

Response to Matteo Taussig-Rubbo,

“Sacred Property: Searching for Value in the 9/11 Rubble”

Matteo Taussig-Rubbo has written a fascinating and enormously suggestive essay exploring the confusion surrounding the intersections of property ownership and “the sacred” in the aftermath of the destruction of the World Trade Center in 2001. Displaying for us a dizzying array of observed events and competing interpretations of these events, he stimulates the reader to generate yet more— anecdotes, parallels, explanations, comparisons—all in an effort to pin down, control, and contain, the chaos of post 9/11 images and legal claims. I am delighted to have this opportunity to extend here an ongoing conversation about these topics that we have shared as colleagues at UB law school.

The basic problem that Taussig-Rubbo sets for himself is the correlation of property law and the production of value in the context of the ongoing litigation surrounding the various sites created by the events of 9/11. What precisely gives value to the rubble of the World Trade Center Towers? What gives value to the Fresh Kills landfill where the rubble was eventually deposited? And, what gives value to the field in western Pennsylvania where Flight 93 crashed? Legally protected value. Is it the dying? Is it the making visible of and threat to an American polity? Is it simply the spectacular nature of the event—awesome and almost indescribable in its efficiency? Is it religion? And, where did the value come from? Was it new or was it simply borrowed from wherever it lives during ordinary time? Is the new value permanent or does it decay or re-distribute over time?

Taussig-Rubbo’s own preferred framework owes much to a tripartite structure reminiscent of Victor Turner—first movement, a disassociation from an established order; second movement, that of liminal time—a disruption of “normal” legal regimes and the permissiveness that characterize such carnivalesque moments; followed by a third and final movement, the re-absorption into a new order, a new normality in which legal property rules are re-established and fixed. Taussig-Rubbo suggests that we move from one normal to another normal through a period of ambiguity and uncertainty. He asks what role is played by the discourse of the sacred in this second movement? Is it always there waiting to be deployed? Or is it created during and characteristic only of the middle movement? Normal time being viewed as secular, undifferentiated, banal? Is talk of the sacred a feature of the language of the natives or can it also be the language of the observer? Do these two languages share references and assumptions? How do we know what the new normal is?

I could not re-read this essay now (in mid 2009) without reflecting on how the instability of value so effectively evoked in the story Taussig-Rubbo tells is echoed in the instability of value characteristic of the sub-prime mortgage meltdown. This too is a period of disruption, chaos and confusion in which various possible sources and standards for measurement of value seem to coexist without an obvious hierarchy with which to achieve resolution. How one determines the value of complex derivatives is parallel in

eerie ways to the indeterminacy of the rubble of 9/11. Is the sacred at work here also in talk of home foreclosure and the wickedness of corporate management? How to know what the Pennsylvania field or a share of GM stock is worth? And who to ask? A willing buyer and a willing seller, the classic model, seems sadly wanting in these times. Whether for the detritus of 9/11 or of the economic crisis.

There are many points on which to engage this essay. I will take my space here to highlight several observations from the perspective of the perennial tropes of American religious studies:

Religion. Religion plays a distinctively muted role in Taussig-Rubbo's essay. Like those Americans who today increasingly identify themselves today as "spiritual but not religious," Taussig-Rubbo seems to shy away from finding continuity or connection with what is sometimes called "organized religion". He seems to want to talk about what is "sacred but not religious". What can this mean? That after secularization, disestablishment, modernity, the invention of the nation-state, etc., what we have instead of religion is a free floating migration of the sacred unconstrained by established religious authority, ritual, texts? Is it no longer necessary to look for a Durkheimian collective? How then can the sacred be located? One might argue that for cultural anthropologists, the sacred cannot exist without content, without the existence of some collective imagination of the sacred. While Taussig-Rubbo seems to want the sacred to serve as an analytic tool without such explicit content, religion stuff is certainly present in his story, as I shall discuss below. Can the sacred truly operate as a category without the particularity that Talal Asad and others insist on? I am skeptical. Surely the evidence suggests that there is "real" religion in this story. What relationship is there between this "real" religion and "the sacred" of which Taussig-Rubbo speaks?

Civil religion. The claims made by law enforcement and emergency workers, the relatives of the World Trade Center bombing victims, and the Pennsylvania property owners, while cast at times in the abstract language of the sacred, speak too in the language of the religion of America, as Taussig-Rubbo acknowledges from time to time in this essay and at greater length in his referenced essay on the Blackwater contractors. The role of public officials, of the flag, as well as analogies to the tombs of the unknowns, among other familiar citations, all point to familiar narratives of the sacralization of our collective history. And if one considers other recent studies of the religions of violence, those of J.Z. Smith, in his essay on Jonestown, of Bruce Lincoln in his *Holy Terrors*, and Mark Jurgensmayer in his study of religious terrorists, in each case sacred violence is put in the context of a community of texts, rituals, and norms, of a religion. By downplaying the specificities of the narratives that give content to the sacred, do we risk giving a transcendent value and therefore a universalist pass to the political uses to which such narratives are put?

Christianity. For scholars of American religion it seems almost impossible to believe that as public a national event as the attack on the World Trade Center would not be structured largely through the logic of Christianity—that the dying to live motif is not intimately linked to the religion of an incarnate god. This logic is further ordered in the U.S. since the antebellum increase in Catholic immigration, by a tension between "catholic" and "protestant" ways of imagining what it means to be Christian. One theme

in this essay is the tension between materialist—or sacramental—religious ways and those which are more astringently abstract or internalized. So—with respect to the rubble, there are both those who would make relics or fetishes of the rubble, and those who are repelled by such appropriations or realizations of the sacred. There are those who would participate in the divine through touching and owning objects that are associated with the sacred event and those who disdain such physical manifestations of the incarnation. And the crosses. Crosses appear and reappear at all of these sites; just as they do across the American landscape. Current First Amendment litigation over the appropriateness of the public display of such crosses in Oregon and in San Diego raises interesting questions about the cultural content of these displays. Read as very specifically Christian by some, others defend their display by making claims to courts that the cross has become in the U.S. a universalist memorial symbol, one that predates and extends beyond the Christian community. Surely in a global context today it is virtually impossible politically to make such a universalist claim about an American cross. The sacred of which Taussig-Rubbo speaks is not any sacred. It is the sacred largely of American Christianity.

While Taussig-Rubbo imagines the possibility of a return to “normal” in which the property law regime again makes sense, the fine film composed of bodies and building debris that he imagines as having settled over New York in the immediate aftermath of the collapse is still, in some sense, with us. On 9/11 I talked to a friend, an architect, who was appalled at the failure of architects. Because of his intimate and detailed knowledge of the structure of the buildings, he saw in the collapse of the towers in a way the rest of us could not, a fundamental failure of architecture to provide the safety and shelter that is somehow at the heart of the architectural project. Perhaps there is no return. Perhaps this was an apocalyptic event. The beginning of the end time. To use another religious narrative. It is difficult to put a period to the explanations that proliferate as one contemplates these events. There is a restlessness about the various possibilities that reminds one of Scrooge’s night vision of the souls floating through space. As if a gap had opened that has not really closed.

Can “normal” secular law, the rule of law, actually determine value under these circumstances? Can we speak in general terms of the sacred as foundational to this law? Or is to speak thus to succumb to the temptation visible in the recent revival of political theology? The temptation to see the abstract rather than the concrete as real?

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