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Seeking to comment on the critical legacy of Jacques Derrida, this essay examines Derrida's addition of a post-scriptum to his 1989 essay "First Name of Benjamin," suggesting that the tension between the text's formal body and its supplement is itself an argument for the value of formal risk and critical hesitation that raises the stakes of conventional criticism.

"And yet": Derrida on Benjamin's Divine Violence

ROBERT ZACHARIAS

Perhaps it is somewhat hasty to move directly to a post-script, but this is where I would like to begin. Jacques Derrida's 1989 essay "Force of Law: The Mystical Foundation of Authority" is comprised of two smaller, if still lengthy, essays: "Of the Right to Justice/From Law to Justice" and "First Name of Benjamin." The former essay was first presented as a keynote address at a conference at the Cardozo Law School; the latter was distributed as a companion to that keynote, handed out to participants but not read aloud. Both essays concern the questions of law and justice; in fact, the second may be considered something of a demonstration of the first. In "Of the Right to Justice," Derrida identifies justice as an axiom that is unknowable and yet calls unceasingly; in "First Name of Benjamin," he seeks to do justice with, or to, the work of Walter Benjamin, agreeing with and expanding Benjamin's 1921 essay "Critique of Violence." One year later, at a University of California-Los Angeles conference entitled "Nazism and the 'Final Solution': Probing the Limits of Representation,"

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Derrida returned to this second essay, adding a “prolegomena” and a “post-scriptum,” and reading the extended essay aloud as a second keynote address. These additions—a new introduction and new conclusion—are much more than simple elaborations. In fact, the critical gesture of these supplementary sections appears to stand in stark contrast to the rest of the piece, offering a dramatically altered reading of Benjamin’s text. Surprisingly, Derrida chose to leave the body of his essay unchanged, resulting in a tension between the essay itself and the later additions—a tension that comes to a head in a small phrase used early in his post-scriptum, a phrase that I will argue offers one means of understanding Derrida’s legacy. After an initial paragraph explaining why it would be a mistake to read Benjamin’s 1921 essay in light of the “Final Solution” that took place in the Second World War, he begins his second paragraph as follows: “*And yet. Yet, in a certain way, I will do just that*” (294). *And yet*, he writes, full stop. *Yet* . . . It is the gesture of this phrase, couched within the context of these essays, that I want to discuss today.

Surely one of the most oft-repeated phrases about Jacques Derrida is that his work is well-nigh impossible to summarize. It seems that if one wants to know Derrida’s thought, there is nothing to be done but to read his texts. Nonetheless, we have gathered here to contemplate what Derrida’s legacy in the field of criticism might be, and if, on such an occasion, one sought to offer a comment on Derrida’s entire project and process, to say a few words to some forty years of his critical thought, one could do worse than the phrase *and yet*. This *and yet* indicates an agreement with a condition, a supplement; it is itself already a type of post-scriptum. It promises not a destruction but a deconstruction, suggests that what we have is not sufficient, and warns that we are not fully in control, that we have not taken everything into account. It speaks to a hesitation that can be found in nearly all of Derrida’s work, asking us to slow down, to pause, to reconsider. He followed Husserl, one might say, but would have to add *and yet*; Heidegger . . . *and yet*; Hegel . . . *and yet*; Marx, Levinas . . . *and yet, and yet*. He has used terms like “justice,” “responsibility,” “democracy,” and “language,” but always added *and yet*. What might be at stake in a legacy of the *and yet*?

In order to properly understand the surprising structure of Derrida’s “Force of Law,” perhaps a quick overview of Benjamin’s “Critique of Violence” is in order. At first glance, what stands out in the essay is its orthodoxy: unlike so much of Benjamin’s work, “Critique of Violence” includes no enigmatic titles, no staccato theses, no prolonged digressions. Indeed, there is even a plodding and methodical argument, beginning with the essay’s central move, in which Benjamin steps back from considering the

legitimacy of violence in specific cases to the question of whether violence itself can ever be considered just. For such a project, he argues that neither natural law (which suggests that the justness of ends guarantees the justness of means) nor positive law (which suggests that just means will always produce just ends) is sufficient; such arguments, he reasons, are part of a tautological logic of *means* and *ends* used by the political state to justify its monopoly on violence. Since “the most elementary relationship within any legal system is that of ends to means,” he looks for a space outside the structure of both positive legal philosophy and natural law, wherein he might consider acts of violence “within the sphere of means themselves, without regard for the ends in which they serve” (277).

In his search for a place “outside,” Benjamin notes that the legal authority of the state hinges on a distinction that exists between “founding violence” and “preserving violence”; the authority of the state is established by an originary act of great violence that is considered separate and distinct from all the state’s other acts of violence, and which is meant to preserve its authority. Such a distinction cannot hold, he argues, for any moment of “founding violence” always, by definition, seeks to dominate, authorize, and preside over the moments to come, and, as such, always anticipates its preservation, just as it is always echoed and reiterated in the every act of “preserving violence.” Benjamin argues that this co-contamination of authorizing violences means the state exists in a condition of decay, always allowing for the very forms of violence that will, in time, rise up against it, found a new law, and begin the cycle anew. Describing a historical dialectic without Hegel’s teleological optimism, Benjamin writes that “the law governing their oscillation rests on the circumstance that all law-preserving violence, in its duration, indirectly weakens the lawmaking violence represented by it. [. . .] This lasts until either new forces or those earlier suppressed triumph over the hitherto lawmaking violence and thus found a new law, destined in its turn to decay” (300). So far, so good: Derrida’s essay will follow Benjamin approvingly throughout this movement, right down to a shared analysis of how the death penalty and the spectral presence of the police affirm the decadence of the law; the bulk of “First Name of Benjamin” is spent elaborating on the various implications of this argument.

Near the end of Benjamin’s essay, however, something seems to go awry. To avoid the founding/preserving tautology of violence, Benjamin introduces a supplementary form of force he calls “mythical violence,” which, although he identifies it as a manifestation of the gods’ existence rather than a traditional ends-seeking use of force, he nonetheless rejects as violent because it is meant to function as a threat or punishment, exercised to confirm the prevailing hierarchy between humanity and the gods. And then, before we have an opportunity to question this shift to the gods, or how this

“mythic” law that functions to re-establish an authoritative hierarchy is distinct from “preserving law,” the entire structure is disposed of, rather heavy-handedly, by a *deus ex machina*: the Judaic God arrives and “annihilates” victims and victimizers alike, the structure of law that enforces their positions, and even the very concept of violence itself. In contrast to the means-ends relationship between mythical violence and the human/gods divide, this new force, which Benjamin names “divine violence,” is *just* precisely because it neither anticipates nor establishes any new legal structure. That is, the justice of divine violence springs from the fact that it is not concerned with traditional “ends” at all, but rather with a type of expiation of existence itself; it is a means that has no particular end—this is different than saying it is its own end—and this is to distinguish the effects of divine violence from mythic violence. “If mythical violence is lawmaking,” he writes, “divine violence is law-destroying; if the former sets boundaries, the latter boundlessly destroys them; if mythical violence brings at once guilt and retribution, divine power only expiates; if the former threatens, the latter strikes; if the former is bloody, the latter is lethal without spilling blood” (297). And here, at a devastating conclusion that speaks on behalf of unimaginable, overwhelming acts of violence, Benjamin rests his case.

Considering the fact that Derrida chose to offer a reading of “Critique of Violence” at a conference on representing the Holocaust, it is perhaps little wonder that the additions to his “First Name of Benjamin” ultimately condemn the conclusion of Benjamin’s essay. It may be more surprising, however, to find that much of the body of Derrida’s essay is in full agreement with Benjamin’s text; Derrida spends the vast majority of his paper in near complete agreement with Benjamin before the *and yet* of the post-scriptum arrives to level the most serious of critical accusations. While it would be too much to say that the original essay expresses no concerns at all about Benjamin’s text—at one point Derrida attempts to distance himself from the text, writing “I leave to [Benjamin] the responsibility” for the essay (288) that “does not escape the law that it enunciates. It ruins itself” (277)—the majority of his approving survey of the essay follows and endorses much of Benjamin’s thought, from the problems of political violence to the aporia at the heart of law, and for most all of it in between. He even reminds us that “ruin itself is not a negative thing” (278). In his post-scriptum, however—his thoughts adding on “after-writing”—Derrida suddenly distances himself from Benjamin’s work, fearing that the enigmatic conclusion of “Critique of Violence” could allow it to be used to justify the most horrific forms of violence: “What I find [. . .] the most redoubtable, perhaps almost unbearable in this text, is the temptation that it would leave open [. . .] to think the holocaust as an uninterpretable manifestation of divine violence.” Despite some forty-five pages that suggest otherwise,

then, Derrida's post-scriptum claims that Benjamin's logic is simply "*too Heideggerian, too messianico-Marxist or archeo-eschatological*" for him to bear (298).

A closer examination of the status of justice in the two writers' essays offers some insight into the tension between Derrida's essay and his post-scriptum. Benjamin argues that law-founding violence—the force that is used to establish a new law—cannot properly be considered *violent* because *violence*, specifically speaking, belongs to the symbolic order of law. As *violence* is the illegal or unsanctioned use of force, it depends, by definition, upon a structure of law by which it may be defined. For this reason, he argues that an act like a proletariat general strike is neither properly violent nor non-violent, neither illegal nor legal, because, inasmuch as it attacks the very structure that distinguishes between such terms, it is prior to such distinctions. According to Benjamin, such acts have the potential to escape or even end the cycle of historical violence, for the truly revolutionary act would not seek to found or preserve any new (and necessarily violent) authority. That is, truly revolutionary moments—which Benjamin extends, strangely, to "the educative power" ("Critique" 297)—do not confront but disregard, and thus refuse to replicate, the dialectical gesture of traditional violence. "When not in the hands of the law," Benjamin writes, an act of violence "threatens it not by the ends that it may pursue but by its mere existence outside the law" (281). Provocatively interpreting Georges Sorel's metaphorical call for an "apocalyptic myth" of a general proletariat strike as a literal intervention of the divine (see Sorel's *Reflections of Violence*), Benjamin argues that since the proletariat strike is neither law-founding nor law-preserving, it stands beyond the cycle of *means* and *ends*, constituting an act of "pure means." If early in his essay Benjamin wrote that "the realm of ends, and therefore also the question of a criterion of justice, is excluded for the time being" (279), he has returned to justice with the arrival of the divine. As Peter Fenves notes, for Benjamin, the purity of divine means constitutes the enactment of justice that opposes the injustice of the legal system: "the politics of pure means enacts a destructive but nondivisive, hence divine, violence," he writes. "Purified of all ends, the strike for which Sorel serves as a prophet makes way for the sole end that purifies itself of all means: justice" (46). Justice, then, for Benjamin, arrives by disregarding what is to-come.

In "Force of Law," Derrida follows Benjamin in tracing the receding authority of law back to the founding moment in which the violent origin institutes the law. Arriving at the same aporia as Benjamin, Derrida writes that "this founding or revolutionary moment of law is, in law, an instance of non-law. [. . .] [T]he moment in which the foundation of law remains suspended in the void or over the abyss" (270). These revolutionary moments are frightening, Derrida suggests, because, having suspended

all the categories of judgment and legality, we are left with no means to process, understand, or condemn them. As it is only the law-to-come that will justify the violation of the present law, the attempt at founding violence, a moment of lawlessness, is a moment of great vulnerability for the prevailing order—but also a moment of great opportunity for meaningful social change. Whereas Benjamin rushes to fill this void of uncertainty with the assurance of divine violence, Derrida lingers over this period of suspense, suggesting that, without this terrifying uncertainty, decisions we call “just” would merely be thoughtless applications of a pre-determined law (252). For Derrida, the uncertainty at the aporitic origin of law is the very possibility of justice.

Importantly, this is not to say that the undecidable itself constitutes justice; Derrida also warns that “this excess of justice over law and calculation, this overflowing of the unrepresentable over the determinable, cannot and should not serve as an alibi for staying out of juridico-political battles” (257). That is, the fact that true justice is impossible to achieve does not remove our responsibility to reach towards it. To the contrary, deconstruction “hyperbolically raises the stakes in the demand for justice,” in that “it compels [us] to denounce not only theoretical limits but also concrete injustices, with the most palpable effects, in the good conscience that dogmatically stops before any inherited determination of justice” (248). For Derrida, then, though justice is undecidable, it nonetheless demands action; however, any action, as soon as a decision is made, will always already fall short of the ideal of justice, and thus be unjust. This is what Giovanna Borradori refers to as the “inexhaustible demand” that justice places upon the law in Derrida’s thought (164). “Justice remains *to come*,” writes Derrida. “It remains *by coming*, it *has* to come, it *is* to-come, the to-come, it deploys the very dimension of events irreducibly to come” (256). Justice, then, is always yet to come, but it can never fully arrive; for Derrida, it is only the dangerous uncertainty at the heart of violence and law that maintains the possibility of a justice *à venir*.

Here, then, we have arrived at a crossroads. Whereas Benjamin attempts to control the uncertainty of the aporitic origin of law by promising the authorizing presence of the divine, Derrida sees the uncertainty as the necessary, unavoidable, and irresolvable condition of justice. It is no wonder that Derrida cannot accept Benjamin’s conclusion; for Benjamin, justice is done with an absolute disregard of what is to come; for Derrida, by contrast, what is to-come, is, precisely, justice.

In an earlier issue of *Mosaic*, David Ferrell Krell speaks of a certain vertigo one experiences when attempting to follow Derrida. “At the outset of every text Derrida has ever written,” he observes, “a dozen multicoloured spheres sail into the air, and [the

reader] *thinks this time he won't be able to pull it off, these motley-coloured thoughts bear no relation to one another, now he's gone too far, this time he's going to embarrass himself.*" Indeed, it requires a certain degree of faith to follow Derrida through his essays. As his thoughts meander, shift, and slide, his writing demands a type of willing suspension of protest from its reader, a willingness to wait and see, to trust that the destination is worth the journey. And, as Krell concludes his opening thoughts, "by page eighteen of every text Derrida has ever written each one of those multicoloured spheres has already become a fixed star in a constellation of thought that must have been thrilling the night sky since time immemorial" (21). To continue Derrida's reading of Benjamin, one can turn to the body of Derrida's essay and follow after one such motley-coloured sphere rising into the air. At first glance, the passing comment may appear to be an indulgence on Derrida's part, returning, as it does, to one of his favourite areas: Benjamin's violence, he tells us in an aside, is all about language.

As we have seen, Derrida's essay argues that there is an aporia at the heart of law that is itself the condition, or possibility, of justice—this unknowability is the "mystical foundation of authority" he names in his essay's title. Of course, Derrida has simply followed Benjamin to this aporia; the question, then, is the very one that Derrida himself asks of Benjamin's work: "Where is one to go after recognizing this ineluctable undecidability?" The question is not rhetorical, and his answer is telling, and worth quoting at length:

Such a question opens, first, upon another dimension of language, upon a beyond of mediation and so beyond language as sign. Sign is here understood, as always in Benjamin, in the sense of mediation, as a means towards an end. It seems at first that there is no way out, and so there is no hope. But at the end of the impasse, this despair and hopelessness calls for decisions of thought that concern nothing less than the origin of language in its relation to truth, destinal violence that puts itself above reason, and then, above this violence itself, God: another, a wholly other "mystical foundation of authority." (285)

In arguing against the "archo-eschatological" conclusion of Benjamin's essay, Derrida suggests that Benjamin's mistaken conclusions are a result of his misunderstanding of the divine and its relationship to the representativity of language.

Language, violence, and metaphysics. This juggling of concepts requires us, as always, to follow Derrida closely. Let us retreat further and consider, for a moment, if we did not already know that we would end up here, at language. He titles his introductory comments to the second reading of "First Name of Benjamin" a *prolegomena*. *Prolegomena*, or *prologue*: *pro*, or before; *logue*, or *logos*, meaning *word*. In the printed text, these four-and-a-half pages of "words before the word" are set off in italics, and

the entirety is framed by two significant square brackets. The importance of a prolegomena will become clear as Derrida ventures into the troubled theology in Benjamin's text; the very suggestion that there are words before the originary Word of the scriptures is already a challenge to Benjamin's text. In addition to this strange title, the words that immediately follow the word "prolegomena" go straight to his interpretive task, beginning: "*Rightly or wrongly, I thought that it would perhaps not be entirely inappropriate to interrogate a text by Walter Benjamin, singularly an essay written in 1921 and entitled Zur Kritik der Gewalt at the opening of such a meeting on 'Nazism and the Final Solution.' Probing the Limits of Representation*" (258). Why begin by stating it would "not be entirely inappropriate" to read this essay—which he tellingly dates for us at 1921, well before the "Final Solution"—at a conference on "the limits of representation"? Why, if not to indicate that he will read Benjamin's essay as being as much about representation, or language, as it is about violence? Indeed, the very name of the essay—"First Name of Benjamin"—ought to have tipped us off to its final destination.

Words before words; the limits of representation; the name Walter: we might deal with all three of these points together. Early in the prolegomena, Derrida describes Benjamin's essay as an "*uneasy, enigmatic, terribly equivocal text [that] is haunted in advance (but can one say 'in advance' here?) by the theme of radical destruction*" (259). Rather than rush straight to divine violence—the obvious source of destruction in the text—Derrida writes that "*the profound logic of this essay puts to work an interpretation of language [. . .] according to which evil, that is to say lethal power, comes to language by way of, precisely, representation*" (259). Upon closer inspection—how often one must say those words when dealing with Derrida—Benjamin's essay does, indeed, reveal itself to hold an optimism towards language to which Derrida could never sign his name. Answering the question "Is any nonviolent resolution of conflict possible?", Benjamin writes: "There is a sphere of human agreement that is nonviolent to the extent that it is wholly inaccessible to violence: the proper sphere of 'understanding,' language. Only late and in a peculiar process of decay has it been penetrated by legal violence in the penalty placed on fraud" (289). Derrida opens this short, enigmatic passage into an extended critique of Benjamin's thought. Reading the question of the "lie," he suggests that "there would be an analogy between 'the undecideability of all the problems of law' and what happens in nascent language," noting that "this is only an analogy proposed in passing. But it could be developed on the basis of other Benjamin texts on language, notably 'The Task of the Translator' (1923) and especially the famous essay of 1916 (five years earlier, therefore, 'On Language as Such and On the Language of Man')" (285–86). Derrida spends just a single paragraph on this second essay, but as I think it is key to his decision to read this essay at a conference on

“The Limits of Representation,” I suggest we follow his advice and turn, if only for a few moments, to that “famous essay of 1916.”

It turns out, of course, that the relationship between “On Language as Such and On the Language of Man” and “Critique of Violence” is striking. As Werner Hamacher notes, the two essays were written only four years apart, they are “based on the same fundamental conception,” and each “can be read as the political complement” of the other (127). In “On Language as Such,” Benjamin presents a series of theological arguments about the limits of representation: that language became representative only *after* and as a result of the Biblical Fall; that original sin polluted the immediacy of pure language into its current state as a means-to-an-end relationship of the signifier and signified; and that the purity of a prelapsarian language is attested to by the residual immediacy in the proper name, through which man emulates God’s relationship to the world. For Benjamin, the immediacy of the proper name offers a glimpse of the possibility of a return to pure language in the same way that the general strike offers a return to the pure immediacy of true force. “Naming, in the realm of language, has as its sole purpose and its incomparably high meaning that it is the innermost nature of language itself. Naming is that by which nothing beyond it is communicated,” he writes, before concluding that “Man is the namer, by this we recognize that through him pure language speaks [. . .]. He is the lord of nature and can give names to things” (“Language” 318–19). Derrida, of course, would not be able to accept this, for his projects have argued precisely against the notion that there could possibly be any founding or ordinary pure language, against the possibility of language to signify fully, proper name or otherwise. And, as he has promised, a search through “On Language and Such” reveals evidence of what Derrida has called Benjamin’s reliance on God as “another, a wholly other ‘mystical foundation of authority’” (285): “In the fall, man abandoned immediacy in the communication of the concrete, name, and fell into the abyss of the mediateness of all communication, of the word as means, of the empty word, into the abyss of prattle. [. . .] The tree of knowledge did not stand in the garden of God in order to dispense information on good and evil, but as an emblem of judgment over the questioner. This immense irony marks the *mythical origin of law*” (“Language” 328, *emph. mine*). Derrida quotes this final sentence as he transitions between the theology of “On Language” and the violence of law in “Critique of Violence” (“Force” 286). Much earlier in “Force of Law,” however, Derrida counters Benjamin’s Biblical arguments with a theological claim of his own. Invoking the Abrahamic tradition, Derrida argues that the teleological line of faith has, at its roots, a logic of language that is inherently connected to both force and violence: “At the beginning of justice there will have been *logos*, speech or language, but this is not necessarily in contradiction with another

incipit, which would say 'In the beginning there will have been force.' What must be thought, therefore, is this exercise of force in language itself" (238). "In the beginning there will have been force," Derrida writes, rewriting that most famous of opening lines, suggesting that in place of Benjamin's faith in the originary language and an originary Word, there is, in fact, nothing but violence itself. For, after all, what is the act of adding a *prolegomena*, of adding words before the word, if not a strong theological claim denouncing the possibility that pure, originary Word, and a counter-argument to the claim that "in the beginning there was the Word"?

Here, finally, nearing my conclusion, we have arrived at the title of Derrida's essay. He begins his prolegomena by arguing that in Benjamin's essay, the "word that comes before words" is none other than *Walter*. When Derrida reads the final sentence of Benjamin's essay, which includes the German word *Walten*, meaning *sovereign*, he understands this word to be the signature of *Walter*, or, as he entitles the text, the "First Name of Benjamin." Derrida argues that by referencing the *Walten*, a sovereign, to assure the justness of divine violence, Benjamin is, in fact, naming no one but himself, as *Walter*. In "On Language as Such," Benjamin wrote that "the proper name is the word of God in human sounds. By it each man is guaranteed his creation by God" (324). It is this promise of the proper noun, of a final, divine guarantee of certainty that Derrida cannot agree with, be it in language, violence, or elsewhere, for in guaranteeing certainty it destroys the undecidability that is necessary for justice to arrive. That is, Derrida is warning that the assurance of control indicated by the role of the names in Benjamin's essay is all too closely related to what he calls "*that nameless thing that one calls the 'final solution'*" (298).

Derrida's concerns notwithstanding, it seems that Benjamin understood that he was working in close proximity to some dangerous forms of violence. "The premise of such an extension of pure or divine power is sure to provoke [...] the most violent reactions, and to be countered by the argument that taken to its logical conclusion it confers on men even lethal power against one another," he writes, anticipating Derrida's concerns. "This," he adds, "cannot be conceded" ("Critique" 298). Benjamin argues that the law exists "not as a criterion of judgement, but as a guideline for the actions of persons or communities who have to wrestle with it in solitude and, in exceptional cases, *to take on the responsibility of ignoring it*" (298, *emph. mine*). This is one of the strangest moments in the text, for nowhere does Derrida concede that Benjamin addresses the point that his divine violence could be co-opted and put to dangerous use. If I were eager to push on Derrida's argument, I would also point out that, in the passage I just cited, Benjamin makes it clear that the "use" of divine violence does not erase the responsibility for violence, but aims to initiate it, much the

same as Derrida argues that deconstruction “hyperbolically raises the stakes in the demand for justice” (“Force” 248), inasmuch as Benjamin says that the one who acts in violence must “take on the responsibility of ignoring [the law]” (“Critique” 298). Furthermore, while Benjamin’s divine violence is complete, annihilating, and bloodless—and, as such, certainly sounds amenable to something like the “Final Solution”—he makes it clear that divine violence is always undertaken *against* the power of the state, without any end in mind, and without any positing of law. Derrida is concerned that divine violence could be used to defend the Holocaust, but for Benjamin, divine violence is, by definition, a violence against the state, its law, and in defence of justice. The “Final Solution,” by contrast, was undertaken *by* the German state, *through* the state’s system of command, and justified as a defence *of* that state. Far from demonstrating divine violence, the final solution is, it seems to me, a fine illustration of the injustice inherent in law-preserving violence—the same violence that Benjamin himself condemns and seeks to destroy with a turn to the divine.

Even with these questions regarding Derrida’s essay, the primary difference between “Critique of Violence” and “Force of Law” stands: Benjamin is willing to offer a name that would authorize that violence; Derrida, at the last moment, refuses this gesture, this signature. And the question with which I began this essay stands, as well: if Derrida is indeed so afraid of the logic of Benjamin’s essay, why does he endorse so much of it in the rest of his essay? Why did he not condemn it in the first draft of the work? Is it possible that the shift between the text of the essay as it appeared at the Cardozo Law School and the version that appeared at the University of California-Los Angeles has something to do with the shift in conference themes? At Cardozo, the theme was “deconstruction and the possibility of justice,” while at UCLA, the theme was “Nazism and the ‘Final Solution’: Probing the Limits of Representation.” There is a sense in which this second theme seems to predetermine the outcome of Derrida’s talk; how could one read an essay defending a form of extreme violence at a conference with this title and *not* conclude it is dangerous?

I do not mean to say that Derrida is simply pandering to his audience. To the contrary, what I find fascinating is that Derrida chooses to leave the body of his essay intact, allowing the strong tension between the overarching message of his talk and its post-scriptum to stand. His willingness to emphasize the *and yet* of a transition between first and second drafts of this text becomes a confession of sorts, conceding, as it does, his sympathies not only with the logic of Benjamin’s text, but also, very nearly, its conclusion. In the inexhaustible demand of justice he describes in “Of the Right to Justice”—that half of “Force of Law” that was *not* presented at the California conference—Derrida posits a justice that demands one remain dangerously, foolishly

open to the call of the Other, regardless of whatever might be to-come. To be truly hospitable, he argues, one cannot close the door to the violence itself. In a line that could be addressed to Benjamin's divine violence, but is actually meant to describe his own understanding of justice, he writes: "Abandoned to itself, the incalculable and giving idea of justice is always very close to the bad, even to the worst for it can always be reappropriated by the most perverse calculation" (257). Elsewhere, speaking of the relationship between justice and "hospitality," he writes of the risk of a just relationship to the other this way: "Unconditional hospitality implies that you don't ask the other, the newcomer, the guest, to give anything back, or even to identify himself or herself. Even if the other deprives you of your mastery or your home, you have to accept this. It is terrible to accept this, but that is the condition of unconditional hospitality. [...] It is unbearable" ("Hospitality" 70). If Derrida criticizes Benjamin for leaving open the possibility of the "very worst," then he does so while admitting to doing the same himself. To be completely open to the possibility of the completely Other means to accept the risk of being crossed by the very worst of violences, including, I think, that which Derrida names hesitantly, "*that nameless thing that one calls the 'final solution'*" ("Force" 298).

So what are we to do with Benjamin's theo-political theory of "pure means"? Would a deconstructive reading of such a thing not point out, as Fenves does, that "means can be defined as such only if they are means to certain ends, and means are even more dependant on the ends they serve than ends are on the means through which they are accomplished" (46)? To be sure, every invocation of *pure means* is already contaminated, as it re-inscribes the trace of the *ends* that resides within or across the term *means*. For Benjamin, however, this need not preclude the potentiality of pure means. In a remarkable reading of Benjamin's *pure means*, Fenves argues "one can speak of a pure means only if the end in view of which means are defined as means is not so much nullified or emptied of content as indefinitely put off, delayed, extended, distended," arguing that that means "can be purified of these ends on the condition that the conclusive end, the final purpose [...] be suspended for a time." With a reference to the aporia that both Benjamin and Derrida locate at the heart of law, Fenves writes that "pure means can therefore operate only in those spaces and times in which the law has no say or where the saying of the legal order, its imposition of a final sentence for the sake of its life—and not the life of those over whom it disposes—is forever delayed and distended" (47). Advocating for an act of justice in which the final destination or decision is "suspended for a time," "indefinitely put off," or "forever delayed and distended," Fenves's reading reminds us once again of the close proximity between Benjamin's work on justice and Derrida's own writings, which posit a justice

that is always different than expected, whose arrival is always deferred or delayed, whose final form must always be suspended. A justice, we might say, whose ends are always and ever to-come.

If Derrida's indeterminate and strange reading of Benjamin's essay can be said to position him near to the logic of the very things one must try to avoid, however, I would argue that this, too, is a key part of Derrida's legacy, both critically and politically. "I do not know whether from this nameless thing that one calls the 'final solution' one can draw something that still deserves the name of a lesson," writes Derrida. "But if there were a lesson to be drawn [. . .] the lesson that we could draw today—and if we can do so then we must—is that we must think, know, represent for ourselves, formalize, judge the possible complicity among all these discourses and the worst" ("Force" 298). In both the form of its various presentations and the content of this essay, Derrida demonstrates that, in order to work honestly within the arena of ethics and politics, one is required to give up the safety of a predetermined end, and to be always working in close proximity beside "the very worst." The indeterminacy required to be fully open to the possibility of meaningful ethical or social change also forces one to be open to the possibility of the arrival of its very opposites. For me, at least, the *and yet* of "Force of Law" is a reminder that part of Derrida's legacy is to raise the stakes of conventional criticism, demanding that we hesitate before any action—not to refuse action by wallowing in indeterminacy, but rather to concede this dangerous indeterminacy even as we act. When we act, then, either as critics or caregivers, Derrida's legacy reminds us that we must admit the possibility of something other, something that would be more just. It is to demand we recount, and take seriously, the power and risks inherent in the great ideas we casually toss about, with words such as *freedom*, *equality*, *democracy*, and, of course, *justice*. It demands we use such words carefully, understanding their close relationship to words like *confinement*, *racism*, *fascism*, and *genocide*. It is because we cannot fail to fall short of the demands of justice that we must anticipate, even encourage, the *and yet* to our every act or word. This lesson—this pedagogical aporia—is one that we must take not only from Derrida's work, but also to it. To do less would be a disservice.

Of course, there is a sense in which one could argue that *every* critic practices an "and yet," in that critics often seek to clarify their own points by agreeing with someone else before offering their own critiques and revisions. What is important about his use of the *and yet* of his post-scriptum in "Force of Law," however, is that Derrida does not simply agree with Benjamin before revising his work. Rather, the apparent indecision of this work speaks of a conscious willingness to remain in the moment of uncertainty. For Derrida, this moment of uncertainty, this location where agreement

and hesitation collide, is not merely a middle to be acknowledged then left behind in the progress towards a larger point. It is, I would argue, not a means to an end at all, but rather, inasmuch as his search for justice stresses the importance of indeterminacy itself, the gesture of the *and yet* may be understood as expressing a desire to remain in the realm of indecision, a desire to suspend and defer the ends of the critical argument, moving toward something like a criticism of pure means. By pausing at the *and yet*, such a criticism refuses to condition, limit, and control its ends, remaining dangerously open to whatever may be to come. Let us continue to hope, as he did, that what is to-come may be justice.

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