seen through inclusion in them (when looked at from above).

Eventually, intellectual thought comes to a deconstruction of the opposition between the natural and the cultural (Hartley 2016 154). Agamben himself writes about this as follows:

The natural state and the state of exception are nothing more than two sides of the same topological process, in which what was supposed to be external (the natural state) now reappears, as in a Möbius strip or a Leiden jar, internal (as the state of exception), and sovereign power is precisely this impossibility of distinguishing between external and internal, nature and exception, *physis* and *nomos* (Agamben 1998, 37).

In other words, when discussing *homo sacer*, the transition between states or spaces is symbolic, if not entirely imaginary. Instead, he appeals to a zone of indistinguishability and a special force that can indicate whether a person is placed inside or outside. Furthermore, Agamben introduces the notion of a sovereign figure who constantly determines the positions of others since he is the only one capable of differentiating between inside-outside positions creating such distinctions. Thus, the question of *homo sacer* will always be accompanied by that of its successful twin brother, the sovereign” (Agamben 1998, 81).

As Eagleton writes, “it is less a matter of deconstructing the opposition between culture and nature than of recognizing that the term ‘culture’ is already such a deconstruction” (qtd. in

Hartley 2016 154). It can be stated that nature has dissolved into culture (or vice versa?) to such an extent that neither nature nor culture exists anymore. Therefore, it is not an exaggeration to say that the concepts of nature and culture have become somewhat conflated.

This lengthy introduction was necessary to introduce the second level of the opposition between culture and nature, namely the opposition between the concepts of virtual and actual reality and associated spaces. We proceed from the hypothesis that this second, newer opposition is an improved version of the previous opposition's nature/culture, more flexible, more sophisticated, and more nuanced.

In the theoretical debates that define the distinction between virtual and actual space, there are parallels to the earlier culture/nature debate. However, as Qvortrup (2002) demonstrates, three key ideas can be distinguished.

The *dualistic* notion of space is based on the belief that "Cyberspace is a 'space' in its own right, constituting a parallel world to the real world. Consequently, it has its logics, and its specific metaphysics (or meta digits)—coined "virtual reality"—can be identified" (Qvortrup 2002, 6). Whereas the *positivist* paradigm, which Qvortrup traces to Jaron Lanier, and is now dominant in the developer community, assumes that the virtual world only represents the real world. Thus, the ontological status of virtual space is not much different from "drawings, models and photos" (ibid). In the first case, we can trace certain parallelism of the virtual world with the real world or the separation of the virtual and real states. The second approach prefers the real world, and the virtual is only a projection of the real.

Qvortrup (2002, 7) proposes a third, alternative way of thinking about the virtual environment in the *phenomenological*, where cyberspace is "a technologically supported representation of spatial experience." According to Qvortrup, space is not a given. Moreover, all we can do is study how space is perceived and talk about a particular experience of space, which is only reproduced in virtual environments.

Given this division, which exists at the level of theory and language in general, we must clarify the position of *homo sacer*. Let us go beyond the ontological status of virtual and real space or reality, which we are happy to do as ontology tends to bring any research to a standstill. We need to find out how the transition between spaces occurs in the conventional norm to understand the exclusion structure. Thus, we can ask several questions about the "transition between worlds" and the nature of the spaces.

We can discuss moving from an office to a cafe in the physical space. However, at the same time, when we discuss the transition from actual reality to virtual reality, this transition takes place from one integrity, actual reality, to another, virtual reality. In other words, these concepts do not operate with one moving to virtual reality from a specific physical space, such as a café, as you can only enter virtual reality from actual reality. Therefore, exclusion should also occur at the boundary between these two apparent integrities.

Following Agamben, we can state that actual reality is external to virtual reality. At the same time, actual reality is included in virtual reality, but in the only possible way, through exclusion. Therefore, the relationship between these two realities can be described as the relationship of included exclusion. Therefore, determining the subject's location outside or inside becomes a sovereign decision.

Another concept that can help us describe these integrities' structure is heterotopia (Foucault 1967). A *heterotopia* is a particular space within a shared space that creates its own order. In the actual space, heterotopias exist according to the principle of the excluded-included; that is, they are inscribed in the public space and serve as an example of the public space, but it is precise because of their status as an example that they are pushed outside this space (Agamben 1998, 21-22). Therefore, Foucault is right to emphasize the problem of entering heterotopia as one of the main properties of such spaces. If excluded from the shared space, it is necessary to undergo a primary and additional procedure of "authorization." The exclusion of an individual from heterotopia is the rule rather than the exception.

The question that needs to be problematized is whether virtual reality is a heterotopia or whether we can consider each virtual world—such as Second Life, WoW, Horizon Worlds, etc.—to be a heterotopia. Virtual space constantly expands, but unlike actual space, it does not tolerate emptiness. That is, the actual reality is not a set of heterotopias. Instead, there is something that fills the emptiness, which can be described as a public space, both physically and discursively. At the same time, virtual reality is a set of heterotopias. However, since heterotopia can only exist through a particular type of structural inscription—through excluded inclusion, it requires an empty public space in opposition. Thus, this concept has limited theoretical value in virtual reality.

The virtual environment seems to be characterized by a non-hierarchical division into parts, with a constant potential for expansion, which may lead us to an analogy with the expansion of the Universe. There are two ways of theorizing these spaces. The first, the dominant research position, is to look for differences in the structure of actual and virtual spaces. The other way is to consider public space in the context of the virtual environment and its potential.

Therefore, the application of the figure of *homo sacer*, which is shaped by the structure of the included and excluded, encounters many problems in this case. The fragmentation of virtual reality and the radical heterogeneity of virtual spaces does not allow us to talk about exclusion from virtual reality in principle. A remote user of one virtual world is a potential user of another virtual world. We should be alarmed by any moves towards unifying virtual worlds. This is generally a reasonably realistic scenario, as virtual world developers already consider the possibilities of universal use of avatars across different virtual worlds.

Given this stage of technological development, one can argue that the autonomy of the virtual world can be radicalized, and the sovereignty of the virtual world can be declared. At the same time, the virtual world is still functioning more like a state of emergency, where the decision of the sovereign—developer? Algorithm?—is the only possible decision regarding law and fact. It means that the sovereign position is visible. Each user in a virtual world may be a *homo sacer*, and the decision of exclusion can be easily made at any time. Is this permanent emergency a pleasure point for individuals in (virtual) reality? Or will this state of emergency be declared unacceptable in a democratic world? The answer to these questions will determine the revolutionary nature of changes not only in the domain of the virtual but also in the domain of the actual, as well as exclusion impacts both realities.

A look back to Agamben (1998) demonstrates the necessity of this way of thinking about the virtual world. On the one hand, Agamben examines the emergence of new forms of nation-states and democracy in the early 20th century, while on the other hand, he describes the shift in biopolitics and sovereignty across this era that resulted in concentration camps and radically

destructive politics of exclusion. He described the camp as a particular “typos of modernity,” as states use technology and violence to manage their politics of exclusion. In Agamben’s biopolitics, the camp became the fourth element of the description of the political system, joining the classical triad of state-nation (birth)-territories. However, at the same time, Agamben insists on a shift in the Nation/birth element:

If the structure of the nation-state is, in other words, defined by the three elements of land, order, and birth, the rupture of the old nomos is produced not in the two aspects that constituted it according to Schmitt- localization, Ortung, and order, Ordnung-, but rather at the point of marking the inscription of bare life -the birth that thus becomes Nation- within the two of them. Something can no longer function within the traditional mechanisms that regulated this inscription, and the camp is the new, hidden regulator of the inscription of life in the order- or, rather, the sign of the system’s inability to function without being transformed into a lethal machine (Agamben 1998, 175).

If this first shift to the system of nation/birth has already occurred, it implies that changes in statehood and territoriality are also possible. For example, the shift in the concept of the state may be waiting for us in connection with the rising influence of transnational companies and the general globalization of the economy. In that case, we can associate the shift in the concept of territory with space and the emergence of the opposition between virtual and real. Nevertheless, on the other hand, if the first shift resulted in the camp becoming the “typos of modernity,” should we be concerned about these possible shifts?

P.S. AltspaceVR will be shutting down on March 10, 2023. John needs somewhere to return to.

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