

# Life beyond Violence.

## Notes on Walter Benjamin's 'Zur Kritik die Gewalt'

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Just as a man lying sick with fever transformed all the words which he hears into the extravagant images of delirium, so it is that the spirit of the present age seizes on the manifestations of past or distant spiritual worlds, in order to take possession of them and unfeelingly incorporate them into its own self-absorbed fantasizing.

Walter Benjamin, *The Origin of German Tragic Drama*. Page 53

### 1.

What does it mean to evoke 'life'? Life is initially present as a generality, one that is often effaced the moment it is announced, an effacing that occurs once there is the positing of 'mere life'. And then, in contradistinction to that limitation, though perhaps it is a delimitation of a version of the lived, there is the 'living'. The latter is a further registration of 'life', one allowing for an additional qualification that does itself result in the identification of the 'soul of the living'. These different versions of 'life' are of course familiar. They all occur in the closing pages of Walter Benjamin's 'Zur Kritik die Gewalt'.<sup>1</sup> A text which despite the detail of the commentary it has elicited still exerts a powerful hold over contemporary reflections on the relationship between violence and power on the one hand and a philosophical thinking of the political on the other.<sup>2</sup> The passage in which these different senses of life are presented is the following:

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***The footnotes are incomplete and at this stage contain no more than abbreviated references to Benjamin, Hölderlin, Sophocles, etc.***

<sup>1</sup> All references to Benjamin's texts will be to the German edition followed by English - volume number followed by page number : i.e. to the *Gesammelte Schriften*. Edited by Rolf Tiedemann and Herman Schweppengäuser. Suhrkamp Verlag. Frankfurt. 1980 and *Selected Writings*. Edited by Marcus Bullock and Michael Jennings. Harvard University Press. Cambridge. 1996-2000.

<sup>2</sup> On Gewalt.

Mythic violence is bloody violence over mere life (das bloße Leben) for its own sake; divine violence is pure violence over all life for the sake of the living (reine Gewalt über alles Leben um des Lebendigen). The first demands sacrifice; the second accepts it.

This divine violence is not only attested by the religious tradition but is also found in present-day life (im gegenwärtigen Leben) in at least one sanctioned manifestation. The educative power (erzieherische Gewalt), which in its perfected form stands outside the law (außerhalb des Rechts), is one of its manifestations. These are defined, therefore, not by miracles performed directly by God but by the expiating moment in them that strikes without bloodshed, and, finally, by the absence of all lawmaking (die Abwesenheit jeder Rechtsetzung). To this extent, it is justifiable to call this violence, too, annihilating; but it is so only relatively in relation to goods, right, life, and suchlike, never absolutely, with regard to the soul of the living (die Seele des Lebendigen).<sup>3</sup>

By this stage in the text Benjamin has already developed the founding distinction that orientates his project – i.e. the one between ‘divine violence’ and ‘mythic violence’. While the distinction will always stand in need of further elaboration its force – a force that positions the term ‘Gewalt’ in its slow withdrawal from a complete identification with ‘violence’ and allows it to be connected increasingly to the presence of an operative sense of power – can be understood, albeit provisionally, in terms of a distinction between, in the case of ‘mythic violence’, a naturalized continuity often appearing as fate and, in the case of ‘divine violence’, a form of radical interruption. In other words, what is essential to the distinction can be reformulated in structural terms in relation to the naturalization of continuity on the one hand, and the productive presence of the caesura on the other (hence the caesura is never just a simple interruption but one that will always function as a type of arché).<sup>4</sup> Another

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<sup>3</sup> GS II.1 page 201. SW 1 page 250.

<sup>4</sup> The reference here is of course to Hölderlin’s discussion of the caesura in his Anmerkungen zur Antigone. While it cannot be taken up here Benjamin’s writings in the period leading up until 1921 can be interpreted as a long reflection on the productive potential of Hölderlin’s ‘Die Trauerspiele des Sophokles. Many of the moves traced in Benjamin’s essay can be interpreted as differing forms of

instance of this mode of thought in Benjamin's work emerges in the way the distinction between 'fate' (Schicksal) and 'character' is formulated in the text 'Schicksal und Charakter'; a text written two years before 'Zur Kritik die Gewalt' even though both were published in 1921.

Within that earlier text 'fate' is inextricably bound up with an imposed and then naturalized form of continuity. Historicism, which is an exemplary instance of that continuity, only ever occurs after the event. However, part of its having happened is that it allows that 'event' to have occurred before the process of its incorporation into history as continuity in order then to form part of that continuity.) There is an additional element which, in this context, is decisive. Fate also defines the realm of 'guilt', a realm in which 'guilt' is imposed on life. The interruption of the work of guilt occurs within a context in which the mistaken confusion of 'justice' (Gerechtigkeit) with the 'order of law' (die Ordnung des Rechts) has been identified – an identification that allows justice to be separated from law – and which locates the potential for the interruption of fate in forms of action. That interruption did not occur within law. It distances law in its occurring. Indeed its location was external to law (or at least to that conception of law that can be differentiated from justice). In this regard Benjamin writes:

It was not in law rather in tragedy (Nicht das Recht, sondern die Tragödie was es) that the head of genius lifted itself (sich... erhob) for the first time from the mist of guilt, for in tragedy demonic fate was breached (das dämonische Schicksal durchbrochen).<sup>5</sup>

The two significant moments here are the lifting of the head and the presence of a breach. Both need to be understood as figures of interruption. Another names for the staging of this releases is 'happiness' (Glück). In this regard Benjamin is explicit:

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engagement with Hölderlin. While there are a large number of significant writings on the relationship between Benjamin and Hölderlin one of the most important is Beatrice Hansen. "Dichtermut" and "Blödigkeit": Two Poems by Hölderlin Interpreted by Walter Benjamin. *Modern Language Notes* 112.5 (1997) 786-816.

<sup>5</sup> GS II.1 page174. SW 1 page 203.

‘Happiness is what releases (herauslöst) the fortunate man (den Glücklichen) from the chains of the fates and the nets of his own fate’.<sup>6</sup>In all three instances what is staged is an interruption that needs to be understood as an opening. The opening is generative. It occasions and thus allows. Present therefore as an arché without a telos. However, there is more at work than a simple gesture, even if it is one that will come to be named as a form of ‘Gewalt’. This is clear from the identification of law with guilt as well as fate and thus in the positioning of justice both in its radical separation from that nexus and as a consequence in its becoming bound implicitly to happiness and thus to the *Glücklichen*.

Part of the conjecture to be developed here is that once there is a relationship between these elements– justice and happiness - then that relationship allows the following questions, questions central to any understanding of Benjamin’s text, to be posed: what is meant by life and more significantly what does it mean for there to be an occurrence that takes place for ‘the living’? If as Benjamin suggests ‘fate is the guilt context of the living (das Lebendigen)’, what matters is what is involved in acts of separation from that specific set up.<sup>7</sup> What is fundamental in this context is the necessity that what defines this overcoming or separation from a determined context – e.g. the ‘guilt context of the living’ - will always involve action. Action has already been underscored. It has already been noted that what is central are the processes of ‘lifting’, ‘breaching’ and ‘releasing’. There are two conditions that mark an arché without a determined telos (i.e. a telos for which there can be no determinant image). The first is provided by the relationship between justice, happiness and life. While the second is that this relationship is no longer structured by law (and the continuity of law’s reiteration). While this is the point at which it is necessary to return to ‘Zur Kritik der Gewalt’, prior to that return the nature of the project –the project that necessitates returning to and working through Walter Benjamin – stands in need of a form of elaboration.

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<sup>6</sup> GS II.1 page174. SW 1 page 203.

<sup>7</sup> GS II.1 page175. SW 1 page 204.

## 2.

In Benjamin's *Einbahnstrasse*, in a short section early in the book with the title 'Normaluhr', the relationship between 'genius', interruption and activity is given an important formulation. Benjamin writes,

To great writers, finished works weigh lighter than those fragments on which they work throughout their lives. For only the more feeble and distracted take an inimitable pleasure in closure, feeling that their lives have thereby been given back to them. For the genius each caesura (jedwede Zäsur) and the heavy blows of fate (die schweren Schicksalsschläge) fall like gentle sleep into his workshop labour. Around it he draws a charmed circle of fragments. 'Genius is application'.<sup>8</sup>

Why would it be that the 'genius' is open to this form of positioning? The deferring of completion and the retention of the productive nature of the fragment and thus the retaining of that which in being what it is resists finality – resisting precisely because the incomplete is maintained as an original condition rather than as a form of failure occasioning lament – is itself located in a setting in which fate could have played a determining role. And yet, it does not. The work of fate is undone. Perhaps it is not surprising given its centrality in Benjamin's work on translation – a work written in 1921 - that within this formulation of the relationship between 'fate' and 'genius' there are intimations of Hölderlin's encounter with and translation of Sophocles' *Antigone*.<sup>9</sup> In the play Creon's final lines are translated by Hölderlin in a way that does not just inscribe the centrality of fate, fate is attributed a genuine power.

Hier in den Händen und hier mir auf das Haupt. Einwüst Schicksal gehäufet.<sup>10</sup>

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<sup>8</sup> GS IV.1 page 88. SW 1 page 446.

<sup>9</sup> On the complex problem of the relationship between translation, law and the political in Hölderlin see my, *Political Translations: Hölderlin's Das Höchste*. In Alexandra Lianeri (editor) *Translation and the Classic*. Oxford University Press. 2008.

<sup>10</sup> Friedrich Hölderlin. *Antigonä*. In *Sämtliche Werke*. Edited by D.E. Sattler. Band X. Wissenschaftliche Buchgesellschaft. München. 2004. Page 212.

Creon is not just overtaken by fate, fate falls upon him. The link between law and fate operates throughout the play. While there is a fundamental difference between Creon and Antigone in terms of the content and the source of the specific laws to which they declare allegiance – the family and the state - it remains the case that both hold to the centrality of law and both continue to connect law to fate. Indeed, Hölderlin himself in the ‘Anmerkungen zur Antigone’ is clear that the movement of the tragedy – moreover its presence as a tragedy – occurs ‘schicksaalsweise’.<sup>11</sup> What has to be noted is the contrast that the play itself introduces. While it is a contrast between law and wisdom that is complicated by Hölderlin’s translation in relation to his positioning of ‘happiness’ (Glücks) within the final lines, it can be argued more generally that what endures at the end of the play, in the last words of the Chorus, is the didactic centrality of wisdom (to phrone in). Indeed it is possible to argue that Benjamin’s own introduction of the centrality of ‘happiness’ (Glück) can itself be read as a critical engagement with Hölderlin’s translation of the line: ‘polloi to phrone in eudaimonias proton’ as ‘Um vielsist das Denkenmehr, denn Glückseeligkeit’.<sup>12</sup> What Hölderlin loses is the possibility of locating ‘happiness’ (‘eudaimonia’ translated as ‘Glückseeligkeit’) as fundamental to the operation of thought and thus judgment.<sup>13</sup>

Once judgment and happiness are attributed a major role within the play a more nuanced interpretation is then possible. The *Antigone* can be read as suggesting that if there is a conflict that has a determining effect, then it is not between two different conceptions of law (as though law itself could not be subject to contestation).<sup>14</sup> Rather, the actual conflict is between law and the acquisition of wisdom through experience; where the latter is present not just as contesting law but is positioned beyond the automatic hold of law. In fact it can be argued that the final speech of the Chorus

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<sup>11</sup> Hölderlin. Anmerkungen zur Antigone in *Theoretische Schriften*. Felix Meiner Verlag. Hamburg. 1998. Page 107.

<sup>12</sup> Hölderlin. *Antigonä*. Page 212.

<sup>13</sup> Add further discussion of the ‘enjeu’ of this translation.

<sup>14</sup> In this regard see my ‘Placing Speaking: Notes on the First Stasimon of Sophocles’ *Antigone*. *Angelaki*. 9.2. 2004

reiterates the position first articulated by Haemon in his engagement with Creon. Within this encounter Haemon states unequivocally that:

If you were not my father (me patér), I would say that you had no wisdom (ouk phronein). 755

Not only does this earlier line have its own dramatic quality, it can be argued that it sets the measure for any subsequent reiteration of the relationship between law and fate. Indeed, the introduction of 'wisdom' repositions the movement of the play such that it can no longer be viewed as the presentation of a simple conflict between two different conceptions of law. Once Haemon utters the line noted above both law and the type of claims made in relation to the different senses of law– the law of the Gods and those of the polis – will have been repositioned. Despite the presence of a clear internal conflict concerning law within this line – that law defining an obligation to a father as opposed to a law demanding obedience to a ruler - law has been separated from justice.<sup>15</sup> It should be added however that retrospectively this possibility once uttered will have been clear from the beginning. Thereby opening up the question : is justice to be defined in relation to the law or can it have another source and thus a different arché? This question and the position from which it stems can be connected to Benjamin's claim that has already been cited, namely, that the breaching of 'fate' occurs within tragedy. (It is, however, not the tragedy.) If it is possible to name the subject position that can be contrasted with a positioning that is defined in terms of an immediate relation to law then it is that of the 'Glücklichen'.

What then of another source of justice? It is vital to proceed slowly with this question. Another source, even of justice, cannot be just posited. There is both an existing account of law and equally an existing account of the force of law. Were there to be an attempt to undo such a conception of law it would necessitate a countermove move, one having the force of an undoing that was itself the provision of an opening. This is of course not just the motif; it is equally, the motive of 'divine violence'. At work is the possibility of the caesura as a productive arché. In order to pursue the possibility of

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<sup>15</sup> Haemon makes this precise claim in line 743 of the *Antigone*.

another source of justice it is essential to return to the differing formulations of life identified above.

### 3.

As a way in what needs to be taken up is how the formulation 'pure violence overall life for the sake of the living' is to be understood. However, the point of entry is not given by the 'living' but by the conception of the 'pure' (reine). In order to understand what is at work in such a formulation it needs to be made clear that the term 'pure' (reine) has a specific currency in the writings of Benjamin. For example, in 'The Task of the Translator' in a long and complex passage 'pure language' (reine Sprache) emerges in the following terms.

In all language and linguistic creations there remains in addition to what can be conveyed something that cannot be communicated (ein Nicht-Mitteilbares); depending on the context in which it appears, it is something that symbolizes or something symbolized. It is the former only in the finite products of language (in den endlichen Gebildender Sprachen), the latter in the becoming (Werden) of languages themselves. And that which seeks to represent, indeed to produce itself in the becoming of languages, is that very core of pure language; yet though this core remains present in life (gegenwärtig im Leben) as that which is symbolized itself, albeit hidden and fragmentary, it persists in linguistic creations only in its symbolizing capacity. Whereas in various tongues, that ultimate essence, the pure language, is tied only to linguistic elements and their changes, in linguistic creations it is weighted with a heavy alien meaning. To relive it of this, to turn the symbolizing into the symbolized, to regain the pure language fully formed in the flow of language (sprachbewegung), is the tremendous and single capacity of translation (ist das gewaltige und einzige Vermögen der Übersetzung). In this pure language – which no longer means or expresses anything but is, as expressionless and creative word, that which is

meant in all languages – all information, all sense and all intention finally encounter a stratum in which they are bound to be extinguished.<sup>16</sup>

The key elements in the formulation of 'pure language' that are germane here are firstly, the attribution to it of a capacity. 'Pure language' therefore needs to be understood as generative or at least productive. In the second, it is its identification as 'expressionless and creative word'. 'Pure language' persists without expression. Present as that which 'cannot be communicated'. While persisting in this way its field of operation is language. As a result 'pure language' does not point beyond language. However, it is neither reducible to any one natural language nor is it simply linguistic. Resisting these reductions – reductions which would be its naturalization on the one hand or equation with a putative formalism on the other - is what allows 'pure language' to figure within language. The nature of the separation involves neither mere distance nor an eventual form of connection. The separation is an allowing to be thought in terms of production and, even if it is not stated explicitly as such, also in relation to a reworked conception of potentiality. If there is access to 'pure language' then it occurs not as access to an original language, let alone to a final language of reconciliation, but to its having been regained in the act of translation. What is regained is what allows language's work. It allows for that work. It is part of what happens – it is the condition of language's happening - even though 'pure language' remains 'expressionless'. If the translator, in Benjamin's words, liberates 'the language imprisoned in a work in his recreation of that work' what this entails is that 'pure language' is only ever present as that possibility and thus as an original potentiality. Pure language does not figure. Not having content it provides content's continual reforming at the point where potentiality and the actual act of translation interconnect. That interconnection is the expression of the next translation; a form of repetition whose possibility is of necessity expressionless.

'Pure language', that which stands counter to what Benjamin identifies as the 'bourgeois' conception of language, is the mark of the refusal of the reduction of language to the work of signs. This is not to say however that pure language is an

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<sup>16</sup> GS IV.1 page 19. SW 1 page 261.

‘uninterpretable manifestation’. Not only should the term ‘manifestation’ be used with care, the question of interpretation has been distanced such that the ‘pure’ can be rethought in terms of a potentiality and therefore should not be thought within the purview defined by a relation between the interpretable and the uninterpretable. If further evidence is necessary it is clear from Benjamin’s own argument in the passage cited above that ‘pure language’ while both ‘hidden’ and ‘fragmentary’ still ‘remains present in life’. Present in a way such that potentiality in both its differentiation from its presence as actualized but with its figuring within actualization is, as a consequence, drawn into the realm of transcendental conditions. A question emerges at this precise point: how, in this context, is the presence of potentiality to be understood? Intimations of an answer are already present. They occur initially in the contrast between that which takes place, on the hand, as the ‘finite products of language’ and, on the other, ‘the becoming of languages’. The latter is not a reference to the simple evolution of language. As though all that is being identified in Benjamin’s formulation is the historical development of languages. There is a different register at work. The contrast is between finitude – the pragmatic determinations of language of which a given translation would be an exemplary instance – and language understood as a process of becoming. The work of language consists of a complex relation between acts of presentation and the process of language’s own self-realization. Translation is defined in relation to that which allows it – translation - to occur. That allowing, a process signaled by a presence that is both ‘expressionless’ and ‘creative’, is what occasions translation, indeed it becomes what could be described as the occasioning of translation. As such it marks the impossibility of an outside.<sup>17</sup> In regards to the work of language, the ‘pure’ signals as much this impossibility as it locates a form of presence that is defined in relation to a conception of potentiality that can itself be explicated in terms of transcendental conditions of possibility.

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<sup>17</sup> Footnote on ‘expressionless’. See in particular: Winfried Menninghaus. ‘Das Ausdruckslose: Walter Benjamins Metamorphosen der Biederlosigkeit’. in *Für Walter Benjamin: Dokumente, Essays und ein Entwurf*. Ed. I. and K. Scheuermann. Frankfurt a. M.: Suhrkamp, 1992, 170-182.

While there can be no pretence that Benjamin's actual terminology makes reference to transcendental conditions, what can still be argued is that the 'pure' not only functions as an account of translation's possibility, it is also the case that the work of language is defined both in relation, and only in relation to the continual and productive interconnection between potentiality and actuality. There is a further point that needs to be added, namely, that central to Benjamin's argument is the refusal to sanction any identification of the 'pure' (understood in relation to the 'becoming' of language) and the pragmatic instance. The latter is of course the locus of communication and reference. There needs to be a sustained and clearly delineated distinction between pragmatic instances and that which is identified as 'pure language'; what has been identified remains operative in terms of the continuity of potentiality. The nature of this distinction is decisive for any attempt to understand both law and the nature of the separation of 'justice' and law.

If the relationship between 'pure language' and the pragmatic instance can be understood in terms of the interplay between potentiality and transcendental conditions on the one hand, and the actual on the other, the question to be addressed concerns the way this distinction yields an explication of the already noted claim made by Benjamin that 'divine violence is pure violence over all life for the sake of the living (reine Gewalt über alles Leben um des Lebendigen).' Here the 'pure' has an extension. Part of what will be argued is that its significance can be found in its providing a definition of 'reine Gewalt' in which the conception of power that it identifies cannot be understood either as immediate in the sense of gratuitous violence or as linked to a form volunteerism. As a result 'Gewalt' will be able to be held apart from any direct, let alone inevitable relation to terror. This reworking of Gewalt opens up the question of life.

In 'The Task of the Translator' Benjamin clarifies the concept of life in the following terms:

The concept of life is given its due only if everything that has a history of its own, and is not merely the setting for history, is credited with life. In the final analysis, the range of life must be determined by history rather than by nature,

least of all by such tenuous factors as sensation and soul. The philosopher's task consists in comprehending all of natural life through the more encompassing life of history.<sup>18</sup>

And then in the essay on Goethe's *Elective Affinities* fate and what will become another conception of life are held apart since,

fate, does not affect the life of plants. Nothing is more foreign to it. On the contrary fate unfolds inexorably in the culpable life. Fate is the nexus of guilt among the living.<sup>19</sup>

Moreover, again in 'Fate and Character', there is another important moment in which character emerges in the overcoming of the interplay of fate and guilt:

The vision of character ... is liberating in all its forms; it is linked to freedom...by way of affinity to logic. The character trait is not therefore the knot in the net. It is the sun of individuality in the colourless (anonymous) sky of man, which casts the shadow of comic actions.<sup>20</sup>

What passages of this type establish is the setting that 'mythic violence' repeats and 'divine violence' interrupts'. Within that setting life is equated with natural history. And yet, life will always need to be overcome any attempt to equate it with 'organic corporeality'. ('Mythic violence' turns the complex of life, living, into 'mere life', that is into biological life.) Within that overcoming and thus as integral to ending the hold of 'mythic violence', life becomes determined by history. Were the 'soul' and 'feeling' to be taken as end in themselves they would have been allowed to resist their incorporation into history. That incorporation however must eschew any attempt to equate history with the naturalization of time in which the process of naturalization is then recast as either history (historicism) or nature. If history is introduced then it needs to be a conception of history in which both history and life are configured, more

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<sup>18</sup> GS IV.1 page 11. SW 1 page 254-5.

<sup>19</sup> GS I.1 page . SW 1 page 307.

<sup>20</sup> GS. SW

likely reconfigured, such that they name loci of value. It will be the same sense of value that allowed Benjamin to argue that ‘there is no document of culture which is not at the same time a document of barbarism’.<sup>21</sup>

History therefore is equally the site of power’s operation in which part of it is the systematic excision and exclusion of the appearance of power. The life of history and history as life would remain unstated within it because of their effective separation. Were the formulation ‘soul of the living’ to be reinserted into these concerns, then it will have three interrelated effects. The first is that would mark the presence of the life as incorporated within history and the life’s having a history. The second is that such possibilities depend on having broken the hold of nature over history. (This will, of course, give rise to the necessity to recast what is meant by ‘nature’ as a result.) And finally, precisely because the ‘soul’ is present as what could be described as the yet-to-be-actualized, it can be viewed as marking the potentiality for overcoming and as such it reiterates the potentiality that is implicit within terms such as ‘lifting’, ‘breaching’ and ‘releasing’. The ‘soul’ can be located within life. Thus it is there as part of the living (thus life twists free of ‘mere life’ and becomes the locus of activity). Acting for the sake of the ‘living’ depends upon the possibility of a form of activity that opens up and thus can actualize a potentiality that is there in life itself. Life does not pertain to plants animal or humans but to their interarticulation within and as the work of history. Life as a complex play of forces occurs, for example, both in the endurance of ‘barbarism’ and the ‘state of emergency’ having become the ‘rule’ rather than the ‘exception’, as well as in the potential for transformation. The question, and it is one that is as much a political as it is a philosophical concern, is how that transformation is to be understood. While part of the answer pertains to ‘divine violence’ a more sustained answer is to be found in returning to the suggested separation of justice and law that was noted earlier. Prior to that return – a return that will take on the guise of a conclusion –some of these threads that have already emerged need to be drawn together.

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<sup>21</sup> GS I.2 page 696. SW 4 page 392.

#### 4.

While 'divine violence' is one name for that which interrupts both the naturalization of time, a process incorporating and normalizing 'barbarism' (the term that can be most accurately equated with 'violence' in its particularity rather than 'Gewalt' in its generality) Benjamin has also given another name to this process. It is essential to recall this earlier formulation. The setting involves the recognition that 'divine violence' interrupts the enforcing continuity of fate. A continuity that fuses life and guilt on the one hand or equates life with 'mere life' on the other. (The latter being a process that robs humans, animals, and plants of their capacity to have a quality in excess of that equation, a quality that Benjamin identifies as 'sacred'.) The term that Benjamin deploys is 'Happiness' (Glück). To the extent that the temporality of law accords with fate then happiness, character and the comedic stand opposed to their simple reiteration. To stop here however and define what is at work in terms of the relationship between these three element would be to fail to understand what is at stake in thinking the interruption and subsequent abeyance of 'mythic violence's repetition and thus thinking beyond the work fate whilst, at the same time, neglecting the resources inherent in the way Benjamin structure's his approach to the question of law.

If it can be argued that 'happiness' is another formulation of 'divine violence' then what 'happiness' thus construed brings into consideration is not just its position in relation to fate, it does in addition construct a link to 'wisdom' and thus to judgment. That relation needs to be connected to the emergence of potentiality as well as potentiality's link to a conception of the transcendental. While the latter is the more contentious since it involves the attribution of a position to Benjamin that is not directly stated in his writings, what is of interest here is not fidelity to a literalization of Benjamin's project but the genuine reciprocity that exists between what could be described as the complex structure of happiness and potentiality.

Potentiality cannot be generalized. The identification of both 'Gewalt' and 'Sprache' in terms of the description 'pure' opens up the possibility that there is a genuine distinction between what occurs in terms of specific determinations and that which

allows for those determinations to take place. To the extent that 'pure language' is understood as language in a state of becoming which while radically distinct from the finite expression of language – the translation as a finite instance – can nonetheless also be conceived as the condition of possibility for finitude itself. In addition, it involves a radical distinction between the interplay of potentially and the transcendental on the one hand and the finite on the other. There is a further element. The relationship between 'pure language' and the finite is indeterminate. Pure language allows. As such it becomes a transcendental condition that cannot identify in advance the determination that defines the specificity of the finite. While not present with exactly the same structural force that obtains in relation to 'pure language' 'pure violence' can be positioned within a similar set up.

'Divine violence' is not just a form of interruption. Nor it is merely that which allows. (Though both of these qualities obtain.) 'Pure violence' is an interruption and an allowing. Moreover, precisely because it can be understood as an arché without a telos what it allows cannot be determined in advance. The future remains without an image. Nonetheless, the opening is not simply speculative. It is positioned in relation to the 'living' and thus undertaken in relation to the 'soul of the living'. Not only is potentiality the central term, it is also the case that the process of allowing is not determined by an already given image. As a result that process will always need defined in relation to, though equally to enjoin, the continuity of productive acts of interruption. (Here is the emergence of a cultural politics.) Acts linked to the work of genius and thus to 'happiness' (Glück). Activity and the disjunctive relation between arché and telos continue to position potentiality at the centre of 'pure violence'.

While the role of potentiality stands in need of greater clarification – a project that remains essential – it is the term that will sanction an account of the separation and thus possible reconnection of justice and law. Law is only ever able to be suspended with the state of exception if it is possible to posit law's outside. And yet, if the analogy with both language and history is prioritized then there is no outside. There is only ever a distinction between potentiality and finitude. This has a direct impact on how law is to be understood. When Benjamin argues that the 'educative power' 'stands outside the law' this should not be understood as an argument for law's impossibility.

Rather in such a formulation the 'educative power' stands for 'judgment' and thus the weave of 'wisdom' and the social, while the law in question is law as statute and thus finitude within the domain of law. Hence, the distancing of law and even the law that is 'suspended' will not simply be opposed to justice, it is also the case that it will only ever be law as finitude. This gives rise to the clear question of the possibility of a conception of law that stands in the same relation that 'pure violence' – equally divine violence' has to finitude. The response is to argue that by reformulating the relationship between justice and law as disjunctive (i.e. it cannot follow simply from a law being a law, thus law as finite, that it is just) what is thereby established is a criteria by which any one law can itself be judged. The ground of judgment is not abstract. The ground is there within the proposition that has already been examined namely: 'divine violence is pure violence over all life for the sake of the living'.