Werner Hamacher*

Translated by Dana Hollander

AFFORMATIVE, STRIKE

For Jean-Luc Nancy

Walter Benjamin's essay, *On the Critique of Violence, (Zur Kritik der Gewalt)* provides an outline for a politics of pure mediacy.1 For Benjamin the means for such a politics may be termed "pure" because they do not serve as means to ends situated outside the sphere of mediacy. Such ends could only be ambiguous—they would claim to be removed from or even superior to the sphere of means, but would in fact be merely historical positings whose mediacy is masked by isolation. Means which may be termed pure, on the other hand, are not on the order of posited norms—and certainly not on the order of legal norms or of models for binding interactions to be followed by the members of a society. Politics and violence can be termed pure only if they manifest a form of justice untainted by the interests of preserving or mandating certain ways of life, untainted by positive forms of law.2

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* Professor, German Department and Humanities Center at Johns Hopkins University.

The following reflections draw on W. Hamacher, Stonehand, This Sovereign, Strike (Oct. 18, 1989) (essay presented at the Hannah Arendt Memorial Colloquium, at The New School for Social Research, in New York City). For the paper at the October 1, 1990 Cardozo Law School conference "On the Necessity of Violence for Any Possibility of Justice," these sections were partly expanded and partly condensed. Since then, the text has been reworked for publication. As it appears here, this essay is still a fragment in progress.


2 Two sets of terms that appear frequently in my text are difficult to translate from German into English: 1) setzend, rechtsetzend, Gesetz; and 2) Gewalt. In general, setzend, rechtsetzend, and Gesetz are rendered as *positing, law-positing, and law-imposing*. Gewalt in German may have any of the meanings of the English words *force, power, might, and violence*, depending on the context. It seems to me, however, that in the context of Benjamin's text, there is no doubt that any translation other than *violence* runs the risk of euphemizing the problems in question here. Nevertheless, it should be kept in mind that where Gewalt appears in a standard expression such as *Staatsgewalt* (state power) or a formula such as "Alle Gewalt geht vom Volke aus" ("All power rests with the people"), it can be translated only as *power, or sometimes force*. This is due to socio-historical, political, and ideological differences between the English and German linguistic cultures that I cannot go into here. This cursory reference to certain linguistic—as well as non-linguistic—shadings lost in the transition from German to English, says nothing about the particular logic Benjamin adheres to in his Kantian formulation "pure violence." However, it should be clear from the outset that what is at issue here is
While all that is law must rest on a law-making, law-positing, law-imposing violence, and such law-imposing violence is represented in all law-preserving or administrative violence, the idea of justice cannot depend on the law's changing powers of imposition. Justice must therefore belong to a sphere equally distant from the law on the one hand, and from the violence of its imposition and enforcement on the other.

For all law—unlike justice—is dependent on a positing (Setzung), and no such positing manages without violence—without a violence that, with this positing, impedes, denies, and compromises itself. The self-obstruction and corruption of positing and law-imposing violence become apparent every time such violence seeks to preserve itself. By turning from positing to preserving law, it must also turn against hostile forces of positing and thus indirectly against its own principle—the principle of positing itself. In order to remain what it is—violence of law imposition—law-imposing violence must become law-preserving, must turn against its original positing character, and, in this collision with itself, must disintegrate. This is why, as Benjamin writes, all positing and all imposition is "ambiguous" (zweideutig), and so, too, the violence on which they depend is ambiguous: in every positing, every stipulated positive legislation or law, the violence which has employed it must turn against itself—whether by ceasing to posit so as to preserve its position, or by opposing, for the same reason, other positing forces. In either case, the positing—and with it law and politics insofar as they are founded on posittings—must weaken itself and leave itself to its own ruin. And in either case, the original positing violence—even if it was initially without purpose, not defined as an instrument for a particular purpose—must transform what it posits into its end and must thus itself wither into its means.

Every positing and every law is thus subject to a more powerful law that demands that it expose itself to another positing, and another law. This more powerful law is the law of historical change and internal structural transformation, dictated by the ambiguity of being both means and end. In connection with this ambiguity, Benjamin speaks of a "dialectic" and its "law of oscillation" (Schwankungsgesetz). He leaves no room for doubt that the history of law and legislation, the political history of state authority and state institutions, develops according to a model that, insofar as it is under the prerogative of the

not "brutality" and that the predicate pure does not represent a rhetorical hyperbole indicating an excess of such "brutality."

3 W. BENJAMIN, supra note 1, at 202.
dialectical ends-means relation, cannot bring about justice. As long as history remains constrained by the circular succession of imposing forces of law, it cannot be the medium of justice. Benjamin writes:

A gaze directed only at what is closest at hand can at most perceive a dialectical rising and falling in the law-imposing and law-preserving formations of violence. The law governing their oscillation [Schwankungsgesetz] rests on the circumstance that all law-preserving violence, in its duration, indirectly weakens the law-imposing violence represented by it through the suppression of hostile counterviolence . . . . This lasts until either new forces or those earlier suppressed triumph over the hitherto law-imposing violence and thus found a new law, destined in its turn to decay.⁴

Thus, the law on which the dialectic of historical forms of violence is based is the law of an indirect suppression of violence, which nevertheless itself rests on the structure of positing—a suppression of violence that posits. Violence is suppressed not by another violence but by its own positing—by confining, obstructing, and isolating itself, thus becoming an end external to itself. “In its duration,” writes Benjamin, law-preserving violence “weakens” the positing violence it “represents”: for as long as it lasts, and through the duration that this preservation aims to secure, the demise of conservative violence brings with it that of positing violence. If the history of violence as the cyclical history of its own demise and restitution begins only with its claim to duration (and indeed historical duration is a category of positing and its decay), then one can say of a nonpositing violence that it does not conform to any known temporal form, and never to temporality as a form of representation (Vorstellung), which is always also a form of positing; and one can say that this nonpositing violence is contretemporal or ana-chronistic.⁵ Just as pure violence is pre-positional, it is also pre-temporal and thus not representable. The representation of positing violence, however, brings on the demise of what is represented; positing violence weakens its preservation precisely by merely preserving it. The fact that no law-imposing violence manages without the support of a law-preserving violence in which it strays from itself, shows that the violence of law imposition cannot by itself bring about a state of law, of legality, or the legitimacy of actions: every violence must decay in its positing. According to the law of its historical dialectic, positing degrades the violence at work within it, transforming it from being pure means to being a means for stipulated ends. It makes violence into an instrument, places it in the service of

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⁴ Id. See also Reflections, supra note 1, at 300.

something other than itself, and thus violates the principle of its unconditional mediacy. History is the realm of compromised, enslaved means, the realm of a violence which, by its consideration for self-preservation, security, and duration renders itself impotent, and decays.

Benjamin leaves no doubt that even when the positing of law takes the form of a peacefully concluded legal contract, this positing rests on an instrumentalizing violence, because such a contract invests each of the contracting parties with the right to resort to violence in case of breach of contract by the other party. However, as Benjamin mentions in the cited passage, the presence of violence—which is at least latent in every judicial institution—complies with a dialectic that forces the disintegration not of the principle of violence itself and of the power it institutes, but only of its respective forms. Because at the moment when that which has been posited splits off from the positing and abandons itself to the preservation of its status, a legal form will have detached itself from what it “represents”: the positing decomposes in the law, which is consequently powerless and must succumb to another violence, another interest, previously separated, excluded, suppressed, or ostracized from itself. Thus, every positing—according to its dialectical law—is dethroned by its internal reversal (Umschlag) into a positive institution, by its immediate self-alienation. This internal alteration may be represented by oppositional social or political forces, by interest groups, political parties, technical innovations, or economic pressures. But all of these can only bring their power to bear because the alteration is already at work in the logic of the imposition of legal institutions. Whether imposition occurs as a process of seemingly nonviolent, peaceful contractual agreements or by means of violent political interventions is irrelevant to the structure of this movement. As long as a legal institution does not rule out recourse to violence, its violence is one which serves that institution—if only to perpetuate it—and which, therefore, cannot be taken as a form of liberty, mediacy, or justice. Indeed, it is doubtful whether liberty, mediacy, and justice can be grasped in terms of the category of “form”—that is, whether they can be objects of categorical knowledge. Historical change always proceeds from the inner structure of positing violence; it requires that this violence decay in its very positing. What is called history is nothing other than the decay of positing violence, the fall of positing.

Benjamin illustrates the logic of the decay of political and legal forms by citing an example from the early history of the Weimar Re-

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6 2 W. BENJAMIN, supra note 1, at 190.
public—the suppression of the mass Communist uprisings in the Ruhr region during the spring of 1920. (Zur Kritik der Gewalt was written in late 1920/early 1921.) Benjamin writes:

When consciousness of the latent presence of violence in a legal institution disappears, the institution must fall into decay. In our time, parliaments provide an example of this. They offer this familiar, woeful spectacle because they have not remained conscious of the revolutionary forces to which they owe their existence. Accordingly, in Germany in particular, the last manifestation of such forces (Gewalten) bore no fruit for parliaments. They have no sense of the law-imposing violence represented within themselves.7

Benjamin's formulations do not entail a “critique” of the institution of parliamentary democracy as such. Rather, they cite “parliaments” of a certain historical period—that of the Weimar constitution—as an example for his observation that political institutions deteriorate from the moment they first seek to exclude the “revolutionary forces,” the “forces” (Gewalten) to which they owe their existence, from their substantive decisions and their constitutional form. By way of this exclusion—in this case by the violent suppression of a mass strike—they deny not only the right of individuals and of groups to question the state's monopoly over violence, but also the very violence to which this monopoly historically owes its existence and thus “the law-imposing violence represented within themselves.”8 Thus, what is at issue in Benjamin's observations is not parliamentary democracy as such, but the specific historical form of restriction employed by a democratic system unable to do justice to the innovative impulses generated by the forces represented within it. This political system, like any other, must, as soon as its preservation and duration are at issue, behave in a restrictive manner toward its constitutive forces (Gewalten seiner Einsetzung). In principle, however, whether an existing institution or system is able to defend itself against attempts to overthrow it, or whether it is in fact transformed by new social or economic forces, remains irrelevant to the relation between violence and positing, between revolutionary forces and their representation. The alteration, corruption, and decay of politico-judicial institutions, as an immanent and dialectical process, is not a transformation of the principle of judicial institutions positing itself. Rather, it is due to this very principle that legal institutions are transformed and replaced by ever other impositions, and that this series of transformations leaves

7 Id. See also Reflections, supra note 1, at 288.
8 2 W. Benjamin, supra note 1, at 190.
unaffected the form of imposition and its instrumental origin in violence.

Now, Benjamin insists that legal contracts are not the norm for all forms of social and political interaction. Furthermore, he claims that the political realization of other forms of nonviolent settlement could end the age of the “dialectical” law of oscillation and inaugurate a “new historical age.” The logic of inaugurating this other history is not the logic of positing and intrinsic alteration, and accordingly not the logic of substituting one violence with another, or one privileged class with a hitherto oppressed one. Rather, it is the logic—assuming one can still speak here of logic—of “deposing” (Entsetzung). Since antiquity the history of dialectically evolving legal conditions has proceeded in a circular fashion. “Upon the breaking of this cycle maintained by mythical legal forms,” Benjamin now writes, “upon the deposing [Entsetzung] of law with all the forces on which it depends as they depend on it, finally therefore upon the abolition of state forces, a new historical age is founded.” And Benjamin continues with a remark that noticeably wavers between summary and hypothesis: “But if the existence of violence beyond the law as pure immediate violence is assured, this is proof that revolutionary violence, the highest manifestation of pure violence by humanity, is possible, and by what means.” It is not substitution (Ersetzung), then, but “deposing” (Entsetzung), not the mythical metamorphosis, but the amorphization of positing violence—and finally of state violence—that inaugurates a new historical age. This “deposing” is termed by Benjamin “pure immediate” and “revolutionary” violence, “the highest manifestation of pure violence by humanity”—and, one might add, of ethical violence par excellence. If one now characterizes law imposition in the terminology of speech-act theory as a performative act—and specifically as an absolute, preconventional performative act, one which posits conventions and legal conditions in the first place—and if one further calls the dialectic of positing and decay a dialectic of performance, it seems reasonable to term the “deposing” of acts of positing and their dialectic, at least provisionally, as an absolute imperformative or afformative political event, as depositive, as political a-thesis. Pure violence does not posit, it “deposes”; it is not performative, but affirmative. If the pure violence of de-posing exists even beyond the sphere of law, this pure, and thus nonviolent, noninstrumental violence may at any time—if not universally at any

9 Id. at 202.
10 Id. at 202 (emphasis added).
11 Id.
time—break through the cycle of laws and their decay. In all acts, linguistic as well as political (that is, political in the narrow sense), in all acts of legislation as well as jurisprudence, at least an element of this affirmative function—this deposing, pure violence—is in effect. Even the absolute performative of law-imposing—in fact, this performative first and foremost—must be exposed not only to its inherent historic disintegration, but must already previously, in its own effectuation, have been exposed to the absolute other of deposing of afformance.

12 I have already indicated that the series afformation, afformance, and afformative was formed in contrast to performance, performance, and performative; similarly, the use of afformative event is to contrast with the use of performative act—implying that afformatives are not a subcategory of performatives. Rather, affirmative, or pure, violence, is a "condition" for any instrumental, performative violence, and, at the same time, a condition which suspends their fulfillment in principle. But while afformations do not belong to the class of acts—that is, to the class of positing or founding operations—they are, nevertheless, never simply outside the sphere of acts or without relation to that sphere. The fact that afformations allow something to happen without making it happen has a dual significance: first, that they let this thing enter into the realm of positings, from which they themselves are excluded; and, second, that they are not what shows up in the realm of positings, so that the field of phenomenality, as the field of positive manifestation, can only indicate the effects of the affirmative as ellipses, pauses, interruptions, displacements, etc., but can never contain or include them.

The affirmative is the ellipsis which silently accompanies any act and which may silently interrupt any speech act.

What "is" affirmative can therefore never be represented in the form of a rule or a law. While every presentation depends on a positing and is essentially performative in character, the "deposing" of which Benjamin speaks, the affirmative, would not lend itself to presentation of any sort. Deposing is not posited. It is not the opposite of positing and cannot be defined as the negation—determinate or indeterminate—of a position as long as the logic of negation is governed by the premises of positional or propositional logic. Accordingly, Benjamin does not simply regard deposing as a historical consequence of unsuccessful political or legal impositions, but as the event of a "pure immediate violence . . . beyond the law," that is, as the manifestation of a violence independent in principle from positing. Id. at 202. Moreover, as "pure immediate" violence, deposing is neither a historical, nor even a causal consequence, but rather the absolute precondition of every historical positing violence. The affirmative character of political deposing, therefore, does not stand opposed to particular legal positings, it lies beyond position and opposition and is—as athetical, immediate mediacy—the precondition for both, without, however, being expressible, representable, or presentable in either of them.

Afformative is not aformative; afformance is the event of forming, itself formless, to which all forms and all performative acts remain exposed. (The Latin prefix ad-, and accordingly af-, marks the opening of an act, and of an act of opening, as in the very appropriate example of affor, meaning "addressing," e.g. when taking leave). But of course, in afformative one must also read aformative, as determined by afformative.

Although deposing permits presentation, it is itself irreducible to any presentation. If one wished to speak of "negative presentation," as Kant does in his analytics of the sublime (and indeed, it will have to be shown that the sublime is a mode of the affirmative), then one would have to stipulate that this negativity is determined not in opposition to the positivity of an already instituted linguistic, social, political, or anthropological substance. The "negative presentation" of the affirmative could not be oppositional, but at best only prepositive. And if, for Kant, being is defined as mere position, then one must say of the affirmative that it "is" not
The idea of deposing is by no means unproblematic. Linked to it, in fact, is a long series—perhaps an infinite series—of difficulties, none of which can be easily resolved. Thus, deposing for Benjamin is a historical event; yet it is one that puts an end to the cyclical history of legal institutions and that is not thoroughly determined by this history. Deposing is a political event, but one that shatters all the canonical determinations of the political—and all canonical determinations of the event. Deposing requires an agent, yet this agent can neither have the constitution of a collective or individual legal subject, nor can it be conceived of as an agent at all, that is, as a subject of positings. Deposing must be an event, but not an event whose content or object could be positively determined. It is directed against something, but also against anything that has the character of a positing, an institution, a representation, or a program. Deposing is thus not encompassed by any negation, is not directed toward anything determinate—and therefore is not directed. Deposing could not be the means to an end, yet it would be nothing but means. It would be violence, and pure violence, but therefore entirely nonviolent. As these aporias belong to the structure of deposing itself, they do not allow for resolution. However, the medium in which they occur—that is to say deposing itself as this medium—can be further specified.

Benjamin provides a few suggestions for such specification. Two of these will be considered here—the discussion of language, and the discussion of the proletarian general strike. Violence can be a means of justice only as pure means: as a means, as mediation, as transition, and as a transmittal that in a certain sense precedes the two extremes it links—a form of interpersonality which does not have as its initiator and its addressee already constituted subjects, but which from the outset constitutes them as mediated. Such means are thus essentially linguistically structured and are therefore defined by Benjamin as a technique of linguistic communication, or imparting (Mitteilung).

in the manner of being. It would rather be the pre-possibility which is “realized” in no performative, let alone in a constative, and does not strive for “realization”; it would be neither essentia nor Wesen, not even the essence of ontological difference—that is, it would be ultratranscendental and transontological.

If, however, it is necessary to say that the affirmotive stratum of language merely lets, but never posits, then it should also be said that all positings depend on this letting, preserve the memory of this letting, and are indebted to it: the letting, thus, does not simply let and does not leave itself out of the circle of mythical positings without a remainder, but, by way of indebtedness and what Benjamin calls "fate," cleaves to the form of positing, of legal institutions, and thus to a violence which is not pure. As the sheer possibility of language as such, the affirmotive cannot help but preserve itself in the diversity of performatives. It cannot help becoming what it is not and will always have become what it never was: the atemporal relinquishes itself to the time of positing, of representation, and of duration, exposing “itself” to the dialectics of imposition and decay. (On the motif of indebtedness, see also note 46.)
The purity of these means lies in the fact that they cannot be derived from ends or reduced to impulses from beyond the sphere of their mediacy. Means are pure as long as nothing imparts itself in them but themselves, their own mediacy. It is only by virtue of this mediacy that they can turn—and indeed cannot avoid turning—into means towards ends and into instruments of imparting through which one can communicate something to an addressee. But just as mediacy is the condition of possibility of instrumental language, the language of pure mediacy and pure impartability is also its interruption. It is at once condition and caesura, and it can be both only because between the condition and the reality of instrumental language, between pure and instrumental language, there is no continuum—that is, because pure impartability is in itself heterogeneous and discontinuous. Language as pure means and pure violence is deposing—deposing not only all positings, but first of all deposing of itself. Language, pure violence, pure impartability (Mitteilbarkeit), imparts in that it divides (teilt)—and divides in the first place itself.¹³

¹³ These reflections are based as much on Benjamin's violence essay as they are on his study On Language as Such and on the Language of Man. W. BENJAMIN, Über Sprache überhaupt und über die Sprache des Menschen, in 2 GESAMMELTE SCHRIFFTEN, supra note 1, at 141 [hereinafter W. BENJAMIN, Über Sprache überhaupt]. Although this Benjamin text dates from November 1916 and thus predates Zur Kritik der Gewalt by four years, one must assume that the two pieces are based on the same fundamental conception. In fact, each text can be read as the political complement of the other; those aspects of Benjamin's later text that concern his theory of language are hardly comprehensible unless they are read in conjunction with his earlier study. The relevant formulations on means and mediacy in Über Sprache überhaupt read as follows: "There is no such thing as a content of language. As imparting, language imparts a spiritual [geistiges] essence, that is, impartability pure and simple." W. BENJAMIN, Über Sprache überhaupt, supra, at 145-46. And further: "all language imparts itself in itself; it is in the purest sense the 'medium' of the imparting [Mitteilung]. The medial—the immediacy of all spiritual imparting—is the fundamental question of any theory of language." Id. at 144. In opposition to what he terms "the bourgeois conception of language," id., Benjamin insists on the immediacy of a mediacy, which constitutes all isolated instances of the linguistic process and which is therefore not reducible to them. According to this bourgeois conception, "the means of imparting is the word; its object, the thing; its addressee, a human being. The other [conception], in contrast, knows no means, no object, and no addressee of imparting. It says: 'In the name, the spiritual essence of man imparts itself to God.'" Id. This statement leaves no doubt that God, for Benjamin, is not an addressee—that is, not an isolatable instance in the linguistic process, but the very mediacy of this process. God is the only immediacy of which one can possibly speak—that of mediacy pure and simple. If pure, unmediated violence is later termed divine, this predicate cannot refer to a God that is personally named and introduced as the agent of violence, but only to the unconditional nature of mediacy (Mittelbarkeit) and impartability (Mitteilbarkeit). God is nothing if not sheer mediacy. Just as language qua imparting imparts itself in, but not instrumentally through, itself, so the violence which is called divine is a means in which pure mediacy manifests itself, and not a means by which ends are pursued.

Thus, Benjamin does not deny that language is both sign and address, nor that any violence may serve as means to ends; but the instrumentality of language and of violence cannot even be thought, let alone critically analyzed, unless irreducible mediacy is thought as its
After referring to the "nonviolent resolution of conflict" by way of "the culture of the heart, . . . sympathy, peaceableness, trust"—which can thus also be considered forms of pure violence—Benjamin emphasizes that

[P]ure means are never those of direct, but always those of mediated, solutions. They therefore never apply directly to the arbitration of interpersonal conflict, but do so only by way of things. The sphere of pure means unfolds in the most material human realm—conflicts relating to goods. For this reason technique [Technik] in the broadest sense of the word is its most proper domain. Its profoundest example is perhaps talk [Unterredung] as a technique of civil agreement. For in it not only is nonviolent agreement possible, but also the exclusion of violence in principle is quite explicitly demonstrated in connection with one significant relation: the immunity of lying from punishment. Probably no legislation on earth originally stipulated such punishment. This makes clear that there is a sphere of human agreement that is nonviolent to the extent that it is wholly inaccessible to violence: the proper sphere of "mutual understanding," language.15

Wherever something is said about something, wherever an action is performed through language—that is, wherever something is performatively posited—language must itself already be there as a form of mediacy and thus as sheer, preinstrumental technique (Technik).16 Thus, language is the means of mediacy—before it can

absolute condition. Likewise, legal relations cannot be thought, criticized, or overturned, except in reference to a justice which is not derivable from such relations, either logically or practically, and which is not fully contained by any of them. Justice is one of the dimensions in which unconditional mediacy articulates itself. It is therefore without foundation and does not lend itself to any cognition in the form of positive objectivity—be it that of a fact or that of an intention. The same is true for any politics guided by the imperative not of positive legal forms and historical conventions, but of justice alone.

The familiar attempts to localize observations of this kind historically by labeling them "political theology" or "messianism"—which often enough means to discredit them—are based on an uncritical trust in the critical power of history. This trust was not shared by Benjamin. Indeed, such labels—as suggestive as they may be—remain empty as long as they are not developed in the course of a historical and formal analysis of the problems they indicate.

14 2 W. BENJAMIN, supra note 1, at 191.
15 Id. at 191-92.
16 In this connection it should be noted again that the performatives discussed here are not those whose conditions of validity are already mapped out by conventions or institutions, but only those capable of instituting such conditions themselves. But if one assumes that language as such is not the executive organ of nonlinguistically posited institutions, while at the same time insisting that it is essentially performative, then one must also assume that it posits itself in an act of absolute autothesis: that in order to be language, it must always presuppose itself. Thus, language, understood as absolute autothetic and autotelic performance would, rather than simply positing itself, permanently—and this is the sign of its finitude—announce itself, speak before itself, speak itself as a language which is always arriving and always yet to come,
and for as long as it might be the means to ends that could appear to lead us out of mediacy, allow us to transcend it, or claim to redeem us from it. Language is (to use a phrase that served as the title to an earlier political essay by Benjamin which is now probably lost) "teleology without end" ("Teleologie ohne Endzweck"). Since imparting occurs independently of legal forms or formal obligations (and therefore belongs to the realm of "sympathy, peacableness, trust" and "the culture of the heart"), and since it allows conflicts between speakers to be settled only by way of an objective third entity—by way of things which thereby themselves take on the linguistic status of pure means—imparting, as a technique prior to and in instrumentality, is never primarily or exclusively the means to projected ends or the imposition of such ends. Rather, imparting is a means which has no need of posittings and which may undermine any established linguistic political, or legal institution at any time. Language in its mediality is pre-positional, preperformative—and, in this sense, affirmative. Even before and even during its performative effects, language does not ini-

one which, having never yet arrived, would never yet be language itself. This prestructure of language (Sprache) would make language as such into a promise (Versprechen) of itself. The absolute performative of language would be the promise of language. Language does not speak; or rather, language speaks precisely in that it promises itself. Paul de Man and Jacques Derrida, following Heidegger, have particularly emphasized this prestructure of the performative trait of language. P. De MAN, ALLEGORIES OF READING 270-77 (1979); J. DERRIDA, MEMOIRES POUR PAUL DE MAN 95-144 (1988). But if language in its absolute performativity always promises itself, then it does not, strictly speaking, promise itself, but promises its promise: the fact that it is infinitely yet-to-come coincides with its infinite nonarrival—so it always does not yet promise. It does not perform—and performs the not, and the always-not-yet, of its performance. The absolute performativity of language, its unconditional being-ahead-of-itself, accordingly implies—constitutively for language, deconstitutively for language as act—a dimension in which language itself does not correspond to itself as act and in which, instead of acting, language abstains from any action. This abstention from action is that dimension of language which is here—again tentatively—called affirmative. It is the dimension of the non-arrival of language (or of the contretemporality of language, for that which is ahead of itself and thus misses its own time is eminently contretemporal) which does not render itself present and cannot be oriented by any cognitive or temporal form of representation or, therefore, by any figure of subjectivity and its constitution. Thus, while any theory that thinks language as essentially autoperformative does so according to the model of the self-positing of the absolute subject that lays its own foundation, these reflections attempt to make clear that absolute performative self-foundation is exposed to an abyss of language, to its affirmative, which cannot be overcome by any speech act. (See further remarks on the motif of the "promise," infra note 38.)

Afforation thus no longer means only dethronement, or deposition of what has been posited. Such deposition is possible only if there "is" an area of the unposited. Accordingly, afforation means also exposing to the unposited, giving what cannot become a gift, an event of formation which is not exhaustible by any form.

See W. Benjamin, BRIEFE 247 (G. Scholem, T. Adorno ed. 1966); W. Benjamin, 2 GESAMMELTE SCHRIFFEN, supra note 1, at 943-45 (editorial annotations by R. Tiedemann & H. Schweppenhäuser).

17 W. Benjamin, Zur Kritik der Gewalt, supra note 1, at 191.
tially lay the foundation for anything outside itself, but rather offers itself as the form of mediacy between speakers, as their mediacy in a third entity, in a talk, an _Unterredung_, an _inter_ of their languages, without which they would not be language. While language originally imparts nothing but its own impartability, it does not lay claim to truth in all cases: Benjamin stresses that lying for a long time was not punishable and was exempted from any violent sanction. Language is not a medium that can be measured against an "objective state of affairs"—a standard verifiable independently of this medium and already available outside itself. Rather, language is the articulation of a mediacy prior to any distinction between "true" and "false" and is therefore not subject to that distinction. Whoever speaks does not posit—that is, posits neither truth nor law—without exposing himself and his positings to the possibility of deposition in the mediacy of language, a deposition not determined by the distinction between truth and lying. Mediacy is the field of afformation. Whoever speaks is afformed and afforms.

This is true of everyone, and of everyone in a singular way. Singularity for Benjamin is a determination of justice—indeed, its determination _par excellence_—and thus a determination of pure mediacy. Laws require universality, but their claim to universal validity is founded on a logic of subsumption that views each individual situation only as a case under the law, disregarding its singularity. Like the logic of laws, the logic of performatives follows the principle of a subsumption, sacrificing the respective situation to statutory laws, conventions, or codes, and can for this very reason never be appropriate to individual situations. Justice (_Gerechtigkeit_), however, consists essentially in being adjusted to suit situations (_Situationsgerechtigkeit_). Afformatives are singular. This is not to say, however, that they elude imparting. On the contrary, it means that afformatives alone are strictly impartable, while whatever is by the logic of positing subsumable under laws _cannot_ be imparted. Thus, according to Benjamin, who may have had in mind the Kantian distinction between determining (_bestimmend_) and reflective (_reflektierend_) judgment, one must distinguish between universalizability (_Verallgemeinerungsfähigkeit_) and general validity (_Allgemeingültigkeit_). It is in this sense that Benjamin objects to the stubborn habit of conceiving just ends as the ends of possible law, that is, not only as generally valid [_allgemeingültig_] (which follows analytically from the nature of justice), but also as universalizable [_verallgemeinerungsfähig_], which, as could be shown, contradicts the nature of justice. Because ends that for one situation are just, generally acceptable, and generally valid [_allgemei-
ingültig], are so for no other situation, no matter how similar [the other situation] may be in other respects.19

From this, it follows for the theory of justice that pure means and just ends always apply to one singular situation alone, that only singular means and ends not subsumable under general laws may claim general validity, and that only singular laws may be regarded as just. Their singularity, then, is one which is not already cognized or ever cognizable according to rules, but one that demands universal recognition only in the absence of such rules. Since, however, the general validity of the singular can be demanded only in the medium of impartability and can in particular cases be recognized only in this medium—that is, where singularity and universality impart themselves to each other and are exposed to a talk, to a mediacy that permits neither the isolation of the individual nor the prerogative of a universal norm—the singularity of justice is always already given over to impartability, is always already an imparted and divided singularity, and always already one in which even the generality from which it demands recognition divides itself.20 General validity, unlike universalizability, is the form in which the singular imparts itself to a generality and makes even it into a singular, and thus untransferable, and divided, partial generality, one which does not make further partitions and impartings superfluous, but which demands them just as does the particular situation from which it emerges. Justice—the singular, not prior to, but in its imparting—is the manifestation of a sociality free from the imposition of legal positings—the manifestation of freedom itself. Its structure is the structure of language.

On Benjamin’s account, the technique of language as pure means (and thereby as pure violence) which enables peaceful agreements and “mutual understanding” independently of any legal order, has its contemporary political “analogue” in the strike, specifically in the proletarian general strike.21 Benjamin’s discussion of the strike may clearly be seen in the context of the strategic debates on the politics of striking which led in 1872 to the expulsion of the Anarcho-Syndicalists from the First International and whose last major political document was Rosa Luxemburg’s Mass Strike, Party, and Unions,
published in 1906. However, Benjamin explicitly refers only to Georges Sorel’s _Réflexions sur la violence_ and to Sorel’s distinction between the political and the proletarian general strike. Sorel, writes Benjamin, was the first to distinguish these two essentially different kinds of strike. “He contrasts them as the political and the proletarian general strike. They are also antithetical in their relation to violence.” For whereas the political general strike is only concerned with inverting the relation of domination, and is still based on the preservation and strengthening of state violence, the proletarian general strike aims at nothing less than the abolition of the state apparatus and the legal order maintained by it. Citing Sorel, Benjamin characterizes the advocates of political general strike as follows:

“The strengthening of state violence is the basis of [their] conceptions; in their present organizations the politicians (i.e. the moderate socialists) are already preparing the ground for a strong centralized and disciplined violence that will be impervious to criticism from the opposition, capable of imposing silence, and of issuing their mendacious decrees. The political general strike . . . demonstrates how the state will lose none of its strength, how power is transferred from the privileged to the privileged, how the mass of producers will change their masters.” In contrast to this political general strike . . . the proletarian general strike sets [setzt] itself the sole task [Aufgabe] of annihilating state violence.

The proletarian general strike is pure means, not means to an extortion that would effect modifications in the working conditions, in the distribution of power or the power structure and as such would be violent. Rather, it is a nonviolent means of annihilation of legal as well as of state violence. The means of the proletarian general strike lies in the resolution—indeed it is itself the resolution—“to take up only a wholly transformed work, one no longer enforced by the state.”

The proletarian strike is pure political violence, pure means, and thus nonviolent, as the strikers’ aim is not one of new legislation or of modified work within the constraints of state violence—that is, not a positively determinable purpose beyond the strike, but precisely the

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23 2 W. BENJAMIN, _supra_ note 1, at 193 (citing G. SORIEL, _Réflexions sur la Violence_ (5th ed. 1919)).
24 _Id._ (quoting _Réflexions sur la Violence_ at 250). _See also_ REFLECTIONS, _supra_ note 1, at 291.
25 2 W. BENJAMIN, _supra_ note 1, at 193-94.
26 _Id._ at 194.
strike itself in its unmediated mediacy. This strike, directed toward
the annihilation of state violence by way of suspension of all positing
violence—in other words, directed toward nothing—can be described
as being without intention. Following Sorel, Benjamin refers to a line
from a letter written by Marx in 1896 to Edward Spencer Beesly, in
which Marx reportedly wrote, “whoever drafts programs for the fu­
ture is a reactionary.”27 For Benjamin, the strike is the social, eco­

27 Id. This letter is not included in 32 MARX & ENGELS, WERKE (1965). There are refer­
ences to a controversy surrounding Beesly’s article, The Social Future of the Working Class, in
a letter from Marx dated March 20, 1869 and in Engels’s reply dated the following day. See 43
KARL MARX, FREDERICK ENGELS: COLLECTED WORKS 243-46 (1988). Benjamin refers to
the account given by Sorel, who carefully adds: “In this connection Bernstein says that [Lajo] 
Brentano may have been exaggerating somewhat, but that ‘the quotation is not too far from 
Marx’s thinking’ . . . ” G. SOREL, ÜBER DIE GEWALT 159 (1981). Benjamin’s full sentence,
which not only reports, but in effect also endorses what it reports, reads: “Taking up occa­sional statements by Marx, Sorel rejects any kind of program, of utopia, in short, any kind of 
law imposition, for the revolutionary movement.” 2 W. BENJAMIN, supra note 1, at 194.
That Benjamin’s position, in the sentence just quoted and in this whole text, is difficult to
reconcile with the invocation of utopian visions in so much of the literature on him requires no
further comment.

With his reference to Marx, Benjamin rather cunningly manages to settle, by sleight of
hand, the differences between Marxist politics and the politics of anarchism, in favor of an­
archism. Following Sorel, he explicitly calls the proletarian general strike, “anarchist.” Id.
And in his early notes in On the Problem of Physiognomy and Prediction, dating from 1918,
Benjamin apodictically voices his conviction that ethics ought to be a doctrine of anarchy:
“Ethics, applied to history, is the doctrine of revolution[,] applied to the state, the doctrine of
anarchy.” W. BENJAMIN, Zum Problem der Physiognomik und Vohersagung, in 6 GESAM­
MELTE SCHRIFTEN 91 (R. Tiedemann, H. Schweppenhauer eds. 1985) [hereinafter W. BEN­
JAMIN, Physiognomik und Vohersagung]. Another entry in Benjamin’s notes, dating from the
period between 1919 and 1920—that is, from the time immediately preceding Benjamin’s work
on Zur Kritik der Gewalt—reads, “The significance of anarchy for the profane sphere must be
determined from the historiophilosophical locus of freedom.” For Benjamin, this locus is
characterized by “the destruction and liberation of a (dramatic) presentation. Redemption of
history from the actor [Darstellenden],” 6 W. BENJAMIN, supra, at 98-99,—that is, liberation
from the world as the scene of history, and from the actors, who, according to the master plan
of redemption, are bound to play representative roles. This is why the “doctrine of anarchy,”
in this fragment, as well as in the essay Zur Kritik der Gewalt, is a doctrine of revolutionary
and divine violence, the violence of a language that does not represent, but manifests:

The divine manifests itself in them [the contemporary manifestations of the social]
only in revolutionary violence. Only in the community, nowhere in the ‘social
institutions’, does the divine manifest itself non-violently and powerfully [gewaltlos
und gewaltig] . . . . This sort of manifestation should be sought not in the sphere of
the social, but in that of revelatory perception and finally and particularly in lan­
guage—and first of all in holy language.

Id. at 99. This theology of a revolution that does not represent but that puts an end to all that
represents in that it liberates in it the dimension of mediacy and thus liberates a presentation
which does not manifest anything other than itself—this theology of the irrepresentable is, for
Benjamin, at the same time an ethics that may be associated with the concept of anarchy. In
notes from 1920, which discuss the problems of “ethical anarchism,” Benjamin writes:
To set forth this point of view is one of the tasks of my moral philosophy, a context
in which the term anarchism may certainly be used for a theory which denies
moral justice not to violence as such but only to any human institution, commu-
nomic, and political event in which nothing happens, no work is done, nothing is produced, and nothing is planned or projected. It is the manifestation of a sociality whose effectiveness neither conforms to a paradigm from the historical canon of politico-economic systems, nor aims at their simple recasting. This sociality is one which does not permit itself to become effective in any form other than as the bare minimum of its existence, the manifestation of the social tout court. The proletarian general strike, the eventual form of this sociality, is located outside any means-ends relation such as that which determines the political strike, in which political action defines itself as an instrument for the transformation of existing legal relations. This is why, unlike the political strike which takes place with a view toward an end, the proletarian strike can no longer be understood within a logic of positings and their decay, or within a dialectic of performa-

nity, or individuality which awards itself a monopoly over violence . . . rather than revering it as a gift of divine power, as perfection of power in individual cases.

*Id.* at 106-07. One's uneasiness at reading such formulations is not diminished if one recalls that they rigorously condemn any recourse to violence by people, institutions, or communities as unjust and grant violence only to instances exempted from any human or social presentation: for how should something which in principle evades presentation and consequently also cognition be accessible to reverence without being compromised by it? And how could there be a "gift of divine power" not claimed by someone, even collectively, and "administered" by its claimant? And could this violence, objectified in this way, still be revered without falling prey to mythologization? The thoughts in the last part of *Zur Kritik der Gewalt* remain truer to the imperative of unrepresentability and demythologization than these formulations do. They state that only mythical violence—that is, positing violence—can be the object of cognition.

As little as the discussion of anarchism in Benjamin's early notes allows Benjamin's ideas to be traced historically to particular sources of anarchist theories (*see, e.g.*, B. Wille, *Philosophie der Befreiung durch das reine Mittel* (1894); R. Stammel, *Die Theorie des Anarchismus*, (1894); G. Landauer, *Aufruf zum Sozialismus* (1911); and E. Unger, *Politik und Metaphysik* (1921) (studied by Benjamin while he worked on *Zur Kritik der Gewalt* )) it would be a mistake to take the references to Marx and the proletarian general strike simply as an avowal of Marxism, be it to the Marxism still known today as "orthodox," or to a certain shade of Marxism, such as Sorel's. To Benjamin, working with uncompromising notions of language and politics, it was crucial to show that the only two political forces of uncompromising change in social relations were compatible. One of the questions, however, that one should ask in reading Benjamin's texts is what the link between pure violence and the proletarian general strike (which they—and, in the critical tradition, they alone—establish) might have to contribute to the determination of the proletariat. Clearly, for Benjamin proletariat is not a purely sociological concept, nor does it designate the representative of a violated universal legal norm. The proletariat is positively defined in these early Benjaminian texts only as that class which constitutes itself in and through the general strike and which, in this strike, deposes the state power and its apparatuses just as it ends the historical continuum of privilege and oppression. Since, according to Benjamin, one cannot say with certainty when pure revolutionary violence is actually present, *W. Benjamin,* *supra* note 1, at 203, it follows that one cannot be certain who belongs to the proletariat. A resolution of this question would belong in the realm of prognoses and programs and could thus only contribute to a crippling of revolutionary forces: it would reduce something to an object of cognition which is only possible as ethico-political experience.
tives or of production. It is, instead, imperformative, afformative. The strike is "a nonaction"; as an unconditional refusal to act it is tantamount to a "severing of relations"—that is, of exploitative relations—and is thus "an entirely nonviolent, pure means."28 In this respect, the proletarian strike is "analogous" to the "proper sphere of understanding"—language.29 Directed toward nothing, signifying nothing, not acting, the proletarian general strike, as the "task" of political critique envisioned by Benjamin, is the "annihilation" of all legal violence,30 the "annihilation of state violence [Staatsgewalt],"31 and is, like divine violence, "law-annihilating"—as opposed to mythical violence, which is "law-imposing." Thus, it is only in annihilation—not, certainly, the annihilation of mediacy, but the annihilation of the sphere of positing and its institutions by means of its reduction to mediacy—that the proletarian strike is "the highest manifestation of pure violence by humanity"32 and can be placed alongside the "divine violence" of justice, twice called "striking" (schlagend) by Benjamin.33 The "nothing" which takes place in the proletarian general strike is most readily distinguished from any nihil negativum or nihil privativum, from any logically or ontologically defined nothing, by the fact that in it the sheer mediacy of all social relations opens up, and all the formal and especially juridical restrictions of these relations are suspended.34

28 2 W. BENJAMIN, supra note 1, at 184.
29 Id. at 192.
30 Id. at 199.
31 Id. at 194.
32 Id. at 202.
33 Id. at 199 and 202.
34 A detailed presentation of Benjamin's notions of annihilation and nothingness would have to take into account his familiarity with Hermann Cohen's methodologization of nothingness, H. COHEN, LOGIK DER REINEN ERKENNTNIS (1914) and, his own treatment of these notions in conjunction with those of positing, position, etc., in W. BENJAMIN, Der Begriff der Kunstkritik in der deutschen Romantik, in 1 GESAMMELTE SCHriften 7 (R. Tiedemann, H. Schweppenhäuser eds. 1974). Benjamin's later notions of Destruktion and the destructive character should also be read with reference to these discussions.

It should be self-evident that Benjamin's concepts of annihilation (Vernichtung) and destruction (Destruktion) have, aside from their names, nothing to do with the corresponding propaganda terms of the so-called conservative revolution, or with the "revolution of nihilism" (as the equation of radical democratic and totalitarian politics would have it, and as some critics by now do not hesitate to insinuate with explicit references to Benjamin). It should thus also be clear that the strike which Benjamin discusses in his piece has little in common with the "state of emergency" (Ausnahmezustand) represented by the strike in the political theory of Carl Schmitt. For Benjamin, the strike is no state of emergency, is not the exception (Ausnahme) to a rule in need of protection, of the state's monopoly over violence, but the "exception" of any system that can still operate with the political opposition of legal norm and state of emergency. Benjamin, consequently, had good reason, twenty years after Zur Kritik der Gewalt, in his thesis, On the Concept of History (Über den Begriff der Geschichte), to demand
The proletarian general strike, whose method is the unconditional suspension of state power (Staatsgewalt) and whose form is justice, would be, in the political sphere, the violence of the political itself. It would thus be what language itself is in the sphere of language: affirmative mediacy. Like language, the strike as pure means would be nonviolent, neither coercion nor extortion, neither instrument nor the anticipation of transformed power relations, but, in its sheer mediacy, the overthrow itself: "an overthrow that this kind of strike not so much causes as accomplishes."35 Not as a particular form of politics, but as a manifestation of the political as such, and of the only contemporary political force recognized by Benjamin, the proletariat, not as the application of one political means among others, but as an event of the mediacy of the political itself, the strike would suspend any politics oriented toward violently posited ends, and would thus itself be the sheer medium of the political: the only politics which does not serve as an instrument. With the proletarian strike, with the deposing of the rule of positive law, the imparting structure of language, the social itself would historically break through—and open up another history.

It may seem paradoxical, but is in fact only logical, that Benjamin makes the unconditional prerogative of mediacy into a criterion for rejecting as inadequate Kant's formulation of the categorical imperative. This is because Kant's formulation entails the license "to use, or allow to be used, oneself or another in any respect also as a means."36 Why is absolute mediacy violated as soon as someone uses himself or another also as a means? Benjamin offers no answer, but

"the bringing-about of a true state of emergency"—a remark clearly aimed at Schmitt. W. Benjamin, 1 GESEMMELTE SCHRIFten, supra, at 697. Herbert Marcuse, who was probably the first to point out the close link between the early study and the later theses, notes:

The violence criticized by Benjamin is the violence of the status quo, which has preserved in that status quo itself the monopoly of legality, of truth, of law and in which the violent character of the law has disappeared so as to come to light with a vengeance in the so-called "states of emergency" (which are, de facto, nothing of the sort). Such a state of emergency is, in regard to the oppressed, the rule; the task however is, according to the Theses on the Philosophy of History, to "bring about a true state of emergency," one capable of exploding the historical continuum of violence.


The passage Marcuse refers to reads: "The tradition of the oppressed teaches us that the 'state of emergency' in which we live is not the exception but the rule. We must attain a conception of history that is in keeping with this. Then we shall clearly realize that it is our task to bring about a real state of emergency . . . ." W. Benjamin, Über den Begriff der Geschichte, in 1 Gesammelte Schriften, supra, at 697.

35 W. Benjamin, supra note 1, at 194.
36 Id. at 187 n.1.
from the context it is not difficult to propose one: the realm of ends (Zwecke) and purposiveness can only constitute itself by way of its relation to possible means, and thus cannot constitute itself otherwise than in the realm of unconditional mediacy. This is why persons or things could be means only with respect to this absolute mediacy, but not with respect to ends, which, as ideas, are foreign to them. If, however, one were to divide up the realm of mediacy into means and ends, one would risk introducing into the moral order a hierarchy of means, thus legitimating a process of infinite approximations, the unattainability of the "idea of morality," and a politics of the prevention of just politics. The ambiguity of all means-ends relations in the realm of ethics becomes apparent in the fact that such relations cannot in principle eliminate unjust means and thus tend to support the continued dominance of injustice. Consequently, if the order of sheer mediacy would reserve a place for instrumental means, and if it also would tolerate the use of persons as instruments for ends, then, in short, this order itself would be abandoned. The program of the categorical imperative in its minimal form—the injunction to "act in such a way that at all times you use humanity both in your person, and in the person of all others, also as an end, and never merely as a means"—demands too little, Benjamin suggests, because it continues to cling to an end beyond means, and because it does not also demand that one never make use either of oneself or another as a means to an end.

This consideration has consequences not only for the content, but also for the form of the imperative itself. For even if it demands only that one respect the humanity of each person as an end—and thus universalizes the sphere of ends as that of absolute mediacy—as a categorical imperative, it nevertheless remains a law that subjects the realm of morality, and thereby the realm of the community as such, to a transcendental positing, an absolute performative, reducing everything that complies with it to a means of its fulfillment. But this unconditional law is itself dependent on at least one condition: it must articulate itself and is therefore dependent on a language which is neither posited by the law, nor by a presupposition for the law—a language independent in principle from acts of positing. The nonthetic character of language is the condition for claiming the universality of one language as law, and the affirmative, accordingly, is the condition for the possibility of a transcendental performative. The categorical imperative, this performative ground of all performatives, thus does nothing but allow the affirmative of linguistic im-

37 Id. at 187.
partability to appear. It does not posit a universal rule or a law, but exposes to the unposited mediacy of its own language. Unlike all other, essentially performative imperatives, the categorical imperative, in Benjamin’s radicalized version, is the deposition of anything that might cover over the mediacy of language through normative or regulative posittings. Whatever manifests itself in it is at base (that is, where the premises of the philosophy of the positing and self-positing of subjectivity have been suspended) not an act of a transcendental subject, not an autoperformative of a transcendental language, but affirmation: deposing of the law and exposing to that which, as sheer impartability, ineluctably precedes any positing. The moral law (Gesetz) that there shall be a community of speakers, that there shall be one language, is itself exposed to the unposited (ungesetzten) character of sheer impartability, of the possibility, and thus the pre-posituality, the pre-speaking (Vorsprechen) and the promise (Versprechen) of language. 38 Wherever this deposing in the categori-

38 The problem of community which I have thus touched upon cannot, of course, be developed with adequate precision here. I simply wish to refer to Benjamin’s observations in his treatise on language, according to which “the material commonality of things [must be thought of] in its imparting [Mitteilung],” and according to which one must think of a “communality” that “encompasses the world in general as an undivided whole.” W. Benjamin, Über Sprache überhaupt, supra note 13, at 156. Such speculations on the “magical communality,” W. Benjamin, 7 Gesammelte Schriften 796 (R. Tiedemann & H. Schweppenhäuser ed. 1989), which recall Böhme, Hamann, and the Romantics no less than they recall Lévi-Brühl, always move in the proximity of a philosophy of totality, whose doctrinaire and obscurantist features Benjamin elsewhere exposed with all due disrespect. That Benjamin’s political philosophy of language does not, however, have anything in common with the doctrines of mysticism should be clear—and should be made clear here—but this ought not to distract from the remaining ambiguities of his analyses.

The paradoxical formula “teleology without end” most clearly suggests the central terminological difficulty in describing what Benjamin discusses here: pure mediacy shows itself in the critique of Kant’s formulation of the categorical imperative as the end itself; and pure means are means toward nothing—that is, they are no longer any kind of means in a comprehensible sense. Pure violence, as a consequence, would be the cessation of any violence which could be employed for the implementation (Durchsetzung), or even for the positing (Setzung), of ends. Benjamin himself was quite aware of these difficulties in using the terms means, ends, and violence. There is good reason to propose that the ambiguity of these terms, which is not entirely resolved by the predicate pure, marks the trace of the mythical in Benjamin’s own language. The only passage in which Benjamin attempts to circumvent this ambiguity—and where he thus underscores it—turns out to be relatively vague: he speaks of “a different kind of violence . . . that certainly could be neither the justified, nor the unjustified, means to those ends, that would not function as a means at all, but rather in some other way.” W. Benjamin, supra note 1, at 196. In this sense, pure means are those which do not function as means, but in some indeterminable “other” way. But despite this indeterminable otherness, even pure means remain means—thus marking the resistance of both the instrumental and of mediacy even in the alterity of the indeterminable.

I have discussed the motif of the promise and the prestructure of language—particularly in connection with the problem of positing and of the categorical imperative—in a different way than I do here in a 1983 essay: W. Hamacher, The Promise of Interpretation, in Look-
cal imperative of political action—this exposing into the affirmative of the strike—is not experienced at all, one may assume that the realm of instrumental means and instrumentalized action has, neither analytically nor practically, been left behind.

Benjamin terms the conception of the proletarian general strike, and thus the conception of pure violence which emerges within it, a "moral" conception. But his notion of pure violence as moral violence is nowhere as apparent as in his essay on Goethe's Elective Affinities, a text he worked on between 1919 and 1922—the same period in which he wrote Zur Kritik der Gewalt. The conceptual link between the two studies is most clearly in evidence in a passage from the Elective Affinities essay devoted to the category of expressionlessness (das Ausdruckslose). Like the strike, expressionlessness is characterized as "interruption," "objection," "fragmentation" of totality, and with it as the appearance of the "sublime violence of truth." Like the strike, expressionlessness strikes (schlägt) and "destroys" (zerschlägt); and, expressionless in its striking (schlagenden) objection, its violence is never positing, forming, or transforming, but affirmative. In this function it appears as "the commanding word," as an imperative which brings the course of mere life to a halt, and preserves it in its rigidified state as the representation of a truth of which its moving appearance would not be capable. Benjamin writes:

Expressionlessness is that critical violence which, while it is unable to separate appearance from essence in art, does not allow them to blend. It possesses this violence as a moral dictum. In expressionlessness the sublime violence of truth appears as the one which determines the language of the real world according to the laws of the moral world. It destroys [zerschlägt] whatever survives in all its beautiful appearance as the legacy of chaos: false, erring totality—the absolute. Only this completes the work, by breaking it down, shattering [zerschlägt] it, making it into a fragment of the true world, a torso of a symbol.

Just as aesthetic totality is ruined by the blow of expressionlessness that opens beautiful appearance to the dimension of the ethical, so the political totality of legal institutions and the illusion of reconciliation produced by their compromises must, according to the demand of

ING AFTER NIETZSCHE (L. Rickels ed. 1990); see also Hamacher, LECTIO—de Man's Imperative, in 59 THEORY AND HISTORY OF LITERATURE—READING DE MAN READING (L. Waters & W. Godzich ed. 1989).

39 W. BENJAMIN, supra note 1, at 194.
40 W. BENJAMIN, Goethes Wahlverwandtschaften, in 1 GESAMMELTE SCHRIFTEN, supra note 34, at 181.
41 Id.
42 Id.
Zur Kritik der Gewalt, be "deposed" by the proletarian strike. The aesthetic of political statutes would have to be shattered (zerschlagen) by the strike as that event which no longer posits and which represents nothing—nothing but the unrepresentable, in which the superiority of the moral order over any political order of statutory law announces itself. Benjamin, clearly following Kant's conception of the sublime, speaks here of the "sublime violence of truth" that appears in expressionlessness. Furthermore, in political history the strike would be analogous to the caesura in the realms of language and art. Citing Hölderlin's remarks on Oedipus, Benjamin, in the Elective Affinities essay, defines this caesura as "pure word, counter-rhythmical interruption," and observes that it becomes "perceptible in the tragedy as the hero's falling-silent, and in the rhythm of the hymn as objection [Einspruch]. Indeed, one could not characterize this rhythm more aptly than by asserting that something beyond the poet interrupts the language of poetry [der Dichtung ins Wort fällt]."43 The "pure word," also termed "moral" by Benjamin, is thus audible in the onset of muteness; objection (Einspruch) is not itself a word, not a positing, but the interruption of propositional utterance by something which neither speaks nor posits. So it is for the strike: something beyond the order of positing interrupts law-imposing and law-preserving actions and breaks the history of political-legal forms, altering it into the fragment of another history. The caesura opened up by the strike would be the critical, the moral, the pure word: a wordless one belonging to no spoken language because it would be its impartability, the very possibility of language and social life themselves. The sphere in which this caesura intervenes would be that of aesthetic ideology in art and politics.

Benjamin's political theory is a theory of pure means that neither present (darstellen) nor produce (herstellen) (for that would make them into means for something other, serving the subjection and exploitation of their mediacy), and that neither posit nor are the act of positing itself (since positing is already bound to a temporal form dictated by consideration for subsistence, and is thus a means of its own preservation); Benjamin's political theory of pure means which do not posit, but depose, which do not produce but instead interrupt production, is not only thematically about a revolution, but itself effects a reversal of the perspective of classic political theory: it no longer defines politics by reference to the production of social life and its presentation in the "moral organism" of the state, but by reference to that which subverts the imperative of production and self-production,
which evades the institutions of its implementation and suspends the paradigm of social self-production—the law, the law-positing and law-preserving speech act. By defining the realm of the political from the point of view of the work stoppage, and in terms not characterizable as linguistic action, Benjamin's theory avoids the mistake of transcendental-pragmatic accounts of social and political life—the mistake of allowing the production paradigm to be resurrected in the paradigm of performativity. The pure mediacy of language which Benjamin places at the center of his critique of the political does not depend on any performative act or force of production, but only emerges in their suspension: it is afformative. Unlike historical-transcendental pragmatics, which are oriented toward historical forms of linguistic and social action, Benjamin's sketch of a politics of pure means is a theory not of positing, producing, and presenting, not of forming and transforming action, but a theory of the abstention from action; it is, if you will, a theory of the transcendental strike which exposes the conditions of historical action, suspends its previous forms, and inaugurates another history no longer dominated by forms of positing and work, by forms of presentation and production, and no longer by forms. A strike, then, that even disrupts the form of the transcendental, the form of pure paradigmatic forms themselves, and thus the possibility of its cognition.

The decision reached by pure, critical violence cannot be made by cognitive means. The decision eludes judgment. Critique, as the advocate of historical justice, must present the possibility as well as the structural unavoidability of the strike and must take part in the strike in such a way that critique is itself "striking" (schlagend). For Benjamin, though, this does not mean there can be any certainty about "when pure violence was actual in a given case." This is to say that, for cognitive purposes, any strike must take place in the border region between political and anarchist general strikes, between negotiation or, rather, extortion and acts of positing new law on the one hand, and the pure violence of deposition on the other. For cognitive purposes, there can no more be a pure anarchism than there can be absolute afformatives. Afformatives can have unforeseen effects, pre-

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44 Benjamin on at least one occasion speaks explicitly of a "striking critique" (durchschlagende Kritik). W. Benjamin, supra note 1, at 187. In this connection, it should be kept in mind that the origin of the German word Streik in the English word strike would have been more widely remembered in the 1920s than it is today; in the nineteenth century it was still common in German texts to use the word strike in its English spelling. Engels's works are one of numerous examples. Benjamin would have been familiar with this spelling and with the meaning of the English word.

45 W. Benjamin, supra note 1, at 203.
cisely insofar as they "strike" the cognition directed toward them with powerlessness. The more the event of afformation becomes possible and thus unpredictable in its effects for constative or thetic consciousness, the less the question of its actuality becomes cognitively decidable. Pure violence "shows" itself precisely in the fact that it never appears as such. "For only mythical violence, not divine [violence], will be recognizable as such with certainty, unless it be in incomparable effects. . . ." 46 The strike is not a matter of theory; it can

46 Id. The restriction of cognition to mythical or thetic violence is not a limitation which applies merely to a particular realm of cognitive objects, but a structural limitation on cognition itself: cognition is itself essentially thetic. The essay On Language as Such and on the Language of Man (see supra note 13) is clearer on this point, and again can be read as a commentary on the study on violence. While that essay does say, "Man is the cognizer [der Erkennende] in the same language in which God is creator," Über Sprache überhaupt, supra note 13, at 149, and also that "the paradisiac language of man must have been one of perfect cognition," id. at 152, cognition in the language of names is "abandoned" in the attempt to recognize good and evil—it "steps outside itself in this cognition" and becomes a "parody" of the immediate, creative cognition with which God said, on the seventh day of creation, that it was good. Id. at 152-53. "The Fall marks the birth of the human word, in which the name no longer lives intact . . . . The word must impart something (other than itself). That is really the Fall of the linguistic spirit [der Sündenfall des Sprachgeistes]." Id. at 153. Through this fall of the linguistic spirit—that is, through cognition of the known, an "uncreative imitation of the creative word"—language thus becomes a means of imparting something outside itself, becomes a mere sign for something other than itself. This "violation" of the organic link between creation and cognition is, however, rooted in the form of cognition (and also of creation) itself, in that each is directed toward something other than itself and bestows on this nameless thing a name. It is in this bestowal of a name, and in the possibility of "overnaming" (Überbenennung) that it entails, that Benjamin sees the source of sorrow and of nature's falling silent, as well as the basis of guilt. Id. at 155. For anyone is guilty who receives from the sheer mediacy of language—the mediacy in which it imparts only itself—without being able to return what he has received in the same intact medium. Thus, any cognition is guilty which itself is not a creation, as is any imitation which is not immediately creative. This guilt is unavoidable; it is governed by law, without thereby exonerating the sinner. The "judging word," which seals the expulsion from the paradise of the Adamitic language of immediate imparting, is, writes Benjamin, "excited" (exzitiert) "in accordance with an eternal law, by which this judging word punishes—and expects—its own awakening as the only, the deepest guilt." Id. at 153. According to this decisive statement in Benjamin's study, language as such disintegrates by way of "excitation"—that is, by citation, exhortation, and external agitation—out of a medium of pure impartability into one of instrumental designation, from speaking into what Benjamin, along with Kierkegaard, calls "chatter" (Geschwätz), from a giving to "the only, the deepest guilt." Id. One might add that this "excitation" not only transforms the language of perfect cognition into a parody of cognition, but also transforms that which is here called affirmative into the performative as its parody. For the tree of knowledge stands in the paradise of language "as an emblem of judgment over the questioner. This monstrous (ungeheure) irony marks the mythical origin of the law." Id. at 154. The law which forces the empty question of good and evil at the same time disallows this question; it is not only an ambiguous law, but the law of ambiguity itself, and thus the law (Gesetz) of the "monstrous irony" of language as such, in that it allows for speaking only by giving it over to "chatter" (Geschwätz) in that it permits no cognition that is not erroneous, and in that it turns all posittings into parodies of the unposited. But the tree of knowledge, this ambiguous sign of a collosal irony, though it is mentioned late in Genesis, stands as the possibility of parody in the paradise of language from
be the object neither of prognoses nor of programs; it belongs to the order of events that break through the continuum of history, as they do the commensurability of its cognition. Whoever speaks of the strike cannot be sure that he is not already affected by it, that he is not already participating in it. In his constatives, in his performatives, in his analysis of what has here tentatively been called the affirmative, another already speaks—and acts—along with him, another, neither constative nor performative. An other, but not "as such"—and thus at the very least also as constative and performative. "Unless it be in incomparable effects . . . ."

the beginning, and there "awaits" the fatal question which turns pure imparting into an imparting of something.

This law of irony—which is not the law of an ironic language as opposed to another language, but the law of the irony of language itself that allows for no decision as to whether it is language or sign, imparting or "chatter," talk (Unterredung) or law—might also be called a law of bastardization. At the end of his study on violence, Benjamin writes: "Once again all the eternal forms are open to pure divine violence, which myth bastardized with law." Id. at 203. This could mean either that pure violence, in the revolution of the proletarian general strike, would again have free access to these purified forms; or that after the caesura brought about by the proletarian general strike, divine violence could again avail itself of the bastardized, mythical forms of law. Benjamin's text suggests no criterion that would allow us to decide between the two interpretations—between the recourse to pure violence and the recourse to instrumental, thetic violence. The ironic law of the affirmative is the law of its bastardization with the performative. The proletarian general strike must enter into negotiations with the political strike; pure imparting must share with that imparting which imparts something in addition to its own mediacy. All revolutions are ironizable; all are ironic.