

Imagining Agamben's Politics of Pure Means

In *State of Exception*, Agamben depicts the contemporary geopolitical climate as one in which law has completely lost its relevance to life, such that it can be suspended indefinitely or interpreted freely according to the whims of state power. In Agamben's view, the current state of exception has weakened the very concept of "law" to the point that it is now impossible to restore its significance. Instead, he proposes a "playful" politics that would disrupt the nexus between violence and law at the heart of Western sovereignty. While Agamben is fairly cryptic about what form this politics might take, he does offer a somewhat clear direction with his suggestion that "the 'enigmas'... that our century has proposed to historical reason and that remain with us... will be solved only on the terrain—biopolitics—on which they were formed."¹ Central to this terrain is the link between bare life—the "simple life" of the body, which the Greeks designated with the word *zoe*—and politics. Whereas Western politics has historically forged this link only by "exclusively including" *zoe* in political life through violent objectification, the "politics of pure means" that Agamben imagines would deactivate the violence that has become inseparable from law and cease to treat human life as a means to an end. In what follows, I trace Agamben's imaginings of this authentic politics and argue that it would be based on a form of human engagement that would sanctify the body as the silent medium of communication.

I. Sacred Life, Biopolitics, and the State of Exception

In *Homo Sacer*, Agamben argues that Western politics has, since its inception, been founded on the state's complex relation to the pre-social, pre-linguistic, living body, or "bare life." In ancient Greece, this form of life was called *zoe* and was distinguished from *bios*—a specifically human form of life involving discourse and social engagement. Within Greek society, *zoe* had a place only within the private realm of the *oikos*, or home; public life in the *polis* was the proper sphere of *bios*, and the *polis* was founded on the exclusion of *zoe*.² Michel Foucault identified a shift that occurred at the beginning of the modern era, in which *zoe* decisively entered into the calculations of the state and politics became coterminous with what he calls "biopolitics." The disciplining of the individual body as well as the regulation of the multiple body of the population became central activities of governance, facilitating the triumph of capitalism and marking the inception of the modern state.³

One of Agamben's principal theses in *Homo Sacer* is that the "production of a biopolitical body" is not, in fact, an innovation of modernity but is rather "the original activity of sovereign power... Placing biological life at the center of its calculations, the modern State therefore does nothing other than bring to light the secret tie uniting power and bare life."⁴ Agamben argues that the exclusion of bare life by which the political sphere was originally demarcated was simultaneously an inclusion, as it was central to the constitution of the *polis* and of sovereignty; hence, life and politics have always been

¹ Giorgio Agamben, trans. Daniel Heller-Roazen, *Homo Sacer: Sovereign Power and Bare Life*. (Stanford, CA: Stanford University Press, 1998), p. 4.

² Agamben, *ibid.*, pp. 1-2.

³ Agamben, *ibid.*, p. 3.

⁴ Agamben, *ibid.*, p. 6.

entangled.⁵ The crux of Agamben's argument here lies in his analysis of an enigmatic and much-discussed category in Roman law—that of *homo sacer*, “the sacred man.” This term designated someone who was not supposed to be sacrificed according to ritual forms, but whom anyone was permitted to kill without thereby being guilty of homicide.⁶

The legal category of *homo sacer* has perplexed ancient and modern scholars alike because it designates a man as sacred while opening him up to violence by his fellow citizens, at the same time that it prohibits sacrifice, the only form of violence typically sanctioned against a sacred person or object in Roman law.⁷ Agamben attempts to shed light on this apparent contradiction by arguing that *sacer*, for the Romans, designated a “zone of indistinction beyond and between” sacred and profane, divine and human law.⁸ Sacred life also occupied an analogously indeterminate space between bare life and political life, a threshold “in which *zoe* and *bios* constitute each other in including and excluding each other.”⁹ The bare life of the “sacred man” is excluded from the juridico-political order but is at the same time constitutive of politics and sovereign power, since the sovereign is defined by his authority to brand a body *sacer*.¹⁰

In Agamben's view, modernity has been marked by the intrusion of bare life into politics becoming the norm, such that “we are all virtually *homines sacri*.”¹¹ The predominance of naked life, detached from the sundry forms of identity and life-possibilities that constitute human existence as properly political *bios*, is tied to a form of state power that has normalized the “state of exception”—a situation in which the juridico-political order provides for its own suspension.¹² In the extra-legal climate that Agamben claims has become the defining feature of contemporaneity, human beings are instrumentalized as bare life in instances such as genocide, torture, the restriction of civil liberties, and illegal detentions. In this state of affairs, law becomes indistinguishable from life, in the sense that any illegal action can potentially be sanctioned¹³ (as in the suspension of *habeas corpus* rights for detainees at Guantanamo Bay) while perfectly

⁵ Agamben, *ibid.*, p. 7.

⁶ Agamben, *ibid.*, p. 71.

⁷ Ambrosius Theodosius Macrobius wrote, in his *Saturnalia* (3.7.3-8): “I am not unaware that it appears strange to some people that while it is forbidden to violate any sacred thing whatsoever, it is permitted to kill the sacred man.” Agamben, *ibid.*, p. 72.

⁸ As Agamben notes, this understanding is helpful in explaining other uses of the word *sacer* by Roman writers: “When the Latin poets define lovers as *sacred*... this is not because they are accursed or consecrated to the gods but because they have separated themselves from other men in a sphere beyond both divine and human law.” Agamben, *ibid.*, p. 86.

⁹ Agamben, *ibid.*, p. 90.

¹⁰ Agamben, *ibid.*, p. 84.

¹¹ Agamben, *ibid.*, p. 115.

¹² Giorgio Agamben, trans. Kevin Attell, *State of Exception*. (London: University of Chicago Press, 2005).

¹³ “[In the state of exception,] the normative aspect of law can... be obliterated and contradicted with impunity by a governmental violence that—while ignoring international law externally and producing a permanent state of exception internally—nevertheless still claims to be applying the law.” Agamben, *ibid.*, p. 87.

legal actions can be subjected to the force of law¹⁴ (as in the recent case of a woman who was tackled by New York City police officers and charged with assault after she attempted to prevent a fight between the officers and a passerby).

II. *The Politics of Pure Means*

In the last pages of *State of Exception*, Agamben makes the claim that “from the real state of exception in which we live, it is not possible to return to the state of law, for at issue now are the very concepts of ‘state’ and ‘law.’”¹⁵ Instead, he proposes a “playful” relation to law in order to sever the nexus between violence and the juridical that has been in place since the inception of sovereignty. The only properly political action, in Agamben’s view, is one that “deactivates” the violent mechanism by which law has been able to remain indistinguishable from life, in spite of its non-relation to it. This deactivation would result in a “pure” law without application, a “word that does not bind, that neither commands nor prohibits anything, but says only itself,” which would be accompanied by “an action as pure means, which shows only itself, without any relation to an end.”¹⁶ What might this action, the first truly political action, look like?

Agamben suggests that one feature of a genuine politics would be that it would incorporate some of the mechanisms of the state of exception while in a sense reversing them. For instance, the law that is “in force without significance” in the state of exception would be countered in the new politics by a life that is totally significant yet deactivates the violent force of law:

“Law that becomes indistinguishable from life in a real state of exception is confronted by life that, in a *symmetrical but inverse gesture*, is entirely transformed into law. The *absolute intelligibility* of a life wholly resolved into writing [i.e. law] corresponds to the impenetrability of a writing [law] that, having become indecipherable, now appears as life [emphasis added].”¹⁷

Whereas in the state of exception, the law potentially sanctions or prohibits any and every action, in the genuine politics that rises from its ashes, every action potentially becomes law, becomes politics. And whereas the force of law in the state of exception maintains the semblance of purpose—the eventual restoration of order, the security of the nation—the actions that become significant in the politics of pure means acknowledge their complete non-relation to any end.

The body plays a central role in this politics. Physical gestures, stripped of their instrumentality in the age of *homo laborans* and their subconscious significance in the age of Freud, take on the character of pure mediality and become intelligible as a form of politics.¹⁸ By incorporating the body in this way, the politics of pure means heals the

¹⁴ “For life under a law that is in force without signifying resembles life in the state of exception, in which the most innocent gesture or the smallest forgetfulness can have most extreme consequences.” Agamben, *Homo Sacer*, p. 52.

¹⁵ Agamben, *State of Exception*, p. 87.

¹⁶ Agamben, *ibid.*, p. 88.

¹⁷ Agamben, *Homo Sacer*, p. 55.

¹⁸ On the bourgeoisie’s “loss of its gestures,” see Agamben, trans. Vincenzo Binetti and Cesare Casarino, “Notes on Gesture,” in *Means without End: Notes on Politics*.

fracture between *zoe* and *bios* while countering the violence and instrumentalization through which they have historically been linked in Western politics¹⁹—as in the branding of the body of *homo sacer* in Roman times, the disciplining of human bodies in the rise of modern capitalism, and the unfathomable cruelty inflicted on bodies in contemporary genocides, refugee situations, and illegal detentions. An authentic politics, enacted through the pure medium of the gesture, would disrupt this trend of state power including the body in political life solely as a means to its oppressive ends.

III. Agamben and Bataille

In light of Agamben's emphasis on the centrality of bodies to the politics of pure means, it is interesting to examine his critique of the seminal critical theorist and "atheologist" George Bataille, who claimed that "inner experiences"—confrontations with what Agamben would call bare life—are constitutive of a kind of sovereignty. In *Homo Sacer*, Agamben writes:

"If the originally political element is sacred life, it becomes understandable how Bataille could have sought the fulfilled figure of sovereignty in life experienced in the extreme dimension of death, eroticism, excess, and the sacred, and yet also how Bataille could have *failed* to consider the link that binds that life to sovereign power. 'The sovereignty of which I speak,' he writes... 'has little to do with that of states' (*La souverainete*, p. 247) [emphasis added]."²⁰

It is just this "failure" to think the sovereignty of bare life in traditionally political terms that in fact makes Bataille extremely valuable in trying to imagine a politics of play, which Agamben acknowledges must be "sought in experiences and phenomena that usually are not considered political or that are considered only marginally so."²¹

(Minneapolis, MN: University of Minnesota Press), pp. 49-60. The concluding sentence of the essay is: "Politics is the sphere of pure means, that is, of the absolute and complete gesturality of human beings."

¹⁹ "In carrying out the metaphysical task that has led it more and more to assume the form of a biopolitics, Western politics has not succeeded in constructing the link between *zoe* and *bios*, between voice and language, that would have healed the fracture. Bare life remains included in politics in the form of the exception, that is, as something that is included solely through an exclusion... Until a completely new politics—that is, a politics no longer founded on the *exceptio* of bare life—is at hand, every theory and every praxis will remain imprisoned and immobile, and the 'beautiful day' of life [i.e. *zoe*, 'simple life'] will be given citizenship only either through blood and death or in the perfect senselessness to which the society of the spectacle condemns it." Agamben, *Homo Sacer*, p. 11.

²⁰ Agamben, *ibid.*, p. 112.

²¹ Agamben, preface to *Means without End: Notes on Politics* (page numbers not provided). I do not mean to suggest that Bataille's failure to consider the role of bare life in biopolitics was anything other than an oversight (or perhaps simply an exclusion of something irrelevant to his focus). However, in spite of this exclusion, his work remains potentially illuminating in trying to imagine a politics of pure means.

In sanctifying the sphere of physicality, relegated by Western metaphysics to the realm of the profane, Bataille embodies Agamben's conception of play as "participation in a ritual whose meaning has been forgotten... play 'overturns' the sacred 'to the point where it can plausibly be defined as 'topsy-turvy sacred.'"²² Inner experience, for Bataille, overturns the sacred in the sense of reversing the received Christian hierarchy that privileges the transcendent mind over the immanent body.²³ But it also overturns it in the more Agambenian sense of de-instrumentalizing the category of sacred life. In the non-linguistic communication that accompanies inner experience, human beings are sacred, but no longer as means to an end—neither the personal ends of authoritative knowledge²⁴ and possession²⁵ nor the societal end of political power. For Bataille, all of these forms of objectification are vain attempts to evade the improbability of our finite, limited existence—to ascend the pyramid of absolute being.²⁶ It is only when we abandon them and acknowledge our insignificance that a more sacred, mutual form of engagement can occur: "In [inner] experience, there is no longer a limited existence. There a man is not distinguished in any way from others: in him what is torrential is lost within others."²⁷

Inner experience is participation in the ritual of sacred life, as old as Western politics itself, stripped of the objectification and corresponding violence with which it has

²² Benjamin Morgan, "Undoing Legal Violence: Walter Benjamin's and Giorgio Agamben's Aesthetics of Pure Means," *Journal of Law and Society*, Volume 34, Number 1, March 2007, p. 61, paraphrasing and quoting Agamben, "In Playland: Reflections on History and Play" in *Infancy and History: The Destruction of Experience*. (1993), p. 71.

²³ In fact, this reversal is at the heart of Agamben's distaste for Bataille. In Agamben's view, Bataille's sanctification of excess connects him to a tradition in psychology, sociology, and anthropology dating to the end of the nineteenth century, which had popularized the notion of the "ambivalence of the sacred"—the hypothesis that cultures sanctify taboo experiences. Agamben is critical of this view because it has led to an impoverished understanding of the category of sacred life in Roman law, based on the misconception that the term *sacer* was originally ambiguous between "sacred and damned" (Agamben, *Homo Sacer*, p. 78). He writes: "An assumed ambivalence of the generic religious category of the sacred cannot explain the juridico-political phenomenon to which the most ancient meaning of the term *sacer* refers" (Agamben, *Homo Sacer*, p. 80)—that is, the phenomenon of the exclusive inclusion of bare life in politics. See Agamben, *Homo Sacer*, pp. 75-80.

²⁴ "In the authority of knowledge, by means of which man attempts to take himself for the whole of the universe, there is necessity, the experience of misery." George Bataille, trans. Leslie Anne Boldt, *Inner Experience*. (Albany: State University of New York Press, 1988), p. 86.

²⁵ Consider Bataille on the divergence between the possessiveness and objectification of "love" and the mutuality communicated in what he terms "ecstasy": "Love is possession for which the object is necessary, and at the same time possession of the subject, possessed by it. [In ecstasy] there is no longer subject-object, but a 'yawing gap' between the one and the other and, in the gap, the subject the object are dissolved; there is passage, communication, but not from one to the other: *the one* and *the other* have lost their separate existence." Bataille, *ibid.*, p. 59.

²⁶ Bataille, *ibid.*, pp. 85-87.

²⁷ Bataille, *ibid.*, p. 27.

been associated. Insofar as it severs the nexus between sovereignty and violence and heals the fracture between *zoe* and *bios*, it is the seed of the first genuine politics—a politics whose goal is the “good life,” *eu zen*, but which no longer sees it as opposed to *zen*—the simple life of the body.²⁸

III. “*Ethos Anthropoi Daimon*”

What could it mean for human beings to be sacred as means, but not means to an end? In interrogating this suggestion, it is important to keep in mind that what is communicated in the types of experiences Bataille and Agamben are pointing to is the very potential for communication:

“The gesture is... communication of a communicability. It has precisely nothing to say because what it shows is the being-in-language of human beings as pure mediality. However, because being-in-language is not something that could be said in sentences, the gesture is essentially always a gesture of not being able to figure something out in language; it is always a *gag* in the proper meaning of the term, indicating first of all something that could be put in your mouth to hinder speech, as well as in the sense of the actor’s improvisation meant to compensate a loss of memory or an inability to speak.”²⁹

The embodied silence of our being-in-language, which underlies all instrumentalizing communication yet remains covered over by it, is unconcealed in the “gag” of inner experience. Naked life, the foundation of politics and the medium of intercourse, is stripped of its power-producing and power-maintaining function and brought to light in its pure mediality.

The “politics” that arises out of this kind of communication is political in a more originary sense of the word than we tend to associate with it today. For the Greeks, “politics” originally referred to the entirety of human engagement in the *polis*, not just the sphere of governmental policy-making. This broader sense of politics is close to what we think of as ethics, and indeed Agamben suggests an intimate connection between the two. Both realms, as he understands them, are founded on the pure mediality of the gesture:

“The gesture... breaks with the false alternative between ends and means that *paralyzes morality* and presents instead means that, *as such*, evade the orbit of mediality without becoming, for this reason, ends [emphasis added].”³⁰

“The gesture... opens the sphere of *ethos* as the more proper sphere of that which is human.”³¹

²⁸ Aristotle expressed this opposition in describing humanity as *ginomene men oun tou zen heneken, ousa de tou eu zen*, “born with regard to life, but existing essentially with regard to the good life.” Agamben, *Homo Sacer*, p. 2.

²⁹ Agamben, “Notes on Gesture,” p. 59.

³⁰ Agamben, *ibid.*, p. 57.

³¹ Agamben, *ibid.*, p. 57.

“Politics is the sphere of pure means, that is, of the absolute and complete gesturality of human beings.”³²

Agamben’s thinking in this vein is clearly informed by one of his main influences, Martin Heidegger. In Heidegger’s view, Greek political and ethical life were originally formed in response to the question of Being—the question, “What is Being?” Activities in the *polis* presented an answer: “These beings, these life-activities and -possibilities, are Being.” Society became the *ethos*, the “abode” or “dwelling place,” of human existence, sheltering it from the chaos of the question of Being.³³ In his “Letter on Humanism,” Heidegger attempts to address the relationship between this chaos and its ordering in society by citing a fragment from Heraclitus: *ethos anthropoi daimon*. Usually translated, “Man’s character is his *daimon*,” Heidegger suggests a more authentic (if verbose) formulation, in keeping with the original Greek sense of *ethos*: “The (familiar) abode for man is the open region for the presencing of god (the unfamiliar one).”³⁴

To conclude, I would like to suggest an alternative reading of Heraclitus’ fragment and the relationship between transcendence and immanence it addresses, informed by Simone Roberts’ reading of Luce Irigaray’s *Ethics of Sexual Difference*.³⁵ For Irigaray and Roberts, self and other, as well as human and divine, body and spirit³⁶ are separated by a chasm of silence that makes them fundamentally unknowable to each other; but as with an electron that is both bound to and kept apart from the nucleus of its atom by the electromagnetic force that holds it in orbit, this open space is where all the real interaction occurs between beings. This interaction is possible because the *medium* of non-knowledge between beings is traversed by *mediators*, or *daemons*, who allow a momentary knowing to transpire. (Given the preceding discussion of embodiment, it should come as no surprise that the primary mediator of this knowing in Roberts’ Tantra-informed reading of Irigaray is *prana*—the energetic life force or breath that animates all beings). To know is to possess the other (literally or figuratively) as an object of knowledge, to treat the other as a means to the end of possession or as that end itself. To *be knowing*, on the other hand, is to let the other be other from moment to moment, to dwell in the pure medium of communication—the potent silence of being-in-language.

³² Agamben, *ibid.*, p. 60.

³³ Michael A. Gillespie, *Hegel, Heidegger, and Ground of History*. (Chicago: University of Chicago Press, 1984), pp. 138-139.

³⁴ Martin Heidegger, trans. Frank A. Capuzzi, J. Glenn Gray, “Letter on Humanism,” in David Farrell Krell, ed., *Basic Writings*. (New York: HarperCollins, 1993), p. 258.

³⁵ Simone Roberts, “Irigaray’s Eastern Turn: The Tantra of *An Ethics of Sexual Difference*.” In *Rhizomes*, 9: Fall 2004. Page numbers were not available because the source was accessed online.

³⁶ Informed by Roberts’ Tantra-inspired reading of Irigaray’s ethics, I use the word “spirit” to refer to something like the subtle or energetic body in Tantra, not the spirit that is synonymous with “mind” in received interpretations of Christianity. Also note that I leave out from this list of binaries one that Irigaray most likely would have included—man and woman—in order to avoid the hetero-normative implications of her work as well as traditional Tantric practices and philosophies.

According to this understanding, we can now retranslate the word “*daimon*” in Heraclitus’ fragment not as “god, the unfamiliar one” but as “medium”: Human being’s dwelling place, its *ethos*, is the energetic medium of communicability that allows a momentary knowing to flow into the empty space between the seeming incommensurables of self and other, familiar and unfamiliar, being and Being. This embodied knowing is the essence of all genuinely sacred human interaction and hence of ethics and politics as such.

IV. Coda: Embodied Politics

Embodiment and gesture have been central to a number of non-violent forms of activism in recent decades. Love and sexuality were vital to the anti-war movement of the nineteen-sixties. The slogan “make love, not war” is exemplary of the expansive politics Agamben suggests, as it bestows counter-political status to a sphere not traditionally thought of as political. Following the thread of the sixties love-ins, AIDS Coalition to Unleash Power (ACT UP) staged a number of “kiss-ins” in the eighties and nineties, in which heterosexual, homosexual, and bisexual men and women showed up at protest sites and kissed for hours as a form of demonstration. This form of activism was largely intended to counter the branding of the queer body as infected, dirty, and threatening during the AIDS crisis,³⁷ at the same time that the United States government resolutely refused to take the crisis seriously—the “exclusive inclusion” of queer bodies in American politics. In addition, the kiss-ins brought into the public sphere embodied behavior that, in keeping with Aristotle’s relegation of *zoe* to the *oikos*, was supposed to be private yet was being publicly regulated, as evidenced by the upholding of a Georgia anti-sodomy statute in the Supreme Court decision in “*Bowers v. Hardwick*.”³⁸ The kiss-ins were a step toward healing the fracture between bare life and politics while opposing and drawing attention to prohibitive, discriminatory practices and discourses that undeniably made “private” behavior, such as sexuality, public through an inclusive exclusion of bare life in politics.

Such forms of activism are political not only in what they achieve or communicate but also in what Agamben would call their pure mediality. As one participant told me, the kiss-ins, in addition to being a powerful tactic for effecting change and increasing awareness, were also “loads of fun and gave people the opportunity to kiss people they might never have had a chance to kiss otherwise.”³⁹

³⁷ A widespread misconception in the early years of the crisis was that the virus could be transmitted by kissing or breathing the same air as someone with AIDS. One interviewee in the ACT UP oral history project recounts visiting her brother, who had AIDS, in the hospital and being outraged to find that his nurses were leaving food trays outside his room because they were afraid to be near him. Interview of Gerri Wells, Interviewee #075 for the ACT UP Oral History Project, May 24th 2007. Complete interview text, p. 7. Accessed through the ACT UP Oral History Project website:

<http://www.actuporalhistory.org/index1.html>, 1/1/10.

³⁸ *Bowers v. Hardwick* (No. 85-140): 760 F.2d 1202, reversed. Argued: March 31, 1986; Decided: June 30, 1986. Accessed through Cornell Law School’s Supreme Court Collection, online at:

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0478_0186_ZO.html, 1/1/10.

³⁹ An anonymous participant in the kiss-ins in an email communication, 12/31/09

Pleasure as a form of activism is political not only in what it accomplishes but also in the fact that it counters the exclusive inclusion of the body in public life through discrimination and violence (which, as evidenced by the United States government's non-response to the AIDS crisis, can take the form of inaction just as easily as action) by presenting a physical gesture as pure means, pure being-itself.

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