

Critique, Hypercriticism, Deconstruction

The challenge of deconstruction is how to distinguish between intentional objects in thought without judging and deciding; in other words, how to do justice to what requires recognition on the basis of its singularity. Deconstruction demands demarcation that proceeds without a criteriology, or that is not critical. And yet, it is precisely as a critique—in the sense of literary criticism—or as a critique of philosophy understood either as an antiphilosophy or as a Kantian investigation of the transcendental condition of possibility of knowledge, if not of philosophizing, that deconstruction has often been presented. This misjudgment of its thrust could have easily been avoided by a more careful scrutiny of Derrida's texts.

That deconstruction is not a critique is stated in a rather unambiguous and decidedly propositional manner throughout Derrida's writings. Among the many possible references, here are two examples: The first is from the "Ja, or the faux-bond," where Derrida writes: "deconstruction is not a critical operation; it takes critique as its object; deconstruction, at one moment or another, always aims at the thrust confided in the critical, critico-theoretical agency, that is, the deciding agency, the ultimate possibility of the decidable; deconstruction is a deconstruction of critical dogmatics."¹ The second comes from "Lettre à un ami japonais," where Derrida writes that "deconstruction is neither an *analysis* nor a *critique* . . . in a general, or Kantian sense. The authority of the *krinein* or of *krisis* (decision,

choice, judgement, distinction) is itself, in the same way as the whole apparatus of transcendental criticism, one of the essential 'themes' or 'objects' of deconstruction."²

Although altogether distinct from a critical operation, deconstruction is not without relation to critique. It is an operation first and foremost upon the critical faith in the possibility of pure distinction and in the critical value of an immaculate, uncontaminated, invulnerable, and impenetrable limit. This is evident from Derrida's concern with the fatal necessity of the contamination of fundamental originarity, from his early text *Le problème de la genèse dans la philosophie de Husserl*, to his most recent writings.³

Yet, although deconstruction deals with critique, it is not a critique of critique. The constructive operation is not carried out in the name of critical values. It does not seek to establish more rigorous criteria for the theoretical enterprise. Nor is deconstruction anticritical. In spite of its interrogation of the possibilities of pure distinction, deconstruction recognizes the necessity of distinguishing, and even the occasional *critical* (and scientific) power of critique. Indeed, while deconstruction operates on the faith and the values of pure distinction, it does not affect the limits within which the critico-theoretical enterprise (philosophical or literary) generates distinctions that have antidogmatic consequences. But where such differentiation and discrimination takes place in the perspective of values of purity, fundamental originarity, and decidability, deconstruction questions the claims made.

In order to demarcate deconstruction from critique, I turn to a brief analysis of Benjamin's essay "Critique of Violence" and Derrida's discussion of that essay in "Force of Law: The 'Mystical Foundation of Authority.'"⁴ Although Benjamin's work, and the essay on violence in particular, occasionally arouses alarm because of the ambiguity of some of its statements and operations, because of its particular interpretation of Jewish thought, and because of its disquieting proximity to such thinkers as Georges Sorel, Ludwig Klages, and Carl Schmitt, to name a few, his writings have come to be seen, at least by some literary critics, as situated in the neighborhood of deconstruction. It is, therefore, all the more important to show that what Derrida brings to bear on his reading of Benjamin's essay on violence is quite different from Benjamin's concerns. In spite of its inhibiting hermeticism—which would require a careful analysis of its own—the stated intentions as well as the argumentative strategies of "Critique of

Violence” are not akin to those of deconstruction.⁵ As the title of the essay clearly and unequivocally suggests, Benjamin intends to treat violence critically, to subject it to a critique. But what does Benjamin mean by “critique”? What characterizes, in his eyes, “a critical approach” (*eine kritische Fragestellung*), and what, in particular, are the criteria (*Masstäbe*) needed to distinguish between the “more precise critical approach,” he advocates, and ordinary critiques (*CV*, 236)? A critique, Benjamin tells us, is rooted in a philosophy that enables, on the one hand, a “scheidende und entscheidende Einstellung,” a discriminating, separating, demarcating approach, and on the other, a decisive, deciding, ruling approach (*CV*, 251).⁶ Such separation and decision require criteria, extrinsic or intrinsic distinguishing marks or characteristics by which a thing can be judged, estimated, distinguished, and decided upon. A critique of violence must therefore seek first to establish what Benjamin calls the “criterion for violence itself (*der Gewalt selbst*) as a principle” (*CV*, 236). In seeking to determine “the only secure foundation of . . . critique,” Benjamin grounds himself on a “philosophy” of the history of violence, singling out one species or function of violence whose analysis yields the criterion for determining violence as such (*der Gewalt überhaupt, der Gewalt selbst*) (*CV*, 240). A very determined, and hence clearly distinguishable, kind of violence provides the criterion for deciding on violence itself as a principle. By this criterion, violence as a principle is *set apart*, cut off from all other kinds of violence with which less critical critiques of violence may have been concerned. This more precise critical approach, with its criterion of violence itself, aims at breaking the circle (*Umlauf*) of the “dialectical rising and falling in the . . . formations of violence,” that is, “the law of oscillation” (*Schwankungsgesetz*), which rules not only the history of all other functions and genres of violence, but the less precise critical approaches as well (*CV*, 251).

Now, if Benjamin can make use of one particular kind of violence to determine violence itself as a principle, it is because this form of violence is not just any ordinary form. As previously illustrated, the criterion for violence as violence must be capable of setting it apart from all other species of violence. Benjamin achieves this demarcation by making demarcation the very criterion of violence itself. Benjamin’s more precise critique of violence sets violence apart on the basis of violence’s own separating and deciding power. His critique shows violence to be critique—separation and decision—a *scheidende und entscheidende Einstellung*.

With this gesture of thought, Benjamin's "Critique of Violence" also distinguishes itself from critique in the common sense and, in spite of some allusions to the contrary, from critique in the philosophical, particularly Kantian, sense. Benjamin's more precise concept of critique differs from critique as skillful judging and as an investigation from a transcendental point of view by turning critique into a principle, into the metaphysical, ontological idea of the starting point (*die Idee ihres Ausgangs*) of the "philosophy" of the history of violence (*CV*, 251). Schematically speaking, Benjamin's essay succeeds in radically divorcing critique from both the common use of the term and the history of the concept in Kantian thought by ontologizing a methodological concept.

Benjamin's strategy in "Critique of Violence" does not so much concern itself with preserving at any cost distinctions that already exist between different kinds and functions of violence, or between different kinds of philosophical or legal positions on violence, but with performing and securing such distinctions in the first place. His scheme is to cut through the relations, connections, and correlations that still exist between the traditional theoretical definitions of the various forms of violence. These traditional definitions do not permit distinction to have the cutting edge sought by Benjamin's critical approach. From the beginning of the essay, Benjamin determines "the task of a critique of violence . . . [to be] that of expounding its relation to law and justice" (*CV*, 236). His ensuing analysis of the relation between violence imposed by fate and the law seeks to demonstrate that precisely no such relation can ultimately be justified. In contrast, divine violence is said to relate to just ends not "as means at all but in some different way" (*CV*, 247). But let us first reconstruct the major argumentative steps of Benjamin's demonstration of the absence of all relation between violence in the legal sense, violence as means, and just ends.

The question that Benjamin raises right at the start of his essay is "whether violence, as a principle, could be a moral means even to just ends" (*CV*, 236). He sets out to distinguish the "diametrically opposed" theses on violence posited by natural law and positive law (*CV*, 237). This diametrical opposition stems from natural law's conception of violence as "a product of nature" (*CV*, 237). Benjamin makes positive law his starting point—though only a starting point—first and foremost because positive law sets itself apart from a natural determination of violence, nature

always being associated by Benjamin with the lowest and most ensnaring forms of fate. He also opts for positive law against jusnaturalism, because in contradistinction to the latter, positive law undertakes “a fundamental distinction between kinds of violence” (CV, 237). Jusnaturalism not only engages in a natural justification of violence; the distinction that it makes between violence as a means for either just or unjust ends is not fundamental. Thus, Benjamin’s strategic privileging of positive law rests on its more fundamental separating and cutting power.

Yet, however radical the diametrical opposition of the two assessments of violence may be, they partake in one fundamental dogma that links them intimately together, the dogmatic assumption that “just ends can be attained by justified means, justified means used for just ends” (CV, 237). Therefore, the conceptual antagonism between jusnaturalism and positive law over violence cannot be as absolute as it might seem. Jusnaturalism and positive law embrace each other through the “circular argument,” on which they are grounded (CV, 237). Benjamin’s aim throughout the essay consists of trying to break that circular argument, by seeking “mutually independent criteria both of just ends and of justified means,” to show that between just ends and justified means—and more generally between violence as a means and just ends—there is an “irreconcilable conflict” (CV, 237). Yet, if the domains of ends and means can be shown to be irreconcilable, or more precisely, incompatible (*unvereinbar*), jusnaturalism and positive law, losing all common ground, drift apart and become opposed to each other in an unheard-of fashion. With their underlying dogmatic assumption destroyed, both legal accounts of violence would finally be clearly and radically distinct. Such a move would enable Benjamin to further radicalize his claim that positive law contains an insight into the nature of violence that is far more fundamental than that of jusnaturalism and that can be extracted from it before relinquishing once and for all the two antagonistic legal positions.

In his pursuit of such a demarcation, Benjamin takes up the distinction made by positive law, one that promises to be more fundamental than that undertaken by natural law: the distinction between sanctioned and unsanctioned violence. Indeed, the critical question of “the meaning of this distinction”—of “what light is thrown on the nature of violence by the fact that such a criterion or distinction can be applied to it at all”—insinuates an even more radical demarcation since it can only be carried

out from “a standpoint outside positive legal philosophy but also outside natural law” (*CV*, 238). In other words, the historico-philosophical view of law and violence that this very critical move presupposes leads to a rejection of, and departure from, both legal conceptions of violence. The position on violence that emerges from this departure is absolutely distinct from—that is, without relation to—what has thus been shed as ballast by the critical operation.

The fundamental distinction set forth by positive law is that between sanctioned and unsanctioned violence—more precisely, a violence whose ends are based on the presence of a general historical acknowledgment and one whose ends are not. Yet the distinction in question presupposes another difference, the difference between natural ends, which lack historical acknowledgment, and legal ends, which are defined by such sanctioning. As Benjamin’s discussion of the legal conditions in contemporary Europe shows, the distinctions between sanctioned and unsanctioned violence is aimed at replacing all natural ends by legal ends, and thus at monopolizing violence in the name of the law. The meaning of the distinction at the heart of positive law implies that violence *should not* exist outside the law. Positive law wishes to separate violence from all natural ends. Positive law wants to denaturalize violence, to set it radically apart from the realm of nature.

The interest of the law in monopolizing violence, in making it unavailable as a means to serve the natural ends of individuals, is that the law qua law is grounded on violence; it is the result of a violent institution. Hence, all existence of violence outside the law is a threat to the law. The monopolization of violence by the law serves to “preserve the law itself” (*CV*, 239). The meaning of the fundamental distinction on which positive law is based thus begins to come into view. Benjamin’s analysis of one of the forms in which violence is still permissible outside the legal system—the right to strike—reveals that the distinction in question testifies to the recognition that violence is lawmaking. Violence can overthrow a legal system, modify it, and institute a new one. If Benjamin has privileged positive law for its distinction between sanctioned and unsanctioned violence, it is precisely because that very distinction is an implicit acknowledgment that violence is essentially lawmaking. This characteristic of violence is, he adds, “the only secure foundation of its critique” (*CV*, 240). It provides a first hint of what the criterion for violence as a principle is, by determining violence as the “basis for, or a modification to, relatively stable conditions

(*Verhältnisse*),” in contrast to its definition by jusnaturalism as “the means to secure directly whatever happens to be sought” (CV, 240). Violence is most fundamentally lawmaking and not “predatory violence” (CV, 240). This means that violence does not give birth to laws sometimes, or accidentally; it does so necessarily. With fatal necessity, violence institutes the law, that is, relatively stable relations. The correlative implication is that the law is always based on an act of violent institution and violence pervades its system throughout. Benjamin’s analysis of the meaning of the distinction constitutive of positive law takes him a step closer toward securing violence as a principle.

Violence as lawmaking violence is, indeed, a distinguishing trait that hints at what Benjamin ultimately shows to qualify violence as violence, because in lawmaking violence, violence appears to be nonmediate (*nicht mittelbar*)—not to have its essence in being a means to an end. If violence institutes the law, it happens in an immediate fashion. This also explains why Benjamin so forcefully insists on keeping the complementary characterization of violence as law-preserving apart from violence as lawmaking, although in the end the latter is unmasked as a manifestation of mythic violence.

Within sanctioned conditions or relations (*Verhältnisse*), violence takes on the shape of law-preserving violence. Here, violence is at the service of legal ends. It has become *mittelbare Gewalt*, a means for “the representation and preservation of an order imposed by fate” (CV, 241). Although the law is said to originate in lawmaking violence—that is, as we shall see, in “violence crowned by fate”—Benjamin notes that law-preserving violence, which is characterized as a “threatening violence” that is “threatening, like fate,” must remain distinct from lawmaking violence (CV, 242). Indeed, where, as in the case of the police, the distinction between those two functions of violence becomes blurred (*die Trennung . . . aufgehoben ist*), an “unnatural combination (*Verbindung*),” a “spectral mixture,” occurs (CV, 242). If the police are so detestable for Benjamin, it is because they weave tight relations and mix what is to be kept separate so thoroughly that “nothing essential at all” can any more be encountered in the phenomenon in question, which consequently escapes “critical evaluation” (CV, 243). To intertwine lawmaking violence and law-preserving violence is the high point of mythic violence. Although lawmaking violence is nonmediate violence, it institutes more or less stable relations, or *Verhältnisse*. Therefore, it is mythic violence. Law-preserving violence makes

violence subservient by tying violence up with (legal) ends. Therefore, this violence is crowned by fate. But, in the police, even those two distinct manifestations of fateful violence become linked to one another. This obfuscates what, as a criterion for violence *itself*, could slash the mythic network, or text, apart and sets violence free from its mythic manifestations: violence's immediacy. In the sphere of fate, violence is tied to what it is not. It is not itself anymore and has its "criterion" in something other than violence.

Benjamin concludes his development up to this point by noting that "all violence as a means is either lawmaking or law-preserving. If it lays claim to neither of these predicates, it forfeits all validity" (CV, 243). In other words, even lawmaking violence is not *simply* nonmediate. The relations that it institutes as law in whatever nonmediate fashion contaminate it. Lawmaking violence, because it is a means, is impure violence. And because of its linkage as a means to an end, it is terribly ambiguous (*zweideutig*). Ambiguity, however, is *the* characteristic of the order of fate. It is the result of mixing what has to be kept apart, of contaminating the pure by linking it up with what it is not. Yet the ambiguity that hovers over all lawmaking (and law-preserving violence, in all its forms), must be dispelled and broken. Benjamin intends to demonstrate that "all the violence imposed by fate, using justified means [is] of itself in irreconcilable conflict with just ends" (CV, 247). In other words, Benjamin sets out to break the circle of the fundamental dogma that "just ends can be attained by justified means, justified means used for just ends" (CV, 247). As a means, violence, whether lawmaking or law-preserving, cannot possibly stand in a relation to just ends.

As Benjamin's discussion of the nonviolent forms for resolving conflicts evidences, the issue in question is not that of the purity of means. Pure means, that is, nonviolent means, such as the general strike (within certain limits), can, through a "severing of relations," achieve a limited undoing of the order of fate and the law (CV, 239). But pure means, because they are still means, cannot ever hope to achieve a deliverance from the spell, or, literally, to untie the binding circle (*Erlösung aus dem Bannkreis*), "of all the world-historical conditions of existence obtaining hitherto" (CV, 247). Only violence can succeed in this. Hence, Benjamin concludes, it becomes necessary to investigate "other kinds of violence than all those envisaged by legal theory" (CV, 247). He argues that such "a different kind of violence" can only be one "that certainly could be neither the justified

or unjustified means to those ends, but is not related to them as means at all but in some different way" (CV, 247; trans. mod.). In short, only a violence that has no (mediate) relation to what it is to achieve can succeed in dispelling and unraveling the texture of the law instituted in lawmaking violence. Such other violence, therefore, must be an end in itself—a violence that has its criterion in itself and not in an outside that could contaminate it. It must be a violence so pure that all possible relations as a means to ends are cut off. It can only be immediate, nonmediate violence. And it must be shown that this kind of violence is the essence of violence and that, hence, violence as a means stands in a relation of incompatibility with justified as well as just ends.

The subsequent task that Benjamin faces is to dispel all possible similarity between nonmediate and mythic violence. Mythic violence, indeed, stands in a relation of resemblance to the kind of violence advocated by Benjamin, in that in its most archetypal form, it is not a means to an end, but "a mere manifestation of the gods" (CV, 248). The critical gesture by which the link of resemblance is cut rests on the proof that, rather than being capable of deciding about what he had termed "the impossibility of conclusive pronouncements" (*Unmöglichkeit bündiger Entscheidung*), or "the ultimate insolubility of all legal problems," mythic violence is not only closely related (*nächstverwandt*), but it is identical to lawmaking violence (CV, 247; trans. mod.). Although mythic violence is nonmediate violence at first, qua power-making violence, it is a setting of the "boundary stone on the frontier between men and gods" (CV, 248). "Power [is] the principle of all mythic lawmaking," in the same way as "the establishing of frontiers . . . is the primal phenomenon of all lawmaking violence" (CV, 248–249). The same uncertainty and ambiguity characteristic of the sphere of fate, from which burst mythic violence, distinguish the "demonically ambiguous way" in which legal violence strikes (CV, 249). This "deliberate (*planvolle*) ambiguity" of both mythic and lawmaking violence is a function of their boundary setting. Benjamin writes that "where frontiers are decided the adversary is not simply annihilated" (CV, 249). Mythic violence, in the same way as lawmaking violence, is "not actually destructive" (CV, 248). The differences that it institutes, the limits that it traces, the laws it establishes are not radical, not clear-cut, not absolutely severing. What has been separated by frontiers is characterized by ambiguity, and deliberately so, since mythic and lawmaking violence, however nonmediate, are also mediate violence in that they institute the law as an end with

violence as the means. However important the characterization of lawmaking and mythic violence as nonmediate has been along Benjamin's critical itinerary, it now becomes clear that both forms of nonmediate violence are not pure. They are contaminated by mediate violence, and thus terribly ambiguous. But the critical distinction between both kinds of violence is nonetheless decisive. It is a call for destroying this ambiguity—the links between both kinds of violence—by posing “again, in the last resort, the question of a pure immediate violence that might be able to call a halt to mythic violence” (CV, 249).

Such pure nonmediate violence is called “divine violence.” The principle of its end making (*Zwecksetzung*) is justice (CV, 248). This pure violence, free of all mediate contamination, is “the antithesis in all respects” to mythic violence (CV, 249). If the latter “sets boundaries, the [former] . . . boundlessly destroys them” (CV, 249). Pure violence does so by cutting through the relations that make up the fateful realm of the mythic. By destroying the ties woven by myth, pure violence destroys the ambiguous limits, frontiers, and boundaries that have been erected by mythic violence in its manifestations as lawmaking violence. Pure immediate violence unbinds boundlessly by severing the connections that were established between itself and all possible historical ends. It is for this reason that Benjamin can characterize this divine violence as *schlagende Gewalt*, as “striking” or “slashing violence.” This violence is critical in that it radically tears asunder what has become related, or what has been distinguished in the mode of *Grenzsetzung*, of “frontier setting,” that obtains in the sphere of law. Divine violence, pure violence distinguishes itself as a setting apart, as a cutting off of all references to any other. And if Benjamin can say that whereas mythic violence “is bloody power over mere life for its own sake” and hence is based on an impure and interested relation to mere life—that is, its destruction of life is merely surgical—then divine violence is “pure power over all life for the sake of the living,” or the soul of the living (*des Lebendigen*) (CV, 250). Divine power is absolutely lethal to merely natural life, “for with mere life the rule of the law over the living ceases” (CV, 250). Mere life, as Benjamin stresses in particular in the essay on Goethe's *Elective Affinities* (written at the same time as the essay on violence), is the sphere of the mythic interconnectedness of guilt. The uncompromising destruction of life is a just (*gerecht*) expiation because it takes place in the name of the living, of *der Lebendige*, insofar as the latter is not merely seen as a natural being who is biologically alive, but partakes of *das Lebendige*.

Das Lebendige, or *Lebendigkeit*, is what transcends mere life. Benjamin notes that it refers to “that life in [man] . . . that is identically present in earthly life, death and afterlife” (CV, 251). It is what, in human beings, separates them from themselves as bodily beings, and the mere life in them. It is of the order of the divine *krinein* itself—the act of creation—to which it points, thus exceeding life, which Benjamin puts into the same class as goods, rights, and the like (CV, 251). *Das Lebendige*, by contrast, manifests its divine belonging by transcending, through active destruction, life itself, “the marked bearer of guilt” (CV, 251).

Yet, the distinctions that Benjamin reclaims from the law and myth; from fate’s attempt to weave connections, nets, and texts; from any attempt to blur difference are not yet complete. Pure violence has been demarcated with all necessary rigor from its manifestations in mythic violence, and from all the eternal forms bastardized by myth with law (CV, 252). Yet pure violence must still be distinguished from what human beings might construe as its manifestation. Indeed, Benjamin states that, although revolutionary violence is that “highest manifestation of unalloyed violence by man,” it is impossible for humankind “to decide when unalloyed violence has been realized in particular cases. For only mythic violence, not divine, will be recognizable as such with certainty, unless it be in incomparable effects, because the expiatory power of violence is not visible to man” (CV, 252). Pure violence is different from what, in the eyes of men’s critical and deciding powers, is a manifestation of that very violence. It thus separates itself from its own decidable manifestations. Yet this does not imply that it would itself be tinged by the ambiguity characteristic of mythic violence. If pure violence separates itself from itself in its appearances, it is because it is deciding, separating, dividing violence. It is nothing but critique. And therefore, its certain manifestation can only occur in “incomparable effects,” that is, in effects that have no relation to anything, that are separated in their uniqueness from everything else, that are decisive and deciding events in and for themselves. With this last gesture, Benjamin has undertaken to set pure violence radically free from all decidable manifestations, and he has done so by construing it as the power of separation itself, even separating itself from itself. It is nothing but the power of distinction, and hence, Benjamin writes that “divine violence, which is the sign [*insignium*] and seal but never the means of sacred execution, may be called sovereign [*waltende*] violence” (CV, 252). Divine violence reigns as the *insignium* and the seal, as a marking and distinguishing activity.

This activity sets it apart. It is the slashing (*schlagende*) occurring of itself. A decisive criterion has, thus, been found, which can establish violence in its purity, free from all contamination by and entanglement with otherness. What establishes divine violence in its own right, *as itself*, is separation itself. The purity of divine violence can only consist in this violence's infinite separation of itself from everything else. In the same way as *das Lebendige*, which in mere life is the transcending power destructive of life itself, divine violence is (nothing but) unrelenting, infinite separation. This separation is what Benjamin calls divine justice.

With this final gesture, Benjamin has concluded his critical wrenching of distinctions from the demonically ambiguous realm of the law's interconnecting and mixing of heterogeneous kinds of violence. By arguing that pure violence, violence so pure that it cannot be recognized with certainty in its manifestations, is pure *krinein*, he has unequivocally shown the divine and undecidable *krinein* to have its essence in decision itself. This sets violence apart as a principle that has the criterion for itself exclusively within itself.

In "Force of Law: The 'Mystical Foundation of Authority,'" Derrida refers to Benjamin's concern with the function of distinguishing in "Critique of Violence," as a "hypercriticism" (*FL*, 979).⁷ As demonstrated, Benjamin's obsession with critique compels him to establish the object of his critique—violence—as the very essence of the critical operation itself. By seeking to find a criterion for violence as a principle, critical separation and decision is, moreover, raised to an ontological and metaphysical status. It *is* the divine *itself*. In the name of this divine violence, which Benjamin has isolated in a critical strategy oriented toward pure rupture, he rejects (*verwerflich*, which is one of the last words of the text) all other forms of violence by severing all ties to them. Benjamin's hypercritical operations toward a notion of pure destruction (of the law and the realm of fate) rests on slashing relations and on casting off what, consequently, has become incommensurable with the purity of divine decision.

In "Force of Law," Derrida takes up Benjamin's trust in the possibility of critique and decision by pointing out the "radically problematic" nature of his conceptual divisions (*FL*, 981). This confidence in the critical enterprise goes hand in hand with what is called the "terrible ethico-political ambiguity of the text" (*FL*, 1024). Indeed, he notes, the "Critique of Violence"

belongs, in 1921, to the great anti-parliamentary and anti-“*Aufklärung*” wave on which Nazism so to speak surfaced and even surfed in the '20's and the beginning of the '30's. (*FL*, 975)

Beyond the affinities that it maintains with the worst (the critique of *Aufklärung*, the theory of language and fallen language, the critique of representation and of parliamentary democracy, etc.), is a temptation [left] open . . . to the survivors of the victims of the final solution, to its past, present or potential victims . . . to think of the holocaust as an uninterpretable manifestation of the divine violence insofar as this divine violence would be at the same time annihilating, expiatory and bloodless. (*FL*, 1044)

Of this text, Derrida remarks that “it lends itself to an exercise in deconstructive reading” (*FL*, 979). Indeed, Benjamin’s distinctions and oppositions, the “ambiguous and laborious movement on [his] part to preserve at any cost a distinction or correlation without which his whole project could collapse” (*FL*, 1001), “seem to me to call more than ever for deconstruction; they deconstruct themselves, even as paradigms for deconstruction” (*FL*, 977). Obviously, the deconstruction of Benjamin’s critical operation takes place “beyond Benjamin’s explicit purpose” (*FL*, 977). It is not of Benjamin’s signature, *if* signing is limited to assuming responsibility for the explicit intentions of the text. Explicitly, the whole strategy Benjamin uses to organize his text serves his effort to establish the most rigorous distinction between divine violence and all other sorts of violence by letting them go. The responsibility for all the operations that constitute Benjamin’s hypercriticism: the concept of a nonmediate violence (*FL*, 1025), the interpretation of divine violence as respecting the living (*FL*, 1027), the distinction between the Greek and the Jew (*FL*, 1037), his interpretation of Judaism in particular, and finally, his own signature (divine violence itself) is given to Benjamin. That is, Derrida “leaves the responsibility for all of the decisive pieces of the mechanism for decision in Benjamin’s text” to Benjamin (*FL*, 1025). Consequently, if deconstruction is not to be an external operation brought to bear on Benjamin’s essay, “this deconstruction [must be] in some way the operation or rather the very experience that this text . . . first does itself, by itself, on itself” (*FL*, 981). A deconstructive reading has to demonstrate that “deconstruction [is] at work, in full negotiation: in the ‘things themselves’ and in Benjamin’s text” (*FL*, 1003). It is to be shown that such an “auto-hetero-deconstruction” of the text ruins the latter’s critical purpose, as well as the signature that in

the name of divine violence would wish to decide upon its achievement and destiny (*FL*, 981).

I do not retrace here Derrida's various steps through which the text of Benjamin is put "to the test of a certain deconstructive necessity" (*FL*, 1035). I only take up the principle that marshals his reading of Benjamin's attempt to distinguish and decide. Derrida writes that "what threatens the rigor of the distinction between the two types of violence [lawmaking and law-preserving violence], is at bottom the paradox of iterability. Iterability requires the origin to repeat itself originally, to alter itself so as to have the value of origin, that is to conserve itself" (*FL*, 1007–1009). Because iterability, "inscribes the possibility of repetition [that is, of law-preserving violence] . . . at the heart of the originary [that is, lawmaking violence]" (*FL*, 997), Benjamin's text ruins the distinctions at the very moment it tries to make them. Now, this paradox of iterability is a "law or . . . general necessity. . . . It has an *a priori* worth" (*FL*, 1009). For *a priori* reasons, then, conservation is inscribed from the start in the essential structure of the lawmaking foundation. Derrida notes that Benjamin knows, and even knows very well, that his text is ruined in advance by this law (*FL*, 1007). Proof of this is, according to Derrida, that Benjamin rejects at one point both forms of violence. It must, however, be noted that Benjamin does not reject both forms of violence on the basis of a recognition of the *a priori* law in question. The distinction between lawmaking and law-preserving violence, as much as its subsequent rejection, is fueled by the concept of a nonmediate violence. Indeed, as I hope I have been able to show in my exposition of Benjamin's argumentative strategies, lawmaking violence can be rejected once its concept has yielded a concept of a nonmediate violence. If it must be rejected, it is because lawmaking violence as lawmaking can at best only be a phantom of such pure violence. The rejection of the distinction of the two functions of violence takes place in the horizon of the desire for an immediate violence that would not institute an order of law. Nor does Benjamin's text, in my view, recognize that what motivates his critique—the thought of a pure nonmediate violence—is itself subject to the *a priori* law of iterability. Even if he would, as Derrida suggests with respect to what Benjamin establishes about the "dialectic of up and down" of the founding or conserving violence of the law, "to some extent recognize this law of iterability that insures that the founding violence is always represented in a conservative violence that always repeats the tradition of

its origin and that ultimately keeps nothing but a foundation destined from the start to be repeated, conserved, reinstated," no such recognition leads to a complication and subsequent rejection of the ultimate distinction he makes (*CV*, 1031–1033). If, in the end, divine violence appears to be undecidable, it is because its own concept of pure distinction requires that it must be different from its own manifestations. Whatever Benjaminian gestures could be shown to undermine the thought of such a pure violence, they are not deliberate; they certainly are not thematized. Hence, if the a priori law of iterability does, for principled reasons, contaminate the purity of divine violence, it is because the very "thing" itself of a pure nonmediate violence cannot *not* yield to what it so violently excludes—the mediate, the law, mere life. It is not necessarily the text in its common understanding that would reflect, or reveal traces of the a priori law's contaminating effects. In other words, if the text deconstructs the distinctions that Benjamin wishes to establish in absolute purity, it is because the a priori law of iterability causes his text to open itself up—by the very "things" that it seeks to secure—to what ruins it as a text as well. It is in this sense, I believe, that one must read what Derrida, in "Force of Law," writes about the status of the deconstructive text:

The text *Zur Kritik der Gewalt* consists of this strange exposition: before our eyes a demonstration ruins the distinctions it proposes. It exhibits and archivizes the very movement of its implosion, leaving instead what we call a text, the ghost of a text that, itself in ruins, at once foundation and conservation, accomplishes neither and remains there, up to a certain point, for a certain amount of time, readable and unreadable, like the exemplary ruin that singularly warns us of the fate of all texts and all signatures in their relation to law. . . . Such would be (let it be said in passing) the status without statute, the statute without status of a text considered deconstructive and what remains of it. The text does not escape the law that it states. It is ruined and contaminated, it becomes the specter of itself. (*CV*, 1007)

In short, if the a priori law of iterability deconstructs Benjamin's attempt to isolate, in all purity, a thing such as pure nonmediate violence, and if this very attempt is itself (as the signature by which Benjamin signs adieu to his text suggests) a possible manifestation of that very same violence, then it is because such a thing as pure violence, or a text such as the pure manifestation of divine decision, must, with necessity, ruin itself. But since this necessity is that of "the thing itself" and of the text as the performance of the divine *krinein*, it is one that operates on a level different

from what is usually called a text. As a result, the deconstructive operation takes place against all textual appearances, contrary even to the “evidence” that, toward the end of “Critique of Violence,” Benjamin has, indeed, succeeded in achieving the purpose of his critique. Deconstruction, let it be said in passing, is, therefore, not a critical operation, nor is it an operation akin to literary or textual criticism. What Derrida calls texts is the (always singular) “law” between what we call a text and the spectral, or nonphenomenal, text, into which the first implodes.

The critique of violence must be thoroughly distinguished from deconstruction. As a critique, it is based on the security and confidence of mastering the threat of contamination. By naming it, Benjamin hopes to contain it. By referring to it as demonic ambiguity, contamination is put into its place and ejected from the sphere of the divine. It becomes the exact counterpart of the divine—without relation to it. Deconstruction by contrast, insofar as its essential “theme” is critique, is what Derrida calls “*différentielle* contamination,” a thought that excludes the possibility of all rigorous distinction, of establishing itself in purity and without a contaminating relation to an other (*FL*, 997). Deconstruction, rather than lending itself to a severing of relations by letting the other go in the same way as one lets a ballast go to soar up into purer realms, attempts to do justice to the other that is the object of all decisions. More precisely, deconstruction is responsibility—a responding to, first and foremost, the other in its alterity—before all critical separation, division, and decision. This other is the referent against, from, and with which distinction occurs. Yet, this other, before any division (or contract, for that matter), is infinite because it is irreducible, and it is irreducible because it is “the other’s coming as the singularity that is always other” (*FL*, 964). Deconstruction responds not so much to the other constituted through a critical division as to the always singular “appearing”—the irreducible contingency that it happened to be occurring or coming—that all critical decision presupposes. No relation (logical or dialectic) is capable of mastering the singularity of this otherness, or of doing justice to it. No severance of relations in a hypercritical spirit can succeed in ridding itself of this irreducible event of the “appearing” of the other; it will always have been the denegation of a response to the other’s coming. Yet as a response to that coming in its irreducible singularity, deconstruction is owed to the other, and hence infinite, as well. Deconstruction is infinitely responsible toward the singularity that sustains

and undercuts the “decision that *cuts*, that divides,” to mere life, for instance, which in the name of the living is pushed, if not sold off, by the critical operation (*FL*, 963).

It is in the spirit of such justice that, “in saying *adieu* or *au-revoir* to Benjamin,” the deconstructive text, signed by Derrida, “nevertheless leave[s] him the last word. I let him sign, at least if he can,” Derrida writes. “It is always necessary that the other sign and it is always the other that signs last. In other words, first” (*FL*, 1037).