

# TAKING EXCEPTION TO DECISION: WALTER BENJAMIN AND CARL SCHMITT

SAMUEL WEBER

... as in the epigram above an engraving depicting a stage on which there stand  
to the left, a buffoon and, to the right, a prince: "When the stage is empty, fool  
and king will no longer count for anything."  
—Walter Benjamin, *The Origin of German Tragic Drama*

## I

In December 1930 Walter Benjamin sends the following letter to Carl Schmitt:

*Esteemed Professor Schmitt,*

*You will receive any day now from the publisher my book *The Origin of the German Mourning Play*. With these lines I would like not merely to announce its arrival, but also to express my joy at being able to send it to you, at the suggestion of Mr. Albert Salomon. You will very quickly recognize how much my book is indebted to you for its presentation of the doctrine of sovereignty in the seventeenth century. Perhaps I may also say, in addition, that I have also derived from your later works, especially the "Diktatur," a confirmation of my modes of research in the philosophy of art from yours in the philosophy of the state. If the reading of my book allows this feeling to emerge in an intelligible fashion, then the purpose of my sending it to you will be achieved.*

*With my expression of special admiration*

*Your very humble*

*Walter Benjamin [GS I: 3.887]*

This letter is not to be found in the two volumes of Benjamin's *Correspondence*, published in 1966. The esteem that Benjamin expressed for the eminent political thinker who, just a few years later, was to publish texts such as "Der Führer schützt das Recht" ("The Führer Protects the Law") (1934) and "Die deutsche Rechtswissenschaft im Kampf gegen den jüdischen Geist" ("German Jurisprudence in Its Struggle against the Jewish Spirit") (1936) hardly fits the picture that Benjamin's two editors and former friends, Gershom Scholem and Theodor Adorno, intended to make known to a broad audience. As understandable as their decision to exclude this letter is, it nonetheless expresses a malaise that is related to the way in which the figure of Walter Benjamin tends to resist any attempt at univocal classification or straightforward evaluation. It is as though the fact that he had been able to admire and draw inspiration from the work of a Catholic conservative who

I. I have discussed the historicality of Benjamin's notion of Ursprung, as elaborated in his "Epistemo-Critical Prologue" to this book, in "Genealogy of Modernity: History, Myth and Allegory in Benjamin's Origin of the German Mourning Play" [MLN 106 (1991) esp. 467-74].

In thus foregrounding the constitutive importance of a "turn toward the extreme" in the process of "philosophical conceptualization," Benjamin places himself squarely in a tradition that goes back at least to Kierkegaard's essay on *Repetition*; but the text in which this mode of thinking impressed itself most profoundly upon Benjamin was probably Schmitt's *Politische Theologie* [*Political Theology*], the first chapter of which concludes by insisting on the significance of "the extreme case":

Benjamin's insistence on the historical subject matter of *Traverspiel* thus leads him necessarily to the question of political sovereignty and its relation to history. But it is not merely the thematic aspect of his subject that leads Benjamin to examine the question of sovereignty and hence to the theories of Schmitt. In his letter, Benjamin writes that he has found in Schmitt's works a "confirmation" of his own style of research, "meine[n] eigenen Forschungsweisen." Just what Benjamin might be referring to becomes clearer if we turn to the beginning of the first chapter of his book, "*Traverspiel* and Tragedy." Benjamin begins his study proper with a notion elaborated in the "Epistemo-Critical Prologue": namely, that the "conceptualization" of a philosophical investigation such as the one he proposes must be "directed towards the extreme [*die notwendige Richtung aufs Extreme*]": [57/45].

The German baroque mourning play has as its "true object" and "substance" "historical life as represented by its age." But the relationship between the *Traverspiel* and history is far from a one-way street: if baroque theater is concerned primarily with history, this history is in turn construed as a kind of *Traverspiel*. This is why Benjamin's formulation, here as elsewhere, must be read as rigorously as possible: The "true object" of baroque drama is not just "historical life" as such, but rather "historical life as represented by its age [*das geschichtliche Leben wie es jene Epoche sich darstellt*]": [Origin 62/Ursprung 51]. The primary representation and representative of history in the baroque age, however, is the sovereign: "The Sovereign represents history. He holds the course of history in his hand like a scepter" [65].

Such a malaise is palpable in the remark of Rolf Tiedemann, who is to be credited with publishing the letter to Schmitt in the critical apparatus he assembled for the edition of Benjamin's *Collected Writings* that he edited. The letter, he remarks, is "*denkwürdig*," although he does not say just what sort of thoughts it might elicit or deserve [GS I: 3.887]. One response that is often encountered in this context traces Benjamin's interest in Schmitt back to the critique of liberal, parliamentary democracy shared by both. But this explanation, as evident and as accurate as it may be, hardly suffices to account either for the "debt" mentioned by Benjamin in his letter, or for the *manner* in which it manifests itself in his book. Rather, the work of Schmitt figures in that book for at least two related but very distinct reasons. First of all, the "play of mourning" at work in the *Traverspiel* and above all the character of its "origin" both imply a certain relationship to history and to politics.<sup>1</sup> Second, and more specifically, Benjamin encounters the question of sovereignty not simply as a theme of German baroque theater, but as a methodological and theoretical problem: as we shall see, according to Benjamin every attempt to interpret the German baroque risks succumbing to a certain lack of sovereignty. Let us examine just how these two factors help to explain Benjamin's recourse to Schmitt.

was soon to become a conspicuous member of the Nazi party could only muddy and confuse the meaning of an oeuvre that both Adorno and Scholten, whatever their other differences about it might be, agreed was of exemplary significance. It is as though the acknowledgment of a *debt* amounted to a general identification and thus, in view of later developments, to a moral contamination of Benjamin by Schmitt.

This figure is to be deciphered (*abzulesen*). And it is here, precisely, that Benjamin finds himself faced with a problem that seems to bear a particular relation to the German baroque and its interpretation:

The circle of extremes can be traversed only potentially not only because the extremes themselves are never fully present or realized as such. Rather, they articulate themselves historically in terms of a split into a *Vor- und Nachgeschichte*. This pre- and posthistory of the singular idea constitutes "the abbreviated and obscured figure of the remaining world of ideas" [47].

*Philosophical history, the science of origin, is the form which, in the remotest extremes and the apparent excesses of the process of development, reveals the configuration of the idea—the sum total of all possible meaningful juxtapositions of such opposites. The representation of an idea can under no circumstances be considered successful unless the whole range of possible extremes it contains has been virtually explored. [47]*

Such passages indicate how Benjamin's mode of investigation, his *Forschungsweise*, is indebted to that of Schmitt: both share a certain *methodological extremism* for which the formation of a concept is paradoxically but necessarily dependent upon a contact or an encounter with a singularity that exceeds or eludes the concept. This singular encounter takes place in and as the "extreme" and it is the readiness to engage in this encounter, according to Benjamin, that distinguishes "philosophical history" from art history. Hierarchical history, or any other form of history that presupposes the givenness of a general concept under which the phenomena it addresses are to be subsumed:

What is characteristic of the *Einnalig-Extreme* is, as Schmitt explicitly states, that it is a "borderline notion": it is situated at the extremity of what is familiar, identically repeatable, classifiable; it is the point at which the generally familiar is on the verge of passing into something else, the point at which it encounters the other, the exterior. To think the "idea" as a configuration of singular extremes (*Einnalig-Extreme*) is to constitute as being as a function of that which it is not.

*The idea is best explained as the representation of the context in which the unique and extreme [Einnalig-Extreme] stands alongside its counterpart. It is therefore erroneous to understand the most general references which language makes as concepts, instead of recognizing them as ideas. It is absurd to attempt to explain the general as the average. The general is the idea. The empirical, on the other hand, can be all the more profoundly understood the more clearly it is seen as an extreme. [35]*

In the "Epistemo-Critical Prologue" (*Erkenntnistheoretische Vorrede*) to the *Trauerspiel* book, where Benjamin seeks to elaborate the premises and implications of his reading of the German baroque theater as an "idea," it is precisely to the "extreme" that he appeals in order to indicate just how the "idea" distinguishes itself from the presumptive generality of the concept:

*Presumably a philosophy of concrete life must not withdraw from the exception and the extreme case, but must be interested in it to the highest degree. The exception can be more important to it than the rule, not because of a romantic interest for the paradox, but because the seriousness of an insight goes deeper than the clear generalizations inferred from what ordinarily repeats itself. The exception is more interesting than the rule. The rule proves nothing; the exception proves everything: it confirms not only the rule but also its existence, which derives only from the exception. [15]*

2. Here the question should at least be raised in passing whether the "dizziness" that Benjamin here identifies with the German baroque is not also, in part at least, a result of his own determination to restore and to reproduce (Restauration, Wiederherstellung), on the one hand, and a certain "incompletion" (Unvollendetes, Unabgeschlossenes) on the other. This split in the origin is what then articulates itself as the division into pre- and posthistory. The lack of a center, fully present to itself, in the origin is perhaps the "origin" of that Schwindelgefühl that Benjamin associates with the baroque in general, and its German variant in particular. It remains to be determined, however, whether this connection indicates that the baroque is a particularly baroque. Nor is there any guarantee that the answer to this question must conform to the schema of an either/or, a simple decision. We will return very briefly at the end of this paper to the relation between "decision" and "rhythm" as articulated in Benjamin's book.

The lack of sovereignty of the German baroque theater, as well as the power of its will seeking to compensate for that lack, render a "sovereign attitude" all the more imperative and all the more difficult for those who seek to interpret it. This is at least one explanation for why Benjamin is led to look for a "confirmation" of his style of research in the *Lehre* of Schmitt concerning, precisely, the question of sovereignty.<sup>2</sup>

Confronted with a literature which sought, in a sense, to reduce both its technique, the unfulfilling richness of its creations, and the vehemence of its claims to value, one should emphasize the necessity of that sovereign attitude which the representation of the idea of a form demands. Even the danger of allowing oneself to plunge from the heights of knowledge into the profoundest depths of the baroque state of mind. [56]

In the baroque, the "circle" of potential extremes to be traversed in the staging of an idea has become an encirclement of contradictions and of antitheses from which there seems no escape, but only the "dizziness," the vertigo that its spectacle elicits. What sorts of contradictions and antitheses encircle the German baroque? Not the aesthetic means at its disposal. And it is here that Benjamin encounters the problem of German drama of the Counter-Reformation never achieved that suppleness of form which bends to every virtuoso touch, such as Calderón gave the Spanish drama. It took shape . . . in an extremely violent effort, and this alone would suggest that no sovereign genius imprinted his personality on this form" [49].

What is modern, topical, *aktuell*, about the baroque in general, and about the German baroque in particular, is thus tied on the one hand to a certain lack of sovereignty, to a certain incapacity of producing consummate artistic forms, and on the other to an effort of the will that strives to compensate for this lack but instead threatens to overwhelm all those who seek to interpret it:

That characteristic feeling of dizziness which is induced by the spectacle of the spiritual contradictions of this epoch is a recurrent feature in the improvised attempts to capture its meaning. . . . Only by approaching the subject from some distance, and initially, forgoing any view of the whole, can the mind be led, through a more or less ascetic apprenticeship, to the position of strength from which it is possible to take in the whole panorama and yet remain in control of oneself. [56]

If the primary object of the German *Trauerspiel* is history as represented in the figure of the sovereign, the destiny of the ruler in the baroque theater manifests a regularity that suggests the inevitability of a natural occurrence: "The constantly repeated drama of the rise and fall of princes . . . appeared to the writers less as a manifestation of morality than as the natural aspect of the course of history, essential in its permanence" [88]. History as a repetitive and ineluctable process of rise and fall is identified with the nature of a fallen creation without any discernible, representable possibility of either grace or salvation. It is the loss of the eschatological perspective that renders the baroque conception of history "inauthentic" and akin to a state of nature.

Such a conception or confusion of history with nature entails at least two fundamental consequences for a theater whose primary concern is, as we have seen, precisely the spectacle of this history. First, the loss of the eschatological dimension results in a radical transformation of the dramatic element of the theater, insofar as it had been tied to a narrative-teleological conception of history. The traditional Aristotelian analysis of the plot in terms of "unity of action" resulting from the exposition, development, and resolution of conflict, is no longer applicable. "History," as Benjamin puts it, "wanders onto the stage [*Die Geschichte wandert in den Schauplatz hinein*] [92/89]. Second, the baroque naturalization of history profoundly affects the figure of the sovereign, primary exponent, we remember, of history. The naturalistic destiny of the prince does not merely imply the rise and fall of an individual figure, but more significantly, the *dislocation of sovereignty as such*. Out of this dislocation Benjamin develops what he calls "the typology and political anthropology" of the baroque. The reason that this "typology" must be elucidated at the outset is because it arises out of the articulation, or rather, disarticulation of sovereignty, and hence of history, the primary object of the German baroque *Trauerspiel*.

Benjamin's reconstruction of the political anthropology of the baroque consists of three figures, of varying stature and status, and yet each of which is unthinkable without the others. This trio embraces the tyrant, the martyr, and the plotter (*der Intrigant*). It is the first and the last that will be of particular interest to us here.

The point of departure for this typology is, of course, the figure of the prince. It is here that Benjamin makes explicit reference to Carl Schmitt's theory of sovereignty. To grasp the significance of Benjamin's use of Schmitt, it will be helpful if we first review certain aspects of the latter's discussion of sovereignty, starting with the famous passage at the beginning of *Political Theology* in which the notion is first announced:

Sovereign is he who decides on the state of exception [Ausnahmestand]. Only this definition can do justice to a borderline concept. Contrary to the imprecise terminology that is found in popular literature, a borderline concept is not a vague concept, but one pertaining to the outermost sphere. [5]

Despite the apparent and seductive clarity of this definition, it nevertheless leaves a number of problems unresolved, above all regarding the notion of the "state of exception." First of all, the state of exception, Schmitt insists, is not simply equivalent, in German, to a state of emergency or of siege: not every "danger" or "threat" constitutes an *Ausnahmestand* in Schmitt's sense, since not every exception per se represents a threat to the norm. The state of exception that constitutes the object and product of the sovereign decision is one that threatens or calls into question the existence and survival of the state itself as hitherto constituted. Sovereignty is constituted as the power to decide upon or

about the state of exception and thus in turn includes two moments: first, a decision that a state of exception exists, and second, the effective suspension of the state of law previously in force so that the state may meet and surmount the challenge of the exception. In thus deciding upon the state of exception, the sovereign also effectively determines the limits of the state. And it is this act of delimitation that constitutes political sovereignty according to Schmitt.

This is why the translation of *Ausnahmezustand* as "state" of exception is not quite accurate, or rather, why it obscures the delicate balance of similarity and distinction that determine the relationship of the state as *Staat* and the exception as *Zustand*. The *Ausnahmezustand* is a "state" in the sense of having a relatively determinate status; as a "Zustand," it is

*always also something different . . . from an anarchy and a chaos, [and thus] order in the juristic sense still prevails even if it is not of the ordinary kind. The existence of the state is undoubted proof of its superiority over the validity of the legal norm. The decision frees itself from all normative ties and becomes in the true sense absolute. The state suspends the law in the exception on the basis of its right of self-preservation, as one says. [12; my emphasis]*

The paradox or aporia of Schmitt's position is suggested here by the conclusion of the passage just quoted. For if the "decision" is as radically independent of the norm as Schmitt claims, it is difficult to see how the decision of the state to suspend its laws can be justified at all, since all justification involves precisely the appeal to a norm. This is why, in appealing to a "right to self-preservation," Schmitt acknowledges that the term is more "a way of speaking" than a rigorous concept: "The state suspends the law in the exception on the basis of its right of self-preservation, as one says."

On the one hand, then, the sovereign decision marks the relationship of the order of the general—the law, the norm, the concept—to that which is radically heterogeneous to all such generality. In this sense, the decision as such is sovereign, that is, independent of all possible derivation from or subsumption to a more general norm. It is a pure act, somewhat akin to the act of creation except that what it does is not so much to create as to interrupt and to suspend. If such interruption and suspension can never be predicted or determined in advance, they are nonetheless not arbitrary insofar as they are understood as necessary in order to preserve the state as the indispensable condition of all possible law and order.

And yet, precisely insofar as it is situated in this temporality of repetition and reproduction, the decision cannot be considered, Schmitt notwithstanding, to be entirely absolute. Rather, it constitutes itself in and as a *break with . . .*, an interruption or suspension of . . . a norm. In separating what belongs to the norm from what does not—and in this sense every authentic decision, as Schmitt asserts, has to do with an exception—the decision distinguishes itself from the simple negation of order, from "chaos and anarchy," as Schmitt writes, and can indeed lay claim to having some sort of "legal status." The problem, however, is that such a claim can be evaluated and judged only *after the fact*, as it were, which is to say, from a point of view that is once again situated *within* a system of norms. For Schmitt, this paradox is articulated as the fact that the state, which is the condition of all law and order, is itself constituted by a decision that is prior to and independent of all such considerations: "Authority proves that in order to create rights, it need not be right" [20]. On the other hand, the nonlegal or illegal status of the sovereign and exceptional decision is justifiable and indeed identifiable only insofar as it provides the conditions for the reappropriation of the exception by the norm. The state thus has the first and the last word in Schmitt's theory of sovereignty.

This brings us to a second aspect of Schmitt's thought. Up to now, we have been considering it in terms of a relatively abstract, general, and quasi-logical theory of

decision; but Schmitt's thinking is also historical, as the very title of his book, *Political Theology*, suggests and as the following passage makes manifest:

All significant concepts of the modern theory of the state are secularized theological concepts not only because of their historical development—in which they were transferred from theology to the theory of the state, whereby, for example, the omnipotent God became the omnipotent lawgiver—but also because of their systematic structure, the recognition of which is necessary for a sociological consideration of these concepts. The exception in jurisprudence is analogous to the miracle in theology. Only by being aware of this analogy can we appreciate the manner in which the philosophical ideas of the state developed in the last centuries. [36]

To be sure, in the "analogy" that Schmitt is here constructing, "historical development" is subordinated to "systematic" considerations. At the same time, it is only in a reflection or recall of the historical "transfer"—or rather, transformation—of theological categories into political ones that the "systematic structure" of political discourse is fully revealed. The salient trait of that structure is, as we have already seen, its dependence upon a certain transcendence, upon that which exceeds its self-identity, upon an irreducible alterity and exteriority: just as the miracle in Augustinian doctrine both exceeds and explains the created world.

If historical reflection upon the development of political discourse reveals its theological origins and hence its dependence upon a certain transcendence, the actual historical development of political theory and of theology has moved in an opposite direction:

To the conception of God in the seventeenth and the eighteenth centuries belongs the idea of his transcendence vis-à-vis the world, just as to that period's philosophy of state belongs the notion of the transcendence of the sovereign vis-à-vis the state. The nineteenth century was increasingly governed by representations of immanence. [49]

To these "representations of immanence" belong the identification of ruler and ruled and, above all, that of the state with the legal order (*Identität des Staates mit der Rechtsordnung*) [49/63]. But if the development of modern thought has thus tended to efface the ordinary and constitutive relationship of the political to transcendence, in the name of notions of autonomy and self-identity, Schmitt's own approach does not seem to be entirely free of such tendencies. This can be seen in the manner in which he conceives the "consciousness of the analogy" between political and theological categories, which for him is the key to authentically historical and systematic understanding.

For what emerges in Schmitt's discussion of the relation of politics and theology is that he construes the analogy between them above all in terms of identity, rather than in terms of transformation or of alteration. For instance, he finds confirmation of his theological-political thesis in the position of Alger, for whom "the monarch in the seventeenth-century doctrine of the state was identified with God and occupied in the state the position precisely analogous to that occupied in the world by God in the Cartesian system" [45]. The method that Schmitt advances in *Political Theology*, which he calls "the sociology of concepts," thus employs the notion of "analogy" in order to reduce difference to identity, as the following programmatic declaration clearly demonstrates: "The metaphysical image that a particular epoch forges of the world has the same structure as what the world immediately understands to be appropriate as a form of its political organization. The determination of such an identity is the sociology of the concept of

3. "Aber ob der extreme Ausnahmefall wirklich aus der Welt geschafft werden kann oder nicht, das ist keine juristische Frage. Ob man das Verrauen und die Hoffnung hat, er lasse sich tatsächlich besitzigen, hängt von philosophischen, insbesondere geschichtsphilosophischen oder metaphysischen Überzeugungen ab" [13].

*The religious man of the baroque era clings so tightly to the world because of the feeling that he is being driven with it toward a cataraact. The baroque knows no eschatology; and for that very reason it possesses no mechanism by which all earthly things are gathered together and exalted before being consigned to their end. The hereafter is emptied of everything which contains the slightest breath*

is so attached to the state of the world Benjamin explains as follows:

of the state and of the world, of the state of the world. And the reason why the baroque Benjamin, is that of *transcending transcendence* by making it immanent, an internal part In short, the function assigned to the sovereign by the baroque, according to the state of exception as such, that is, as that which transcends the state in general.<sup>3</sup> exception as an individual, determinate threat to the state—the position of Schmitt—but be exteriorized once again, *aus-geschlossen*, and this applies not simply to the state of *auszuschliessen*. In short, that which is already "exterior," the *Aus-nahmezustand*, is to sovereign is charged with the task of "excluding" the state of exception, "den by contrast, describes the task of the sovereign in the very terms that Schmitt rejects: the consideration of the state of exception from the determination of sovereignty. Benjamin, precisely what Schmitt criticized modern political theory for trying to do, by excluding *besiegt*, "done away with," but only in each particular case, never as such: that is preserving the state as such. For Schmitt, then, the state of exception must be "removed," exception exists, and second, the effective suspension of the state of law with the end of make a decision that consists of two moments: first, the determination *that* state of of his theory. Schmitt, we remember, defines sovereignty as constituted by the power to which seem only to paraphrase Schmitt constitute in fact a slight but decisive modification And yet the very words

[emphasis]

*The sovereign represents history. He holds the course of history in his hand like a scepter. This view is by no means peculiar to the dramatists. It is based on certain constitutional notions. A new concept of sovereignty emerged in the seventeenth century from a final discussion of the juridical doctrines of the middle ages. . . . Whereas the modern concept of sovereignty amounts to a supreme executive power on the part of the prince, the baroque concept emerges from a discussion of the state of emergency, and makes it the most important function of the prince to exclude this [den ausschliessen]. [54-55; my*

German baroque theater:

With the ambivalence of Schmitt's approach to the political in mind, let us now turn to the manner in which the question of sovereignty emerges in Benjamin's study of the

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sovereignty" [46; my emphasis]. One would be tempted to say that Schmitt's critique seeks to replace the *Immanenzvorstellungen* of modern political theory with *Identitätsvorstellungen* that seek to recall the heterogeneity of political concepts out of the oblivion into which they have fallen, but only succeed in once again reducing their alterity to the same: to "the same structure" and to "the determination of . . . an identity."

of this world, and from it the baroque extracts a profusion of things which customarily escaped the grasp of artistic formulation and, at its high point, brings them violently into the light of the day, in order to clear an ultimate heaven, enabling it, as a vacuum, one day to destroy the world with catastrophic violence. [66]

What the baroque rejects is any admission of the *limitation of immanence*, and it does so by emptying transcendence of all possible representable content. Far from doing away with transcendence, however, such emptying only endows it with a force that is all the more powerful: that of the vacuum, of the absolute and unbounded other, since it is no longer representable, is also no longer localizable "out there" or as a "beyond." The otherness that is no longer allowed to remain transcendent therefore reappears this side of the horizon, represented as a "cataract," abyss, or fall. Or, even more radically, such transcendence will be represented by, and as, *allegory*.

In this perspective, the "function" of the sovereign to "exclude" the state of exception conforms fully to the attempt of the German baroque to exclude transcendence. But the very same desire to exclude transcendence also condemns the function of the sovereign to malfunction: for unlike the political-theological "analogy" of Schmitt, the baroque sovereign—and particularly, the German baroque sovereign—is defined precisely by his *difference* from God, just as baroque immanence sets itself up in contradistinction to theological transcendence. At the very point in time when the political sovereign successfully gains his independence vis-à-vis the Church, the difference between worldly power and that of the divine can no longer be ignored. The result, as Benjamin formulates it, turns out to be directly contrary to the conclusion of Schmitt: "The level of the state of creation, the terrain on which the Trauerspiel is enacted, also unmistakably exercises a determining influence on the sovereign. However highly he is enthroned over subject and state, his status is confined to the world of creation; he is the lord of creatures, but he remains a creature" [85]. Schmitt, we recall, had construed the theological-political analogy in terms of a relationship of essential similarity: The sovereign transcends the state as God transcends the creation. By contrast, Benjamin's notion of secularization stresses precisely the *incommensurability* of the change it entails. Such incommensurability becomes even more evident in the specific case of German baroque theater: "The rejection of the eschatology of the religious dramas is characteristic of the new drama throughout Europe; nevertheless the rash flight into a nature deprived of grace is specifically German" [81]. The German baroque theater "flees" wildly to nature—which we remember, is for it the other face of history—only to discover that there is no grace or consolation to be had there, either. The undoing of the sovereign is the fact that in a creation left entirely to its own devices, without any other place to go, the state of exception has become the rule [see García-Düttmann 211 ff.].

The result is that the sovereign finds himself in a situation in which a decision is as imperative as it is impossible:

*The antithesis between the power of the ruler and his capacity to rule led to a feature peculiar to the Trauerspiel, which is, however, only apparently a generic feature and which can be illuminated only against the background of the theory of sovereignty. The prince, who is responsible for making the decision to proclaim the state of emergency, reveals, at the first opportunity, that he is almost incapable of making a decision. [70–71]*

The sovereign is incapable of making a decision, because a decision, in the strict sense, is not possible in a world that leaves no place for heterogeneity: the inauthentic, "natural" history of the baroque allows for no interruption or radical suspension of its perennial

interruptions. The sovereign reacts by seeking to gather all power and thus becomes a tyrant; and yet the more power he has, the more he demonstrates his incapacity to arrive at an effective decision. Faced with this situation, the tyrant can easily turn into a martyr. Both figures, Benjamin observes, are for the baroque only two sides of the same coin, "the Janus-heads of the crowned . . . the necessarily extreme forms of the princely character" [69].

In emphasizing the dictatorial tendency of the sovereign, Benjamin follows Schmitt here practically to the letter ("The theory of sovereignty, which takes as its example the special case in which dictatorial powers are unfolded, positively demands the completion of the image of the sovereign, as tyrant" [69]). But in so doing, he arrives at a result that is almost diametrically opposed to that of Schmitt: the very notion of sovereignty itself is put radically into question. One extreme illustration of this is the figure of Herod, King of the Jews, "who, as autocrat gone mad, became emblematic of a deranged creation" and as such an exemplary illustration of the fate of the "sovereign for the seventeenth century": "the summit of creation, erupting into madness like a volcano and destroying himself and his entire court. . . . He falls victim to the disproportion between the unlimited hierarchical dignity with which he is divinely invested and the humble estate of his humanity" [70]. The key to the secularization of which the German baroque is the result is thus for Benjamin not so much an analogy based on proportion, and hence on identity, as a relation based on *disproportion*, on a *Missverhältniss*.

The effects of this disproportion do not stop at the dismantling of the sovereign, who is split into an ultimately ineffective if bloody tyrant and a no more productive martyr; nor does it come to rest at any of the compromises possible between these two poles, such as that represented by the "stoic ostentation" that often characterizes baroque representations of the prince. Rather, the splitting of the sovereign is accompanied by the emergence of a third figure, who stands in radical dissymmetry to the other two. That figure, who completes the baroque "political anthropology and typology," is the "plotter," the *Intrigant*: and it is he who turns out to hold the key to the fate of sovereignty in the German baroque mourning play.

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To understand what distinguishes the plotter from the other two figures in the baroque political "typology," it must be emphasized that the incapacity of the sovereign to decide involves the transformation not merely of an individual character type, but of the manner in which history itself is represented in the *Trauerspiel*. And this in turn determines the way in which representation takes place. With the split of the sovereign into tyrant and martyr, what is dislocated is not just the unity of a character, but the unity of *character as such*. This disarticulation is of particular importance for baroque theater. If the Aristotelian theory of tragedy assigns primary importance to the unity and wholeness of action, and requires to this end "consistency" of character [Poetics 1454a], it is precisely this consistency and unity that are undermined together with the status of the sovereign. Nothing, however, demonstrates the distance of the *Trauerspiel* from the Aristotelian theory of tragedy more than the fact that it is precisely this disarticulation of unity—of the sovereign and hence of the action—that contributes to the peculiar *theatricality* of baroque drama, as the following passage suggests:

Just as compositions with resful lighting are virtually unknown in mannerist painting, so it is that the theatrical figures of this epoch always appear in the harsh light of their changing resolve. What is conspicuous about them is not so much the sovereignty evident in the stoic turns of phrase, as the sheer arbitrary-

From this account it is clear that the dilemma of the sovereign in baroque drama is also and above all that of the subject as such: it is no longer determined by its "head"—that is, by its consciousness, its intentions—but by forces that are independent of it, that buffet and drive it from one extreme to another. A powerful dynamic is thus unleashed, which, however, does not really go anywhere. Instead, like "torn flags" whipped about in the wind, the baroque figures are driven by "tempestuous affects" over which they have little control. What results is a rhythm of abrupt and unpredictable changes and shifts, and it is this rhythm that determines the structure of the "plot" in the *Trauerspiel*. Moreover, since neither plot nor character is sufficiently unified or consistent to provide a comprehensive framework for the play, this framework must be sought elsewhere. That elsewhere turns out to be the theater itself, as stage, as artifice, and as apparatus. This is implicit in the passage cited, which describes how the "theatrical figures of the age appear in *grelle Schöne*"—in the "harsh light"—"of their changing resolve." The dismantling of decision, of a definitive, ultimate, and absolute act, gives way to a different kind of acting: that which takes place on a stage lit up by spotlights; the phrase *grelle Schöne*, which recurs frequently in Benjamin's text, recalls the *Scheinwerfer* of the theater.

In the theatrical space thus opened by the dislocation of the action and of the subject, and in the confusion that results, the sovereignty of the tyrant is replaced by the *mastery* of the plotter: "In contrast to the spasmodic chronological progression of tragedy, the *Trauerspiel* takes place in a spatial continuum, which one might describe as choreographic. The organizer of its plot, the precursor of the choreographer, is the intriguer" [95]. The discontinuous temporality of decision, here associated with tragedy, is replaced—that is, resituated—within a "spatial continuum" in which exceptional interruptions are no longer possible because they have become the rule. The regular nature of the interruption paradoxically becomes programmable, and the programmer, or "choreographer," is the "intriguer." The etymology of the word *intrigare*, to confound and confuse, is all the more appropriate in a world in which the clear-cut separation of the decision is no longer effective. The intrigue or plot is thus designated by Benjamin as a *Verwicklung*: an imbroglio or entanglement, but one that is organized. The baroque drama thus depends upon a plot that is based upon a sovereign subject but upon a masterful organizer or promoter (*Veranstalter*). It is precisely the *calculating* nature of this mastery that fascinates the baroque audience: "His corrupt calculations awaken in the spectator of the *Haupt- und Staatsaktionen* all the more interest because the latter does not recognize here simply a mastery of the workings of politics, but an anthropological, even a physiological knowledge which fascinated him" [95]. The amoral calculateness of the plotter contrasts radically with the attitudes of both the tyrant and the martyr. For only the intriguer confronts a state of the world in which the exception has become the rule, and therefore in which universal principles—and be it the principle of the interruption of principle *qua* decision—can no longer be counted upon. The intriguer exploits mechanisms of human action as the result of forces over which there can be no ultimate control, but which can therefore be made the subject of probabilistic calculations.

The contingency of such calculations turns the "intrigue" into something closer to a game or to the exhibition of a certain virtuosity, rather than to the expression of a cosmic strategy for the good of all or of the state. Thus, not only the subject matter of the *Trauerspiel*—historical action—changes, but its dramaturgical structure as well. The plot is replaced by plotting: "Baroque drama knows no other historical activity than the

*ness of a constantly shifting emotional storm in which the figures of Lohenstein especially sway about like torn and flapping banners. And they also bear a certain resemblance to the figures of El Greco in the smallness of their heads, if we understand this in a metaphorical sense. For their actions are not determined by thought, but by changing physical impulses.* [71; my emphasis]

corrupt energy of schemers" [88]. At the same time, however, the structure of the plot changes:

*It differs from the so-called antithetical plot of classical tragedy by virtue of the isolation of motives, scenes, and types. . . . the baroque drama also likes to show the antagonists in crudely illuminated separate scenes [in gellies Licht gestellte Sonderzscene], where motivation usually plays an insignificant part. It could be said that baroque intrigue takes place like a change of scenery, so minimal is the illusionistic intention. [75]*

The utter indifference to psychological or moral "motivation," combined with the encapsulation of conflicting figures through "in gellies Licht gestellte Sonderzscene" precludes any sort of resolution in a totalizing denouement. What interests the baroque is not so much the dramatic resolution of conflict as its representation through a mechanism that acknowledges and even flaunts its own theatricality. The buffeting of individual figures in the winds of passion finds its adequate representation in a staging that demonstrates its own artifices.

The privileged site and scene of such emphatically theatrical artifice is the court: "The image of the setting, or, more precisely, of the court, becomes the key to historical understanding. For the court is the setting par excellence. . . . In the *Trauerspiel* the court represents the timeless natural decor of the historical process" [92]. The "eternal, natural" character attributed to the court in the baroque testifies to the situation of a historical period in which "Christendom or Europe is divided into a number of Christian provinces whose historical actions no longer claim to be integrated in the process of redemption" [78]. Thus, with the eschatological perspective blocked, the irreducible partiality and provinciality of the local court renders it the exemplary site and stage of a movement of history that has been reduced to conspiratorial plotting, the aim of which is the destabilization rather than the taking of power. This is why the structural dynamics of the plotter causes him to resemble comic figures or the fool rather than the prince who would be sovereign. If the plotter is most at home in the court, it is only insofar as he knows that there can be "no proper home [*keine eigene Heimstätte*]" for him [96].

In this sense the plotter can be said to be the *Exponent des Schauspielers* as that place in which no one, including the sovereign, can be at home. Unlike the sovereign, however, the plotter "knows" that the court is a theater of actions that can never be totalized but only staged with more or less virtuosity. By thus heeding only the rules of the game without seeking to reach ultimate principles, the plotter begins where the sovereign hopes to end: with the ex-clusion of the state of exception. The state of exception is excluded as theater. What characterizes this theater is that in it, nothing can ever authentically take place, least of all the stage itself.

*In the European Trauerspiel as a whole . . . the stage is also not strictly fixable, not an actual place, but it too is dialectically split. Bound to the court, it yet remains a travelling theatre; metaphorically its boards represent the earth as the setting created for the enactment of history; it follows the court from town to town. [119]*

If the stage of baroque theater is "dialectically split" and thus "inauthentic," what distinguishes the German baroque is the impossibility of a dialectical *Aufhebung* that would constitute a totality: "The intrigue alone would have been able to bring about that allegorical totality of scenic organization, thanks to which one of the images of the sequence stands out, in the image of the apotheosis, as different in kind, and gives mourning at one and the same time the cue for its entry and exit" [235]. But it is precisely

the inability to reach such an apotheosis that characterizes the German baroque theater in contrast to its Spanish counterpart in Calderón. And yet if this limits its aesthetic value, it is also what gives it its distinctive historical-philosophical significance.

The theater of the German baroque diverges both from classical tragedy and from the Schmittian theory of sovereignty in that it leaves no place for anything resembling a definitive decision. Rather, it is precisely the absence of such a verdict and the possibility of unending appeal and revision that marks the *Trauerspiel*:

*The legal analogy may reasonably be taken further and, in the sense of the medieval literature of litigation, one may speak of the trial of the creature whose charge against death—or whoever else was indicated in it—is only partially dealt with and is adjourned at the end of the Trauerspiel. Its resumption is implicit in the Trauerspiel. . . . [137; my emphasis]*

Nothing could demonstrate more clearly the distance between this eternal revision and Schmitt's notion of an absolute and absolutely definitive and ultimate decision. Here, as there, the question of decision, of its power and its status, is always tied to a certain determination of space. Whereas in Benjamin, however, this determination is revealed to be the errant stage of an inauthentic and unlocalizable place, for Schmitt decision can be situated in terms of an unequivocal point:

*The legal force of a decision is different from the result of substantiation. Ascription is not achieved with the aid of a norm; it happens the other way around. A point of ascription first determines what a norm is and what normative rightness is. A point of ascription cannot be derived from a norm, only a quality of content. [32; my emphasis]*

If Schmitt asserts here that the norm presupposes a "point of ascription," a *Zurechnungspunkt* upon which one must count, but which the norm as such cannot provide, the unmistakable implication is that decision alone does provide such a point. In his reinscription of Schmitt, Benjamin takes exception to this point, thereby revealing it to be a stage upon which anything can happen, even a miracle, but nothing definitively decided.

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