PARTING WAYS
Jewishness and the Critique of Zionism

JUDITH BUTLER

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One might well ask about Walter Benjamin’s views on Zionism and consult his long-standing discussions with Gershom Scholem to discern those politics. In this text, however, I am less interested in the particular questions he raised about Zionism in the 1920s and ’30s than I am with his own views on violence, and legal violence in particular. It is well-known that Scholem sought to persuade Benjamin to emigrate to Palestine and to learn Hebrew, but Benjamin did not comply. At one point Scholem arranged for a stipend to be given to Benjamin from the Hebrew University, and Benjamin went to Russia with the money and never made much of an explanation to his benefactors. But perhaps more important than Benjamin’s ambivalent relation to Zionism was his critique of state violence and his views on history and oppression. In this chapter and the one to follow, I seek to understand how Benjamin draws upon Jewish and non-Jewish sources to offer (a) a critique of legal violence—the sort of violence that states commit precisely through their legal structure—and (b) a critique of those forms of progressive history that would realize an ideal over time—a view with clear critical implications for Zionism. His first view shows us that it is not possible to treat law as the alternative to violence, but it also opens up the question of how it becomes possible to refuse uncritical forms of obedience to unjust regimes. The second view centers on his idea of how the messianic reconfigures history and focuses on the possibility of finding present form for the history of the oppressed, one that does not belong to a single nation, but requires a flashing transposition of oppression across time and space.

The messianic takes different forms in Benjamin’s work and changes in the course of his reflections and invocations of the term. In the early work, on painting, Benjamin tends to understand the messianic as a nonsensuous core of meaning that nevertheless organizes the sensuous field—focusing on the transmissibility and
dispersion of the “name.” In “The Task of the Translator” we are led to consider how the messianic constitutes a certain break in the possibility of transmission, figured in the much-discussed conception of the “broken vessel” whose parts cannot be restored to their original unity. Although some of those early reflections focus on the messianic as a form of forgiveness, one that requires a forgetting of all the markers of guilt, his “Critique of Violence” (1921) tends to conceive of the messianic force of divine violence as a break with legal violence (which is also an exculpation of guilt). In “Theses on the Philosophy of History” he allies the messianic with the struggle to save the history of the oppressed from an imposed oblivion. There is no single doctrine of the messianic for Benjamin, and we might start our consideration by affirming that the messianic is a counterdoctrinal effort to break with temporal regimes that produce guilt, obedience, extend legal violence, and cover over the history of the oppressed. If it seems that the messianic works in favor of oblivion in the early instances only to struggle against it in the later versions, that is only because the history of guilt is not the same as the history of oppression. As Benjamin becomes more clear that the effacement of the history of oppression must be countered, it is precisely not in the service of augmenting the world of guilt. Rather, the guilty are those who remain tied to a version of law and violence that seeks to cover over the destruction it has caused and causes still. Thus the messianic emerges as a way of exploding that particular chronology and history in the name of recovering in scattered form those remnants of suffering’s past that in indirect ways comport us to bring to an end regimes whose violence is at once moral and physical.

In considering Benjamin’s essay “Critique of Violence,” it makes sense to start with what may seem to be the most elementary question: what meaning does the term critique take on when it becomes a critique of violence? A critique of violence is an inquiry into the conditions for violence, but it is also an interrogation of how violence is circumscribed in advance by the questions we pose of it. What is violence, then, such that we can pose this question of it, and do we not need to know how to handle this question before we ask, as we must, what are the legitimate and illegitimate forms of violence? I understand Walter Benjamin’s essay to provide a critique of legal violence, the kind of violence the state wields through instating and maintaining the binding status that law exercises on its subjects. In his critique Benjamin offers at least two different kinds of accounts. In the first instance, he is asking: how does legal violence become possible? What is law such that it requires violence or, at least, a coercive effect in order to become binding on subjects? But also: what is violence such that it can assume this legal form? In asking this last,
Benjamin opens up a second trajectory for his thought: is there another form of violence that is noncoercive, indeed, a violence that can be invoked and waged against the coercive force of law? He goes further and asks: is there a kind of violence that is not only waged against coercion, but is itself noncoercive and, in that sense if not some others, fundamentally nonviolent? He refers to such a noncoercive violence as “bloodless,” and this would seem to imply that it is not waged against human bodies and human lives. As we will see, it is not finally clear whether he can make good on this promise. If he could make good on it, he would espouse a violence that is destructive of coercion, shedding no blood in the process. That would constitute the paradoxical possibility of a nonviolent violence, and I hope to consider in what follows that possibility in Benjamin’s essay.

Benjamin’s essay is notoriously difficult. We are given many distinctions to handle, and it seems as if we handle them only for a few moments, then let them go. There are two sets of distinctions one must work with if one is to try to understand what he is doing. The first is the distinction between law-instating (rechtsetzend) and law-preserving (rechtserhaltend) violence. Law-preserving violence is exercised by the courts and, indeed, by the police and represents the repeated and institutionalized efforts to make sure law continues to be binding on the population it governs; it represents the daily ways in which law is made again and again to be binding on subjects. Law-instating violence is different. Law is posited as something that is done when a polity comes into being and law is made, but it can also be a prerogative exercised by the military in innovating coercive actions to handle an unruly population. Interestingly, the military can be an example of both law-instating and law-preserving power, depending upon context; we will return to this when we ask whether there is yet another violence, a third possibility for violence that exceeds and opposes both law-instating and law-preserving violence. The acts by which law is instituted are not themselves justified by another law or through recourse to a rational justification that precedes the codification of law; neither is law formed in some organic way, through the slow development of cultural mores and norms into positive law. On the contrary, the making of law creates the conditions for justificatory procedures and deliberations to take place. It does this by fiat, as it were, and this is part of what is meant by the violence of this founding act. In effect, the violence of law-instating violence is summarized in the claim that “this will be law” or, more emphatically, “this is now the law.” This last conception of legal violence—the law-instating kind—is understood to be an operation of fate, a term that has a specific meaning for Benjamin. Fate belongs to the Hellenic
realm of myth, and law-preserving violence is in many ways the by-product of this law-instating violence, because the law that is preserved is precisely the law that has already been instated. The fact that law can only be preserved by reiterating its binding character suggests that the law is “preserved” only by being asserted again and again as binding. In the end, it would seem, the model of law-instating violence, understood as fate, a declaration by fiat, is the mechanism by which law-preserving violence operates as well.

The fact that the military is the example of an institution that both makes and preserves law suggests that it provides a model for understanding the internal link between these two forms of violence. For a law to be preserved is for its binding status to be reasserted. That reassertion binds the law again and so repeats the founding act in a regulated way. What is more, we can see here that if the law were not to make itself anew, not to be preserved, it would cease to work, cease to be preserved, cease to be made binding once again. This site of law’s collapse would be the military, since the military seems to be the institution that is exemplary at once of preserving and enforcing law and thus the site where law might be arrested, cease to work, even become subject to destruction.

If we are to understand the violence at work in both law-instating and law-preserving violence, we must consider another violence that is neither to be understood through the notion of fate nor, indeed, as Hellenic or “mythic violence.” Mythic violence establishes law without any justification for doing so. Only once that law is established can we begin to talk about justification at all. Crucially, law is founded without justification, without reference to justification, even though it makes reference to justification possible as a consequence of that founding. First, the subject is bound by law, and then a legal framework emerges to justify the binding character of law. As a consequence, subjects are produced who are accountable to the law and before the law, who become defined by their relation to legal accountability. Over and against this realm of law, in both its founding and preserving instances, Benjamin posits a “divine violence,” one that takes aim at the very framework that establishes legal accountability. Divine violence is unleashed against the coercive force of that legal framework, against the accountability that binds a subject to a specific legal system and stops that very subject from developing a critical if not revolutionary point of view on that legal system. When a legal system must be undone, or when its coerciveness leads to a revolt by those who suffer under its coercion, it is important that those bonds of accountability be broken. Indeed,
doing the right thing according to established law is precisely what must be suspended in order to dissolve a body of established law that is unjust.

This was surely the argument of Georges Sorel in his *Reflections on Violence*, which profoundly influenced Benjamin’s own discussion of the general strike, the strike that leads to the dissolution of an entire state apparatus. According to Sorel, the general strike does not seek to implement this or that particular reform within a given social order, but rather to undo the entire legal basis of a given state. Benjamin brings the Sorelian position together with a messianic thinking that gives his view a theological and political meaning at once. Divine violence not only releases one from forms of coerced accountability, a forced or violent form of obligation, but this release is at once an expiation of guilt and an opposition to coercive violence. One might respond to all of this with a certain fear that only anarchism or mob rule might follow, but there are a few propositions to keep in mind. Benjamin nowhere argues that all legal systems should be opposed, and it is unclear on the basis of this text whether he opposes certain rules of law and not others. Moreover, if he traffics here with anarchism, we should at least pause over what anarchism might mean in this context and keep in mind that Benjamin takes seriously the commandment “Thou shalt not kill.” Paradoxically, Benjamin envisions release from legal accountability and guilt as a way of apprehending the suffering and the transience in life, of life, as something that cannot always be explained through the framework of moral or legal accountability. This apprehension of suffering and transience can lead, in his view, to a kind of happiness. Only through recourse to Benjamin’s notion of the messianic can one see how the apprehension of suffering—a suffering that belongs to the domain of life that remains unexplained through recourse to moral accountability—leads to, or constitutes, a kind of happiness. I will return to this notion of happiness in the final consideration of the “Theologico-Political Fragment.”

Benjamin was working with several sources when he wrote this essay, and they include Sorel’s *Reflections on Violence*, Hermann Cohen’s *Ethic of the Pure Will*, and Gershom Scholem’s kabbalistic inquiries. He was working along two trajectories at once: a theological one and a political one, elaborating, on the one hand, the conditions for a general strike that would result in the paralysis and dissolution of an entire legal system, and, on the other, the notion of a divine god whose commandment offers a kind of injunction that is irreducible to coercive law. The two strands of Benjamin’s essay are not always easy to read together. There are those who would say that the theology is in the service of the theory of the
strike, whereas others would say that the general strike is but an example of—or an analogy to—divine destructiveness.

What seems important here, though, is that divine violence is communicated by a commandment that is neither despotic nor coercive. Indeed, like Franz Rosenzweig before him, Benjamin figures the commandment as a kind of law that is neither binding nor enforceable by legal violence. When we speak about legal violence, we refer to the kind of violence that maintains the legitimacy and enforceability of law, the system of punishment that lays in wait if laws are broken, the police and military forces that back up a system of law, and the forms of legal and moral accountability that forcibly obligate individuals to act according to the law, indeed, to gain their civic definition by virtue of their relation to the law.

Interestingly enough, it is through a reconsideration of the biblical commandment, specifically the commandment “Thou shalt not kill,” that Benjamin articulates his critique of state violence, a violence that is in many ways exemplified by the military in its double capacity to enforce and make law. Although we are accustomed to thinking of the divine commandment as operating in an imperative way, mandating action on our part and ready with a set of punitive reactions if we fail to obey it, Benjamin makes use of a different Jewish understanding the commandment which strictly separates the imperative that the law articulates from the matter of its enforceability. The commandment delivers an imperative precisely without the capacity to enforce the imperative it communicates in any way. It is not the vocalization of a furious and vengeful God, and in this view Jewish law more generally is decidedly not punitive; moreover, the commandment associated with the Jewish God is here opposed to guilt, even seeks an expiation of guilt, which, according to Benjamin, is a specific inheritance from the mythic or Hellenic traditions. Indeed, Benjamin’s essay offers, in fragmented and potential form, the possibility of countering a misconception of Jewish law that associates it with revenge, punitiveness, and the induction of guilt. Over and against the idea of a coercive and guilt-inducing law, Benjamin invokes the commandment as mandating only that an individual struggle with the ethical edict communicated by the imperative. This is an imperative that does not dictate, but leaves open the modes of its applicability and the possibilities of its interpretation, including the conditions under which it may be refused.

We have in Benjamin’s essay a critique of state violence inspired in part by Jewish theological resources, one that would oppose the kind of violence that strikes at what he calls “the soul of the living” (die Seele des Lebendigen; CV, 250). It is important to tread carefully here, since it would be a mistake to say this essay constitutes a “Jewish
critique,” even though there is a strand of Jewish theology that runs through it—and certainly it makes no sense to call this a “Jewish critique” because Benjamin was a Jew. If the critique can justifiably be called Jewish, it is only as a result of some of the critical resources Benjamin bring to bear. And it is important to remember that Sorel, who was not Jewish and who brought no clearly Jewish resources to bear on his critique (unless we consider Bergson in this light), surely influenced this essay as much as Scholem or Cohen. Although Benjamin clearly equivocates about the possibility and meaning of nonviolence, I will suggest that the commandment, as thought by Benjamin, is not only the basis for a critique of legal violence but also the condition for a theory of responsibility that has at its core an ongoing struggle with nonviolence.

A DIFFERENT JUDAISM

There are at least two political implications of this reading to which I would like to draw attention. If part of the vulgar representation of Judaism is that it subscribes to a concept of God or to a conception of law based on revenge, punishment, and the inculcation of guilt, we see an illuminating remnant of a different Judaism in the kabbalistic strains that inform Benjamin’s thought. Thus, if part of the reduction of Judaism we confront in popular representations of its meaning consists in identifying Judaism with a wrathful and punitive God, and Christianity with a principle of love or caritas, we would have to reconsider these distinctions. We also see, I think, the traces of a counter-rabbinic movement in the early twentieth century that informed the work of Rosenzweig and, ultimately, Martin Buber, one that was associated with the notion of spiritual renewal and worried both about assimilationism, on the one hand, and rabbinic scholasticism, on the other. This movement was also critical of efforts to establish a legal and political territoriality for Judaism, and some of these arguments have important resonance for the contemporary critique of Zionism.

Rosenzweig, for instance, both opposed legal coercion and invoked the commandment as way of figuring a noncoercive law. He remarks that, whatever the specific stipulations of a commandment, each and every commandment communicates the demand to love God.5 Indeed, in The Star of Redemption Rosenzweig writes that God’s commandments can be reduced to the statement “Love me!” Both Rosenzweig and later Buber in the 1910s and 1920s opposed the idea of a “state” for the Jewish people and thought that the critical and even spiritual power of Judaism would be ruined or, in Buber’s words, “perverted” by the establishment of a state with legal coercion and sovereignty as its basis.6 Rosenzweig died too early to elaborate
his stand, but Buber came to embrace a version of Zionism that would include a federated state jointly and equally administered by “two peoples.” Benjamin, so far as I know, took no such view of the founding of a state in the name of Zionism, and he deflects the question time and again when pressed by his friend Scholem in their correspondence. What seems to matter here, for those who seek to make use of his text as a cultural resource for thinking about this time, is at least twofold: it opposes what sometimes amounts to an anti-Semitic reduction of Jewishness to so much bloodletting at the same time that it establishes a critical relation to state violence, one that might well be part of an effort to mobilize critical Jewish perspectives against the current policies, if not against the constitutional basis of citizenship in the State of Israel.

Of course, Benjamin's essay has its present-day detractors, many of whom would doubtless argue that it fails to anticipate the assault of fascism on the rule of law and parliamentary institutions. Between the writing of Benjamin's essay in 1921 and its contemporary readers several historical catastrophes ensued, including the murder of more than ten million people in Nazi extermination camps. One could argue that fascism ought to have been opposed precisely by a rule of law that was considered binding on its subjects. But it follows equally that, if the law that binds its subjects is itself part of a fascist legal apparatus, such an apparatus is precisely the kind of law whose binding force should be opposed and resisted until the apparatus fails. Benjamin's critique of law, however, remains nonspecific, so that a general opposition to the binding, even coercive, character of law seems less savory once we consider the rise of fascism as well as the flouting of both constitutional and international law that characterizes U.S. foreign policy in its practices of war, torture, and illegal detention. Yet it is surely in light of the rise of European fascism that some critics have taken distance from Benjamin's essay.

Benjamin's essay received a trenchant reading by Jacques Derrida in his “Force of Law” and became a controversial foil for Hannah Arendt in her “On Violence.” At the time that Derrida wrote his essay on Benjamin, he worried openly about what he called “the messianic-marxism” that ran through it and sought to distance deconstruction from the theme of destruction and to value and affirm an ideal of justice that exceeds any specific or positive law. Of course later Derrida would revisit messianism, messianicity, and Marxism in Specters of Marx and in various essays on religion. In the writing on Benjamin, Derrida made clear that he thought Benjamin went too far in criticizing parliamentary democracy. At one point Derrida claims that Benjamin rides “an anti-parliamentary wave” that was the same wave that car-
ried fascism. Derrida also worries that Benjamin wrote to Carl Schmitt the same year he published “Critique of Violence,” but we don’t learn what, if anything, in that letter gives cause for concern. Apparently the letter is about two lines long and indicates that Benjamin is thankful to Schmitt for sending on his book. But that formal expression of thanks is hardly the basis for inferring that Benjamin condones Schmitt’s book in part or in whole.

Arendt, in “On Violence,” also worries that views such as Benjamin’s do not comprehend the importance of law in binding a community together, and she maintains that he failed to understand that the founding of a state can and should be an uncoerced beginning and, in that sense, nonviolent in its origins. She seeks to base democratic law on a conception of power that makes it distinct from violence and coercion. In this sense Arendt seeks to solve the problem by stabilizing certain definitions, engaging in what might be termed a stipulative strategy. In her political lexicon, violence is defined as coercion, and power is defined as nonviolent and, specifically, the exercise of collective freedom. Indeed, she holds that if law were based in violence, it would therefore be illegitimate, and she disputes the contention that law can be said to be instated or preserved by violence.

Indeed, whereas Arendt understands revolutions to instate law and to express the concerted consent of the people, Benjamin maintains that something called fate originates law. And whereas Derrida, in his reading of the essay, locates the messianic in the performative operation by which law itself comes into being (and so with law-establishing power, with fate, and with the sphere of the mythic), it is clear that for Benjamin the messianic is associated with the destruction of the legal framework itself, a distinct alternative to mythic power. In what remains I would like to examine this distinction between fate and divine violence, to consider the implications of Benjamin’s notion of the messianic for the problem of critique.

**VIOLENCE, FATE, AND THE LAW**

If we consider the problem of the founding conditions of state violence, let us remember that in the “Critique of Violence” Benjamin is making at least two sets of overlapping distinctions, one between law-founding and law-preserving violence and then another between mythic and divine violence. It is within the context of mythic violence that we receive an account of law-founding and law-preserving violence, so let us look there first to understand what is at stake. Violence brings a system of law into being, and this law-founding violence is precisely one that operates without justification. Fate produces law, but it does so first through manifesting
the anger of the gods. This anger takes form as law, but one that does not serve any particular end. It constitutes a pure means; its end, as it were, is the manifesting itself.

To show this, Benjamin invokes the myth of Niobe. Her great mistake was to claim that she, a mortal, was more fecund and greater than Leto, the goddess of fertility. She offended Leto immensely and also sought, through her speech act, to destroy the distinction between gods and humans. When Artemis and Apollo arrive on the scene to punish Niobe for her outrageous claim by taking away her children, these gods can be understood, in Benjamin’s sense, to be establishing a law. But this lawmaking activity is not to be understood first and foremost as punishment or retribution for a crime committed against an existing law. Niobe’s arrogance does not, in Benjamin’s words, offend against the law; if it did, we would have to assume that the law was already in place prior to the offense. Rather, through her hubristic speech act, she challenges or tempts fate. Artemis and Apollo thus act in the name of fate or become the means through which fate is instituted. Fate wins this battle and, as a result, the triumph of fate is precisely the establishment of law itself (CV, 250).

In other words, the story of Niobe illustrates law-instating violence because the gods respond to an injury by establishing a law. The injury is not experienced first as an infraction against the law; rather, it becomes the precipitating condition for the establishment of law. Law is thus a specific consequence of an angry act that responds to an injury, but neither that injury nor that anger are circumscribed in advance by law.

That anger works performatively to mark and transform Niobe, establishing her as the guilty subject who takes on the form of petrified rock. Law thus petrifies the subject, arresting life in the moment of guilt. And though Niobe herself lives, she is paralyzed within that living: she becomes permanently guilty, and guilt turns into rock the subject who bears it. The retribution the gods take upon her is apparently infinite, as is her atonement. In a way she represents the economy of infinite retribution and atonement that Benjamin elsewhere claims belongs to the sphere of myth. She is partially rigidified, hardened in and by guilt, yet full of sorrow, weeping endlessly from that petrified wellspring. The punishment produces the subject bound by law—accountable, punishable, and punished. She would be fully deadened by guilt if it were not for that sorrow, those tears; and so it is with some significance that it is those tears to which Benjamin returns when he considers what is released through the expiation of guilt (CV, 250). Her guilt is at first externally imposed. It is important to remember that it is only through a magical causality that she becomes responsible for her children’s deaths. They are, after all, not murdered by her hand,
yet she assumes responsibility for this murder as a consequence of the blow dealt by the gods. It would appear, then, that the transformation of Niobe into a legal subject involves recasting a violence dealt by fate as a violence that follows from her own action and for which she, as a subject, assumes direct responsibility. To be a subject within these terms is to take responsibility for a violence that precedes the subject and whose operation is occluded by the subject who comes to attribute the violence she suffers to her own acts. The formation of the subject who occludes the operation of violence by establishing itself as the sole cause of what she suffers is thus a further operation of that violence.

Interestingly enough, fate characterizes the mode in which law is established, but it does not account for how law, or legal coercion in particular, can be undone and destroyed. Rather, fate establishes the coercive conditions of law through manifesting the subject of guilt; its effect is to bind the person to the law, establishing the subject as the singular cause of what she suffers and steeping the subject in a guilt-ridden form of accountability. Fate also accounts for the perennial sorrow that emerges from such a subject, but for Benjamin fate cannot be the name that describes the effort to abolish those conditions of coercion. To understand the latter, one must move from fate to God or from myth, the sphere to which fate belongs, to the divine, the sphere to which a certain nonviolent destruction belongs. Although it is not entirely clear in what precisely this nonviolent destruction consists, it seems to be the kind of destruction that Benjamin imagines would be directed against the legal framework itself and, in this sense, would be distinct from the violence required and waged by the legal framework.

Quite abruptly toward the end of his essay, Benjamin resolves that the destruction of all legal violence becomes obligatory (CV, 249). But we do not understand whether this is a violence exercised by particular legal systems or a violence corresponding to law more generally. His discussion remains at a level of generality that leads the reader to assume it is law in general that poses a problem for him. When he writes that the destruction of all legal violence is obligatory, it would appear that he writes at the moment and in a certain context that remains undelineated within the essay.

Earlier, he has distinguished between the political general strike, which is lawmaking, and the general strike, which destroys state power and, with it, the coercive force that guarantees the binding character of all law—legal violence itself. He writes that the second kind of strike is destructive, but nonviolent (CV, 246). Here he is already proposing a nonviolent form of destructiveness. He turns in the final pages to a discussion of God to exemplify and understand this
nonviolent form of destructiveness. Indeed, it may be said that God has something to do with the general strike, since both are considered to be destructive and nonviolent at once. God will also have to do with what Benjamin calls an anarchism and not with lawmaking. Thus if we think that God is the one who gives us the law or, through Moses, relays a dictation of what the law should be, we must consider again that the commandment is not the same as positive law, which maintains its power through coercion: as a form of law, the commandment is precisely noncoercive and unenforceable.

If what is divine in divine violence neither gives nor preserves the law, we will be left in a quandary about how best to understand the commandment and, in particular, its political equivalent. For Rosenzweig, the commandment is emphatically not an instance of legal violence or coercion.\footnote{We think of the God of Moses as giving the commandment, and yet the commandment is not an instance of lawgiving for Benjamin. Rather, the commandment establishes a point of view on law that leads to the destruction of law as coercively binding. To understand the commandment as an instance of divine violence may seem strange, especially since the commandment cited by Benjamin is “Thou shalt not kill.” But what if the positive legal system to which one is bound legally demands that one kill? Would the commandment, in striking at the legitimacy of that legal system, become a kind of violence that opposes violence? For Benjamin this divine violence has the power to destroy mythical violence. God is the name for what opposes myth.}

It is important to remember not only that divine power destroys mythical power, but that divine power expiates. This suggests that divine power acts upon guilt in an effort to undo its effects. Divine violence acts upon lawmaking and the entire realm of myth, seeking to expiate those marks of misdeeds in the name of a forgiveness that assumes no human expression. Divine power thus does its act, its destructive act, but can only do its act if mythic power has constituted the guilty subject, its punishable offense, and a legal framework for punishment. Interestingly enough, for Benjamin the Jewish God does not induce guilt and so is not associated with the terrors of rebuke. Indeed, divine power is described as lethal without spilling blood. It strikes at the legal shackles by which the body is petrified and forced into endless sorrow, but it does not strike, in Benjamin’s view, at the soul of the living. Indeed, in the name of the soul of the living, divine violence acts. And it must also then be the soul of the living that is jeopardized by the law that paralyzes its subject through guilt. This guilt threatens to become a kind of soul murder. By distinguish-
ing the soul of the living from “life” itself, Benjamin asks us to consider what value life has once the soul has been destroyed.

When we ask what motivates this turn against legal violence, this obligation to destroy legal violence, Benjamin refers to “the guilt of a more natural life” (CV, 250). He clarifies in “Goethe’s Elective Affinities” that a “natural kind” of guilt is not ethical and is not the result of any wrong-doing: “with the disappearance of supernatural life in man, his natural life turns into guilt, even without his committing an act contrary to ethics. For now it is in league with mere life, which manifests itself in man as guilt.” He does not elaborate on this notion of a natural life in “Critique of Violence,” though elsewhere in the essay he refers to “mere life” (blosse Leben). He writes, “mythic violence is bloody power [Blutgewalt] over all life for its own sake [um ihrer selbst]; divine violence is pure power over all life for the sake of the living [reine Gewalt über alles Leben um des Lebendigen]” (CV, 250). Positive law thus seeks to constrain “life for its own sake,” but divine power does not safeguard life itself, but rather life only for the sake of “the living.” Who constitutes “the living” in this notion? It cannot be everyone who merely lives, since the soul of the living is different and what is done “for the sake of the living” may well involve the taking away of mere life. This seems clear when Benjamin refers, for instance, to the plight of Korah as an example of divine violence, a biblical scene in which an entire community is annihilated by the wrath of God for not having kept faith with his word (CV, 250).

It is with some consternation then that we must ask whether the commandment “Thou shalt not kill” seeks to safeguard natural life or the soul of the living and how it discriminates between the two. Life itself is not a necessary or sufficient ground to oppose positive law, but the ”soul” of the living may be. Such an opposition may be undertaken for the sake of the living, that is, for those who are alive by virtue of that active or living soul. We know from the early part of the essay that “the misunderstanding in natural law by which a distinction is drawn between violence used for just ends and violence used for unjust ends must be emphatically rejected” (CV, 238). The kind of violence that he calls “divine” is not justified through a set of ends, but constitutes a “pure means.” The commandment “thou shalt not kill” cannot be a law on the order of the laws that are destroyed. It must itself be a kind of violence that opposes legal violence in the same way mere life controlled by positive law differs from the soul of the living that remains the focus of divine injunction. In a rather peculiar twist, Benjamin appears to be
reading the commandment not to kill as a commandment not to murder the soul of the living and therefore a commandment to do violence against the positive law that is responsible for such murder.

An example of the positive law’s seizure of mere life is capital punishment. In opposing legal violence, Benjamin would now seem to oppose capital punishment as legally mandated violence that most fully articulates and exemplifies the violence of positive law. Over and against a law that could and would sentence a subject to death, the commandment figures a kind of law that works precisely to safeguard some sense of life against such punishments, but which sense? Clearly this is not a simply biological life, but the deathlike state induced by guilt, the rocklike condition of Niobe with her endless tears. Yet it is in the name of life that expiation would be visited upon Niobe, which raises the question of whether the expiation of guilt is somehow a motivation or end for the revolt against legal violence. Are the bonds of accountability to a legal system that reserves the prerogative of capital punishment for itself broken by a revolt against legal coercion itself? Does something about the claim of “the living” motivate the general strike that expiates the guilt that maintains the hold of legal coercion upon the subject? The desire to release life from a guilt secured through legal contract with the state—this would be a desire that gives rise to a violence against violence, one that seeks to release life from a death contract with the law, a death of the living soul by the hardening force of guilt. This is the divine violence that moves, like a storm, over humanity to obliterate all traces of guilt, a divine expiative force and thus not retribution.

Divine violence does not strike at the body or the organic life of the individual, but at the subject who is formed by law. It purifies the guilty not of guilt but of its immersion in law and thus dissolves the bonds of accountability that follow from the rule of law itself. Benjamin makes this link explicit when he refers to divine power as “pure power over all life for the sake of the living” (CV, 250). Divine power constitutes an expiating moment that strikes without bloodshed. The separation of that legal status from the living being (which would be an expiation or release of that living being from the shackles of positive law) is precisely the effect of the blow, the strike, and its bloodless effect.

But is this violence truly bloodless if it can involve the annihilation of people, as in the Korah story, or if it relies on a questionable distinction between a natural life and the soul of the living? Is there a tacit Platonism at work in the notion of the “soul of the living”? I would like to argue that there is no ideal meaning attached
to this notion of the “soul,” since it belongs precisely to those who are living, and I hope to make clear how this works in my concluding discussion of this text.

IN THE NAME OF THE LIVING

Benjamin begins to articulate the distinction between natural life and the soul of the living when he concedes that violence can be inflicted “relatively against goods, right, life, and suchlike,” but it never absolutely annihilates the soul of the living (die Seele des Lebendigen; CV, 250). Although divine violence is violence, it is never “annihilating” in an absolute sense, only relatively. How do we understand this use of the term relatively (relativ)? And how precisely does it follow that Benjamin proceeds to claim it cannot be said that his thesis confers on humans the power to exercise lethal power against one another? The question “May I kill?” meets its irreducible (Unverruckbare: unmovable, fixed—literally, not able to make crazy or to make veer from the path) answer in the commandment “Thou shalt not kill.” That the commandment is irreducible and unmovable does not mean that it cannot be interpreted and even contravened. Those who heed the commandment “wrestle [sich auseinanderzusetzen] with [it] in solitude and, in exceptional [ungeheuren] cases . . . take on themselves the responsibility of ignoring it” (CV, 250).

Over and against the mythic scene in which the angry deed establishes a punitive law, the commandment exercises a force that is not the same as a marking by guilt. The divine word, if it is a performative, is a perlocutionary speech act that depends fundamentally on an uptake to take hold. It works only through its appropriation, and that is surely not guaranteed. Benjamin describes the commandment’s nondespotic powers: “the injunction becomes inapplicable, incommensurable, once the deed is accomplished” (CV, 250), which suggests that any fear provoked by the commandment does not immediately bind the subject to the law through obedience. In the example of mythic law, punishment instills guilt and fear, and Niobe exemplifies the punishment that lays in wait for any who might compare him- or herself to the gods.

Benjamin’s commandment entails no such punishments and lacks the power to enforce the actions it requires. The commandment, for Benjamin, has no police force. It is immovable, it is uttered, and it becomes the occasion for a struggle with the commandment itself. It neither inspires fear nor exercises a power to enforce a judgment after the fact. Hence, he writes, “no judgment of the deed can be derived from the commandment” (CV, 250). Indeed, the commandment cannot dictate
action, compel obedience, or level judgment against the one who complies or fails to comply with its imperative. Rather than constituting a criterion of judgment for a set of actions, the commandment functions as a guideline (*Richtschnur des Handelns*). And what is mandated by the commandment is a struggle with the commandment whose final form cannot be determined in advance. In Benjamin's surprising interpretation, one wrestles with the commandment in solitude.

As a form of ethical address, the commandment is that with which each individual must wrestle without the model of any other. One ethical response to the commandment is to refuse (*abzusehen*) it, but even then one must take responsibility for refusing it. Responsibility is something that one takes in relation to the commandment, but it is not dictated by the commandment. Indeed, it is clearly distinguished from duty and, indeed, obedience. If there is wrestling, then there is some semblance of freedom. One is not free to ignore the commandment. One must, as it were, wrestle with oneself in relation to it. But the wrestling with oneself may well yield a result, a decision, an act that refuses or revises the commandment, and, in this sense, the decision is the effect of an interpretation at once constrained and free.

One might expect Benjamin to safeguard the value of life over violence and to coin a notion of nonviolent violence to name this safeguarding action, this strike against the shackles of the law, this expiation of guilt and resuscitation of life. But he makes clear that those who prize existence over happiness and justice subscribe to a position that is both “false” and “ignominious” (*niedrig*). He objects to the understanding of “existence” as “mere life” and suggests that there is “a mighty truth” in the proposition that existence is to be prized over happiness and justice: if we consider existence and life to designate the “irreducible, total condition that is ‘man’ . . . man cannot, at any price be said to coincide with the mere life in him” (CV, 251). As is clear in Benjamin's agreement with the Jewish view that killing in self-defense is not prohibited by the commandment, the commandment against killing is not based on the sacredness (*heiligkeit*) of life itself (a notion that correlates with guilt), but on something else. He does not refuse the notion of the sacred in trying to establish the grounds and aims of the commandment against killing, but he wants clearly to distinguish what is sacred in life from mere or natural life.

The temptation to read Benjamin as subscribing to an otherworldly doctrine of the soul or the sacred emerges temporarily when he refers to “that life in man that is identically present in earthly life, death, and afterlife” (CV, 251). Even then, he only refers to the sacred through a parenthetical appeal: “however sacred man is [so heilig
der Mensch ist . . . there is no sacredness in his condition,” which includes bodily life and its injurability. What is sacred is some restricted sense of life that is identical in this life and the afterlife, but what sense are we to make of this? Benjamin only introduces the problem of the sacred and of justice in the context of a conjecture, suggesting that it belongs to an indefinite future, if any time at all. How are we to adjudicate Benjamin’s claims? Is this appeal to another life, to a sense of life that is beyond the body, the maneuver of the “spiritual terrorist” (der geistige Terrorist) who supplies the “ends” that justify violence? That would seem to be at odds with Benjamin’s earlier claim that divine violence does not act according to specified ends, but rather as a pure means. By this he seems to suggest that divine violence consummates a process, but does not “cause” it, that we cannot extricate the “ends” it achieves from the “means” by which it is achieved, and that instrumental calculations of that sort are set aside here.

Let us first understand this restricted sense of life that emerges within Benjamin’s conjecture. If there is something sacred or divine in this restricted sense of life, then it would seem to be precisely that which opposes guilt and the law-enforcing violence of positive law. It would consist in that which resists or counters that form of legal violence, and we have seen that this kind of hostile counterviolence is itself the expression of what remains unbound, unguilty, or expiated. In this essay, however, we see that divine violence is allied with the general strike and what is revolutionary, and this in turn is connected with what contests and devastes the legal framework of the state. I would suggest that this sacred or divine sense of life is also allied with the anarchistic, with that which is beyond or outside of principle. We saw this anarchistic moment already when the solitary person is conjured as wrestling, without model or reason, with the commandment. It is an anarchistic wrestle, one that happens without recourse to principle, one that takes place between the commandment and the one who must act in relation to it. No reason links the two. There is in this solitary coming-to-terms-with-the-commandment a nongeneralizable moment that destroys the basis of law, one that is called forth by another law in the name of life and with the hope of a future for the living outside the shackles of coercion, guilt, and accountability that keep the legal status quo unchallenged. The destruction or annihilation of state power belongs neither to lawmaking nor to law-preserving violence. Although an epoch is founded through this abolition or revolutionary destruction of legal violence, no law is made from this place, and the destruction is not part of a new elaboration of positive law. Destruction has some odd permanence to it, and this makes sense if we consider
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that the anarchistic moment in any effort to come to terms with the commandment is one that destroys the basis of positive law. It also makes sense when we consider the theological sense of the messianic—with which Benjamin himself is coming to terms in this essay—that not only informs the restricted sense of life we have been investigating, but counters the Platonic reading of his understanding of the soul.

The anarchism or destruction to which Benjamin refers is to be understood neither as another kind of political state nor as an alternative to positive law. Rather, it constantly recurs as the condition of positive law and as its necessary limit. It does not portend an epoch yet to come, but underlies legal violence of all kinds, constituting the potential for destruction that underwrites every act by which the subject is bound by law. For Benjamin, violence outside of positive law is figured as at once revolutionary and divine—it is, in his terms, pure, immediate, unalloyed. It borrows from the language in which Benjamin describes the general strike, the strike that brings an entire legal system to its knees. There is something speculative here when Benjamin claims expiatory violence is not visible to men and is linked to eternal forms: the life in man that is identically present in earthly life, death, and afterlife. Reading “Critique of Violence” together with the “Theologico-Political Fragment,” written about the same time, we can discern claims worth careful consideration: the first, that nothing historical can relate itself to the messianic; the second, that this expiatory violence can be manifest in a true war or divine judgment of the multitude against a criminal (CV, 252).

At this point, there still seems to be cause for worry. Is Benjamin offering justification for a true war outside of all legality or for the multitude to rise up and attack a criminal designated as such only by themselves? His final reference to a sacred execution would seem, as well, to conjure similar images of the lawless masses rising up to do all sorts of physical violence in the name of some sacred power. Is this Benjamin riding “the antiparliamentary wave” that brings him perilously close to fascism? Or does so-called sacred execution attack only the totalizing claims of positive law? He has already claimed that divine or sacred violence is not to be justified by a set of ends, though he seems to claim that a specific relation between the actor and the divine is at stake in divine violence.14

How finally do we interpret his claims here? Benjamin does not call for violence, but suggests rather that destruction is already at work as the presupposition of positive law and, indeed, of life itself. The sacred does not designate what is eternal, unless we understand destruction itself as a kind of eternity. Moreover, the notion of the sacred invoked by Benjamin implies that destruction can have
no end and that it is redeemed neither by lawmaking nor by a teleological history. In this sense destruction is at once the anarchistic moment in which the appropriation of the commandment takes place and the strike against the positive legal system that shackles its subjects in lifeless guilt occurs. It is also messianic in a rather precise sense.

Let us then consider the precise meaning of destruction in the messianic conception with which Benjamin is working. Consider first his claim from the “Fragment” that “in happiness all that is earthly seeks its downfall [im Glück erstrebt alles Irdische seinen Untergang]” (TF, 312–13). This downfall does not happen once, but continues to happen, is part of life itself, and may well constitute precisely what is sacred in life, that which is meant by “the soul of the living.” For the Benjamin of the “Theologico-Political Fragment,” the inner man, linked to ethical solicitude, is the site of messianic intensity. This makes sense if we keep in mind the solitary wrestling with the commandment that constitutes Benjamin’s view of responsibility, one that comes to have resonance with Levinas’s position and that remains radically distinct from, and opposed to, coerced obedience. The messianic intensity of the inner man is conditioned or brought about by suffering, understood as misfortune or fate. To suffer from fate is precisely not to be the cause of one’s own suffering, is to suffer outside the context of guilt, as a consequence of accidents or powers beyond one’s control. When fate succeeds, however, in creating positive law, a significant transmutation of this meaning of fate ensues. The law wrought by fate succeeds in making the subject believe that she is responsible for her own suffering in life, that her suffering is the causal consequence of her own actions. In other words, fate inflicts a suffering that is then, through law, attributed to the subject as her own responsibility.

Of course, this is not to say that there is, or should be, no responsibility. On the contrary. But Benjamin’s point is to show at least three interrelated points: (1) that responsibility has to be understood as a solitary, if anarchistic, form of wrestling with an ethical demand, (2) that coerced or forced obedience murders the soul and undermines the capacity of the person to come to terms with the ethical demand placed upon her, and (3) that the framework of legal accountability can neither address nor rectify the full conditions of human suffering. The suffering to which Benjamin refers is one that is coextensive with life, one that cannot be finally resolved within life, and one for which no adequate causal or teleological account can be given. There is no good reason for this suffering, and no good reason will appear in time. The messianic occurs precisely at this juncture, where downfall appears to be eternal.
In the “Fragment,” the perpetual downfall of human happiness establishes tran-
sience as eternal. This does not mean that there is only or always downfall, but only
that the rhythm of transience is recurring and without end. What is called immor-
tality corresponds, in his view, with “a worldly restitution that leads to the eternity
of downfall, and the rhythm of this eternally transient worldly existence, transient
in its totality, in its spatial but also its temporal totality, the rhythm of Messianic
nature, is happiness” (TF, 313). Benjamin understands happiness to be derived from
this apprehension of the rhythm of transience. Indeed, the rhythmic dimension of
suffering becomes the basis of the paradoxical form of happiness with which it is
twinned. If the rhythm of the messianic is happiness, and the rhythm consists in an
apprehension that all is bound to pass away, undergo its downfall, then this rhythm,
the rhythm of transience itself, is eternal, and this rhythm is precisely what connects
the inner life of the person, the person who suffers, with what is eternal. This seems
to account for that restricted sense of life that is invoked by the commandment. It
is not the opposite of “mere life,” since transience surely characterizes mere life, but
it is mere life grasped as the rhythm of transience, and this provides a perspective
that is counter to the view that life itself is sinful, that guilt must bind us to the law,
and that law must therefore exercise a necessary violence on life.

There is, then, a kind of correlation between inner life and a suffering that is
eternal, that is, unrestricted to the life of this or that person. The inner life, under-
stood now as suffering, is also the nongeneralizable condition of wrestling with the
commandment not to kill; even if the commandment is contravened, it must be
suffered. This solitary wrestling and suffering is also the meaning of anarchism that
motivates moves that are fatal to the coercive law. Coercive law seeks to transform all
suffering into fault, all misfortune into guilt. By extending accountability beyond its
appropriate domain, however, positive law vanquishes life and its necessary transience,
both its suffering and its happiness. It turns its subjects into wailing stones. If the
positive law establishes a subject accountable for what she suffers, then the positive
law produces a subject steeped in guilt, one who is compelled to take responsibility
for misfortunes that are not of her own doing, or one who thinks that, by virtue
of her own will alone, she could put an end to suffering altogether. Whereas it is
surely the case that humans cause harm to one another, not all of what any of us
suffer can be traced to the actions of another. The expiation of the guilty subject
through divine violence takes place when the self-centered notion of the subject
as harmful cause is tempered and opposed by the realization of a suffering that no
amount of prosecution can ever abate. This expiation unshackles the subject from

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the fugitive narcissism of guilt and promises to return the subject to life, not mere life, and not some eternal beyond, but life in this sense of its sacred transience. For transience to be eternal means that there will never be an end to transience and that perishing inflects the rhythm of all life. Benjamin thus does not defend life against death, but finds in death the rhythm, if not the happiness, of life, a happiness that, for the subject, requires an expiatory release of guilt, one that results in the undoing of that subject itself, a decomposition of that rocklike existence.

In Benjamin’s early writings, he referred to something called “critical violence,” even “sublime violence,” in the realm of the work of art (CV, 340). What is living in the work of art moves against seduction and beauty. Only as a petrified remnant of life can art bespeak a certain truth. The obliteration of beauty requires the obliteration of semblance, which constitutes the beautiful, and the obliteration of guilt requires the obliteration of marks, so in the end both signs and marks have to be arrested for the work of art to evince its truth. This truth is to take the form of language, of the word in the absolute sense (a view that proves problematic for understanding the visual field distinct from the linguistic one). This word, in Benjamin’s sense, gives organizational unity to what appears, although it does not itself appear; it constitutes an ideality embedded in the sphere of appearance as organizing structure.

In the “Critique of Violence” the word is the commandment, the commandment not to kill, but this commandment can only be received if it is understood as a kind of ideality that organizes the sphere of appearance. What is sacred in transience is not found outside that transience, but neither is it reducible to mere life. If the condition of “mere life” has to be overcome by sacred transience, then it follows that mere life does not justify the commandment that proscribes killing. On the contrary, the commandment is addressed to that which is sacred and transient in human life, what Benjamin calls the rhythm of the messianic, which constitutes the basis of a noncoercive apprehension of human action. Benjamin seems to suggest that the notion of an extramoral transience allows for an apprehension of human suffering that exposes the limits of a notion of morality based on guilt, the metalepsis of a moral causality that produces paralysis, self-berating, and endless sorrow. And yet there seems to be something of endless sorrow that Benjamin preserves from this account. After all, Niobe not only regrets what she has done, but mourns what she has lost. Transience exceeds moral causality. As a result, it may be that Niobe’s tears provide a figure that allows us to understand the transition from mythic to divine violence.
Niobe boasts that she is more fecund than Leto, and so Leto sends Apollo to kill her seven sons. Niobe continues to boast, and Leto sends Artemis to kill her seven daughters, though some say that one daughter, Chloris, survived. Niobe’s husband takes his life, and Artemis then turns Niobe into rock, but a rock from which tears stream eternally. One could say that Niobe caused her punishment and that she is guilty of arrogant boasting. But the fact remains that it was Leto who thought up that punishment and ordered the murders of Niobe’s children. It was as well Leto’s children, Apollo and Artemis, who implemented her legal authority, thus constituting its legitimacy retroactively. Only with that punishment does law emerge, producing the guilty and punishable subject who effectively conceals and effects law-instating power. If divine violence is not involved in the making of law, but mobilizes the messianic in its powers of expiation, then divine power would release the punished subject from guilt.

What would Niobe’s expiation look like? Can we imagine? Would justice in this case require a conjecture, the opening up of the possibility of conjecture? We can imagine only that the rock would dissolve into water, and that her guilt would give way to endless tears. It would no longer be a question of what she did to deserve such a punishment, but of what system of punishment imposes such a violence upon her. We can imagine her rising up again to question the brutality of the law, and we can imagine her shedding the guilt of her arrogance in an angry refusal of the violent authority wielded against her and an endless grief for the loss of those lives. If that sorrow is endless, perhaps it is also perennial, even eternal, at which point it is her loss and it is also part of the “downfall” that links her loss to the rhythms of destruction that constitute what in life is sacred and what of life makes for happiness.

There are still many reasons to remain uneasy with Benjamin’s arguments in this early essay, since he does not tell us whether it is obligatory to oppose all legal violence, whether he would support certain forms of obligation that coercively restrain those in power from doing violence, and whether subjects should be obligated to the state in any way. Clearly, he is not offering a plan for the future, but only another perspective on time. The essay ends on a note of destruction rather than transformation, and no future is elaborated. But this does not mean that there can be no future. Earlier, he noted that, for Sorel, the proletarian general strike engages a kind of violence that is “as a pure means . . . nonviolent.” In explaining this, he writes: “For it takes place not in readiness to resume work following external concessions and this or that modification to working conditions, but in the determination to resume only a wholly transformed work, no longer enforced by the state, an upheaval
[ein Umsturz] that this kind of strike not so much causes as consummates [nicht so wohl veranlasst als vielmehr vollzieht]” (CV, 246).

This consummating upheaval links the general strike with divine violence. The latter also breaks with modes of coercive enforcement and opens to a sense of time that refuses teleological structure and prediction. Specifically, the messianic thwarts the teleological unfolding of time (the Messiah will never appear in time). The messianic brings about expiation, displacing guilt, retribution, and coercion with a broader conception of suffering in relation to an eternal or recurrent transience. In this sense, his critique of legal violence compels us to suspend what we understand about life, loss, suffering and happiness, to ask about the relationship between suffering, “downfall,” and happiness, to see what access transience affords to what has sacred value in order to oppose a deadening of life and a perpetuation of loss by means of state violence. Sacred transience could very well function as a principle that shows us what it is about mere life that is worth protecting against state violence. It might also suggest why the commandment “Thou shalt not kill” functions not as a theological basis for revolutionary action, but as a nonteleological ground for the apprehension of life’s value. When the suffering one undergoes comes to be understood as a recurrent, even eternal, rhythm of downfall, then it follows that one’s own suffering might be dispersed into a recurrent rhythm of suffering, that one is afflicted no more and no less than any other, and that the first-person point of view might be decentered—dissipating both guilt and revenge. If this recurrent downfall gives life its rhythms of happiness, this would be a happiness that would in no sense be purely personal.

We can perhaps also discern in Benjamin’s discussion the conditions of critique, since one must have already departed from the perspective of positive law to ask about and to oppose the violence by which it gains its legitimation and self-preserving power. The law legitimates the violence done in the name of the law, and violence becomes the way in which law instates and legitimates itself. This circle is broken when the subject throws off the shackles of law, or finds them suddenly removed or undone, or when the multitude takes the place of the subject and refuses to implement the demands of law, wrestling with another commandment whose force is decidedly undespotic. The individual who struggles with the commandment is likened to the population that elects a general strike, since both refuse coercion and, in the refusal, exercise a deliberative freedom that alone serves as the basis of human action. Benjamin notes that under such conditions of a rigorous general strike, especially when the military refuses to do its job, “the action
diminish[s] instances of actual violence” (CV, 247). Although we call a strike an “action” against the state, it is, as Werner Hamacher notes, an omission,” a failure to show, to comply, to endorse and so to perpetuate the law of the state. If this refusal to act is itself violent, then it is directed against the imperative to act itself, a way of relieving the law of its power and force by refusing to instate it again and again, refusing the repetitions of implementation by which the law preserves and instates itself as law across time. The law can and will “go under”; the law will have its “downfall,” which will link this action with the destruction of what has existed historically in the name of a new and different time—an “upheaval,” as Benjamin remarks. To offer a critique is to interrupt and contravene law-preserving power, to withdraw one’s compliance with the law, to occupy a provisional criminality that fails to preserve the law and thus undertakes its destruction. That Benjamin’s essay ends so abruptly might be understood as enacting the kind of sudden ending that divine violence is, the very operation of critique on the model of a destruction and upheaval that contravenes teleological time.

Imagine, if you can, that Apollo and Artemis tell their mother to get a grip and refuse to obey her command or that the military, refusing to break up a strike, effectively goes on strike itself, lays down its weapons, opens the borders, refuses to man or close the checkpoints, every member relieved of the guilt that keeps obedience and state violence in place, prompted rather to withhold their action by the memory and anticipation of too much sorrow and grief, and this in the name of the living.

STORMS
As we will consider in the next chapter, the messianic for Benjamin is not about a future to come, but rather consists in the “chips” and “sparks” from another time that striate the present. The messianic offers no promise about the future, but it does transform the present into what he called a “now-time” (Jetztzeit). It is not clear that we can achieve a now-time, that the time of now can dawn on us, since the present is so often claimed by the past through the demand to pay for what has happened, through cycles of retribution and revenge. To achieve the now, or to somehow allow the now to take place, happens only on the condition of a certain expiation. Can Benjamin help us to think, for instance, about the war in southern Lebanon in the summer of 2006, or the war against Gaza in 2008–9, and to ask more specifically whether and how the notion of “self-defense” invoked by the State of Israel works in the service of retribution? Although it seems reasonable to defend oneself against attack (a reasonable conclusion that would, logically,
extend to Palestinian self-defense as well), under what conditions does self-defense become unmoored from the problem of self-preservation and operate instead as the legitimating condition of unbridled violence? It might seem odd to seek recourse in some notion of the messianic to oppose a misguided notion of self-defense; after all, the messianic is precisely what is claimed by right-wing settlers, and shouldn’t we, on the left, be seeking recourse to ever more sound secular grounds for opposing state violence? Against both of these very reasonable assumptions, I want to suggest that the messianic, understood not as a promissory note for the future, and not as a ground on the basis of which to claim an entitlement to land, may well involve suspending self-defense as the permanently legitimating ground for state violence. When such a defense becomes permanent, it is no longer possible to distinguish between its legitimate and illegitimate uses. In other words, precisely because the defense serves the function of legitimating the state, it is always right and always legitimate, acting in the name of the state. This leads, I want to suggest, to perilous consequences. Of course, I am not arguing for self-destruction as a goal—that would be absurd. But I am holding out for a way of thinking and acting politically that does not presume that self-defense or self-destruction are the only two alternatives. Within such a closed dialectic, no thought is finally possible—and certainly no politics one can stand by.

Is it possible to turn to Benjamin’s earliest works to think about forgiveness and expiation and then move from there to a consideration of retribution and its ruses in light of recent military assaults? To do this, I want to return to the figure of the “storm” in Benjamin’s early work. We know the figure most clearly from the angel in “Theses on the Philosophy of History” where “a storm is blowing from Paradise,” a storm that “has got caught in the wings” of this angel “with such violence that the anger can no longer close them” (TPH, 258). What is this strange coupling of violence and paradise? The angel does not, cannot face the future, but only faces backwards, and instead of the forward development of our usual sense of historical progress, it sees only “debris” that “grows skyward.” That the storm is what we “call progress” is surely quite astonishing as well, since there is the looking backward and the accumulation of wreckage. And that we are somehow also asked to understand that the storm blows from “Paradise” can only be disarming, since what of paradise is there to be found in this accumulated wreckage, a past, as it were, that augments as we move forward, that is, backward, in time. If elsewhere Benjamin makes clear that progress constitutes a unilinear notion of time that establishes homogeneity and continuity as the substance of history, then surely the notion of “progress”
introduced by this open-mouthed, wide-eyed angel propelled against its will, irresistibly, counters the one that belongs to the conceits of historical development and the volitional subject. It seems important as well that it is the figure of the storm, and the angel whose wings are caught in the storm, countering that conceptual march that is supposed to constitute the progress of both capitalist development and certain versions of historical materialism.

In what possible sense, then, is the storm blowing from paradise? Is paradise sending a message? If so, is it the kind we find in Kafka, the imperial message that never does quite arrive since the messenger is thwarted by an infinitely compressed and impenetrable architecture? If something is being destroyed, is it perhaps forward movement itself? And how are we supposed to prize this, much less understand it as a figure for a certain kind of messianism? Indeed, if the figure of the storm is the means through which Benjamin introduces a particular notion of the messianic, we will be right to think that the messianic is not the same as progress, and whatever destruction it wreaks will be of something that is itself destructive. In these same theses Benjamin resolves upon the following formulation as part of his resistance to fascism: “it is our task to bring about a real state of emergency” and “one reason why fascism has a chance is that in the name of progress its opponents treat it as an historical norm” (TPH, 257). If progress is a norm of this kind, then it follows that a certain history will, of necessity, produce the future by which it is overcome. It is this belief that is now wrecked, and that wreckage is what the angel clearly sees. No unfolding historical development will overcome fascism, only a state of emergency that breaks with a certain faith in historical development. Can we understand this state of emergency, open-mouthed, wide-eyed, irresistible, in terms of the messianic—not the messianic of what is “to come,” but, rather, the messianic feature of the now, what Benjamin calls “now-time”? What gets established from the kind of critique of progress that Benjamin proposes is “a conception of the present as the ‘time of the now’ which is shot through with chips of Messianic time” (TPH, 263).

Benjamin returned, time and again, to the problem of the messianic, associating it in his early work with forgiveness and the loss of memory, but moving in his “Theses on the Philosophy of History” to the importance of delivering a forgotten history from oblivion. In close contact with Scholem, Benjamin sought to understand the messianic in his early years (1913–20) as bound up with the problem of forgiveness. And forgiveness is formulated against retribution, not quite as its opposite, but rather as its outside. If “progress” and “development” always understand the present in terms of the future to which it gives rise, or the past by which it is
engendered, then retribution always also posits the present in light of an injurious past and a future of revenge and compensation. By 1921 it was clear that the expiation Benjamin found in forgiveness was linked to the radical strike, the one that would relieve the worker and the citizen from bonds of obligation to an oppressive state apparatus and bring the state apparatus to a halt. The point was not to refuse this or that policy of the state, but to negate the state itself, a negation that implies freeing oneself from the bonds of guilt upon which legal regimes rely. One cannot free oneself from bonds of guilt without first saying no to the state, but to say no one must be already unshackled or in the process of becoming so. One does not lead to the other, but both lead to each other at once, and it is the time of this “at once” that constitutes the present time of emergency.

Importantly, this act of “forgiveness” is figured as a “storm”—the first “storm” I can find in Benjamin’s opus—and the effect of this storm is to eradicate all traces of guilt, all ciphers leading back to misdeeds. One might expect some wreckage or debris to be left from this storm, but, oddly enough, its particular power is to eradicate every trace of wrongdoing. Benjamin refers, for instance, to “the immeasurable significance of the Last Judgment, of that constantly postponed day which flees so determinedly into the future after the commission of every misdeed.” The last judgment, then, does not quite arrive; it is a permanently postponed appointment and in this way vanquishes the idea of the day on which there is a final reckoning, during which injuries are compensated and retribution succeeds (whatever that might be). Since the last judgment is precisely the day that never comes, the “storm of forgiveness” is what makes final judgment impossible. Like Kafka’s imperial message, the judgment, quite blissfully, never arrives, and the reason seems to be that all the evidence has been destroyed by this storm. What is wrecked, finally, is the project of retribution itself.

Benjamin writes that “the significance [of the Last Judgment] is revealed not in the world of law, where retribution rules, but only in the moral universe, where forgiveness comes out to meet it. In order to struggle against retribution, forgiveness finds its powerful ally in time. For time, in which Ate [moral blindness] pursues the evildoer, is not the lonely calm of fear but the tempestuous storm of forgiveness which precedes the onrush of the Last Judgment and against which she cannot advance. This storm is not only the voice in which the evildoer’s cry of terror is drowned; it is also the hand that obliterates the traces of his misdeeds, even if it must lay waste to the world in the process.”\[19\]
Forgiveness is hardly a quiet or quietistic affair. Any expectation that forgiveness is achieved when passions die down is thwarted by the figure of the storm, at once natural and divine and yet somehow, too, composed of human features: a voice and a hand. The voice is clearly loud, so forgiveness is that which, quite literally, audibly overwhelms the cry that bespeaks the terror of punishment, but also, somehow, a hand, with the power to obliterate misdeeds, a destructive power that must lay waste to the world if it has to eradicate those traces of wrongdoing. This storm is not exactly a figure for the divine, though it wields some clearly divine forces, but if it is such a divine figure, it is not one of retribution. Indeed, we end up not knowing much about God, but we do learn about this storm, which seems to have some human and divine features cobbled together in ways that are not clearly conceptualizable—not unlike Kafka’s famous Odradek, part human, part spool of thread, conforming to no recognizable morphology. Most important, this storm of forgiveness constitutes a radical alternative to the closed economy of atonement and retribution.20

If we expect this notion of the divine to confirm a notion of the Jewish God as vengeful, we must consider there to be another Judaism at work here. This storm, with its hand and voice, finally figures time itself, a time that is freed from the cycles of retribution, one that obliterates guilt and all its marks (a time, in other words, that will come to constitute an alternative account of the messianic), one whose voice drowns out the human cry of terror. If this is some kind of God whose fury roars through history as the storm of forgiveness, then this is not the vengeful God but a God who is seeking to destroy vengeance itself. And, if it is a God, it is in war against another, one that opposes the lightning bolts of divine wrath, one that precedes it, sweeping away the marks of misdeeds and so foiling the plots of revenge.

This figure of the divine is equivalent to time, a time that works its force in spite of human remembrance and forgetfulness. This version of time brings forgiveness only because it is not determined by the human experience of time, because it is a time indifferent to the human even as it subsumes all human life, a time that is neither remembered (or rememberable) nor forgotten (or forgettable). Only that kind of time is expiatory; it wields the power to extinguish the traces of all misdeeds and in this way helps to complete the process of forgiveness. The past is forgiven because it is obliterated, but precisely not because some group of humans have come to terms with it, that is, not because some social resolution has been found. What is irresolvable remains so, but it ceases to matter. Time, for Benjamin, helps,
in ways that are wholly mysterious, to complete the process of forgiveness, though never of reconciliation.\textsuperscript{21}

If one read \textit{Haaretz}, the Israeli daily, in the summer of 2006, one found that most of the debates about the war were about why Israel was not more effective in winning the war, whether Israel did win the war, whether Israel had lost its military efficiency, and whose fault that might be. There is very little debate about or discourse on whether the war was justified or how to come to terms with the destruction of lives and livelihoods in southern Lebanon. Some writers cynically claim that Hezbollah infiltrated villages and civilian sites and so used the populations of southern Lebanon as human shields. The same argument emerged in Gaza during and after Operation Cast Lead—the Palestinians were said to be using children in public squares as human shields. But can we say that those outposts along the northern border of what is called Israel are also full of human shields? And those soldiers who agree to serve in those areas, are they also human shields in the same way? If we equate all life that is destroyed in war with the notion of the human shield, then it seems to me we have a ready justification for murder, since all those who are in the way of bombs are there on purpose, are there tactically and purposively, and are not only part of the war effort but are conceived as shields, as instruments of war. At which point there can be no outrage over the destruction of human life—and here, I would say, there is no outrage over the destruction of human life on either side of that border—since all human life has become instrumentalized as part of the war and has, as a result, ceased to signify as lives worthy of protection, precarious, in need, lives worth valuing and lives worth mourning. It is striking when the lives of Israeli soldiers were personified, given names and families, and openly mourned, when the lives of Lebanese and Palestinian soldiers and civilians remained nameless, effectively unmournable.

To act or live in the “name of the living” leaves open the question of who, finally, is considered to be living. One does not say “life for the Jews and not for others” and one certainly does not say “life for the Israelis and not for others.” Life clearly implies transience, and it is precisely because life can be lost so easily and quickly that life is to be treasured—that life is extinguishable does not make life worthless, but precious. The commandment “Thou shalt not kill” imposes a strong obligation to distinguish actual moments of legitimate self-defense from its cynical use in the service of an infinitely self-legitimating aggression. If all killing is proactively and retroactively named self-defense, then self-defense no longer operates as a credible
justification for killing. Any and all killing is justified and approved on the part of one who names all the violence waged as self-defense.

But what is this “self” who is to be defended, and what sort of self is actually left after all the killing is done? Could it be that self-defense leads not to self-preservation, but to self-destruction? And to understand this “self,” do we need to ask as well how it defines itself, through what available borders? The border is always a way of maintaining a relationship with what is excluded by the border. So those who live on the other side of the wall or those who are barred from full citizenship on this side of the wall define that “self” who seeks to preserve itself. Wretchedly, it preserves itself through preserving the border, which is, after all, a relationship to the excluded and the subjugated that must be reinstated daily and whose effect of permanence must be cultivated through military institutions and practices. So what is “defended” is a mode of disavowed subjugation without which the self cannot survive. And yet this very subjugation can and must lead to resistance to that status quo and so becomes the specter of that self’s undoing. Since there is no self without a boundary, and that boundary is always a site of multiple relations, there is no self without its relations. If the self seeks to defend itself against this very insight, then it denies the way in which it is, by definition, bound up with others. And, through this denial, that self becomes imperiled, living in a world in which the only options are to be destroyed or to destroy.
4. Flashing Up

Benjamin’s Messianic Politics

I continue to think about Benjamin in order to understand the right to wage public criticism against violence, but also to articulate the values of cohabitation and remembrance—the values of not effacing the active traces of past destruction. These may well be Jewish things to do, but, if they are, they are also non-Jewish things to do. My contention from the outset of this book is that the relation with the non-Jew is at the core of Jewish ethics, which means that it is not possible to be Jewish without the non-Jew and that, to be ethical, one must depart from Jewishness as an exclusive frame for ethics. There are various ways to understand this mutual implication of Jew/non-Jew. I do not, for instance, accept the Sartrean formulation that the anti-Semite creates the Jew. I am trying, rather, to delineate a political ethics that belongs to the diaspora, where Jews are scattered among non-Jews, and to derive a set of principles from that geographic condition and transpose them onto the geopolitical reality of Israel/Palestine. Although I will elaborate on those principles in the chapters on Arendt and in the final chapter on Edward Said and Mahmoud Darwish, especially relating to the rights of refugees, for now I wish to suggest that the historiographical presumption of progressive history that supports the idea of Zionism as the unfolding realization of an ideal can and must be countered by a critique of that form of progressivism, and Benjamin can assist us in formulating such a critique. This can be accomplished, in part, through an alternate reading of the messianic that focuses on preserving the history of the oppressed against oblivion. What is more, the messianic depends on a notion of scattering linked with social heterogeneity and converging temporalities, both of which contest those forms of political nationalism that depend on founding and continuing forms of expulsion and subjugation.