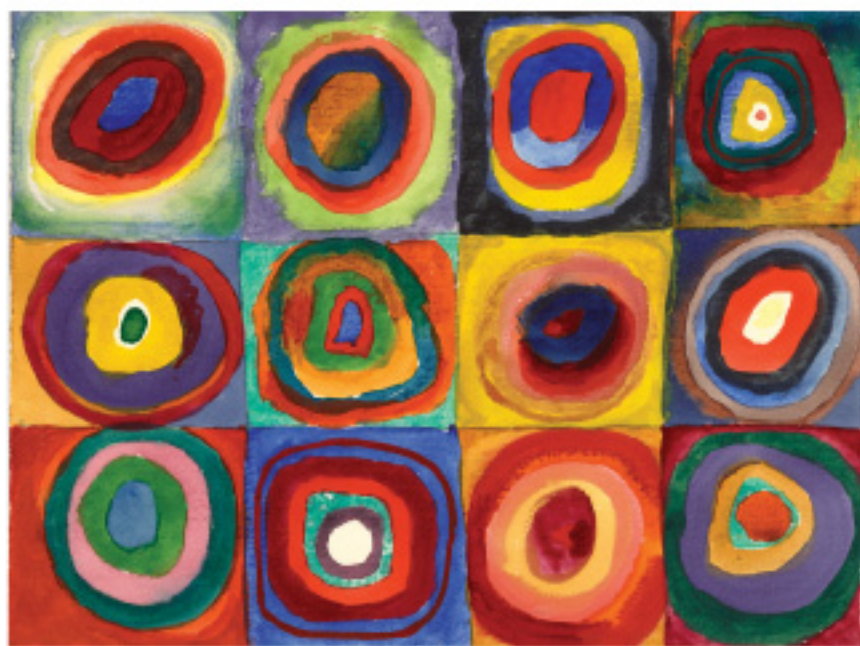


PARTING WAYS

*Jewishness
and the
Critique of
Zionism*



JUDITH BUTLER

PARTING WAYS
Jewishness and the Critique of Zionism

JUDITH BUTLER

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Abbreviations

AE	Levinas, <i>Autrement qu'être</i>
CV	Benjamin, "Critique of Violence"
DF	Levinas, <i>Difficult Freedom</i>
DS	Levi, <i>The Drowned and the Saved</i>
EJ	Arendt, <i>Eichmann in Jerusalem</i>
EN	Levinas, <i>Entre Nous</i> (English)
EN-F	Levinas, <i>Entre nous</i> (French)
FNE	Said, <i>Freud and the Non-European</i>
FR	White, "Figural Realism in Witness Literature"
IH	Zertal, <i>Israel's Holocaust and the Politics of Nationhood</i>
JW	Arendt, <i>Jewish Writings</i>
NTR	Levinas, <i>New Talmudic Readings</i>
OT	Arendt, <i>The Origins of Totalitarianism</i>
PP	Levinas, "Peace and Proximity"
PP-F	Levinas, "Paix et proximité"
TF	Benjamin, "Theologico-Political Fragment"
TPH	Benjamin, "Theses on the Philosophy of History"

PARTING WAYS

Introduction

Self-Departure, Exile, and the Critique of Zionism

PERHAPS IN SOME FORMAL SENSE every book begins by considering its own impossibility, but this book's completion has depended on a way of working with that impossibility without a clear resolution. Even so, something of that impossibility has to be sustained within the writing, even if it continually threatens to bring the project to a halt. What started as a book seeking to debunk the claim that any and all criticism of the State of Israel is effectively anti-Semitic has become a meditation on the necessity of tarrying with the impossible. I will try to make this clear in what follows, but let me state the risk of this endeavor clearly from the start. If I succeed in showing that there are Jewish resources for the criticism of state violence, the colonial subjugation of populations, expulsion and dispossession, then I will have managed to show that a Jewish critique of Israeli state violence is at least possible, if not ethically obligatory. If I show, further, that there are Jewish values of cohabitation with the non-Jew that are part of the very ethical substance of diasporic Jewishness, then it will be possible to conclude that commitments to social equality and social justice have been an integral part of Jewish secular, socialist, and religious traditions. Though this should come as no surprise, it has become necessary to reiterate this argument over and against a public discourse that assumes any criticism of the Israeli occupation, of internal inequalities within Israel, of land confiscations, and of violent bombardments of trapped populations such as those we saw in Operation Cast Lead—indeed, any objections to the requirements of citizenship in that country—is anti-Semitic or anti-Jewish, not in the service of the Jewish people, or in no way in line with what we might generally call Jewish values. In other words, it would be a painful irony indeed if the Jewish struggle for social justice were itself cast as anti-Jewish.

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Let's say I succeed in showing that there are not only bona fide but imperative Jewish traditions that oppose state violence and modes of colonial expulsion and containment. I then succeed in affirming a different Jewishness than the one in whose name the Israeli state claims to speak. And I help to show that there are not only significant differences among Jews—secular, religious, historically constituted—but also active struggles within that community about the meaning of justice, equality, and the critique of state violence and colonial subjugation. Indeed, if the argument were to stop here, and if proved persuasive, then it would establish that it is surely not anti-Jewish or counter-Jewish to offer a critique of the forms of state violence instituted and maintained by political Zionism (which would include the massive disposessions of Palestinians in 1948, the appropriation of land in 1967, and the recurrent confiscations of Palestinian lands that continues now with the building of the wall and the expansion of settlements). This alone is important, since Israel claims to represent the Jewish people, and popular opinion tends to assume that Jews “support” Israel without taking into account Jewish traditions of anti-Zionism and the presence of Jews in coalitions that oppose the Israeli colonial subjugation of Palestinians.

If I win the point on these terms, I am immediately confronted, however, with another problem. By claiming there is a significant Jewish tradition affirming modes of justice and equality that would, of necessity, lead to a criticism of the Israeli state, I establish a Jewish perspective that is non-Zionist, even anti-Zionist, at the risk of making even the resistance to Zionism into a “Jewish” value and so asserting, indirectly, the exceptional ethical resources of Jewishness. But if the critique of Zionism is to be effective and substantial, that claim of exceptionalism has to be refused in favor of more fundamental democratic values. However important it may be to establish Jewish oppositions to Zionism, this cannot be done without a critical move that questions the sufficiency of a Jewish framework, however alternative and progressive, as the defining horizon of the ethical. The opposition to Zionism requires the departure from Jewishness as an exclusionary framework for thinking both ethics and politics.

Any legitimate way to think about a polity for the region would have to emerge from the contesting ethical and political traditions that inform conduct, thinking, modes of belonging, and antagonism in the region. In other words, although it is surely possible to claim that there are Jewish grounds for a critique of state violence, ones that ought legitimately to be extended to the State of Israel itself, that remains a partial, though important, argument to be made during these times. If the prin-

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ciples of equality and justice that drive the movement against political Zionism were exclusively derived from such sources, they would immediately prove to be insufficient, even contradictory. Indeed, even the critique of Zionism, if exclusively Jewish, extends Jewish hegemony for thinking about the region and becomes, in spite of itself, part of what we might call the Zionist effect. Surely any effort that extends Jewish hegemony in the region is part of the Zionist effect, whether or not it understands itself as Zionist or anti-Zionist. Is there a way around this conundrum if one still wants to contest the Israeli claim to represent Jews and Jewishness and to sever the connection so many now make between the State of Israel and the Jewish people and, indeed, Jewish values?

It continues to surprise me that many people believe that to claim one's Jewishness is to claim Zionism or believe that every person who attends a synagogue is necessarily Zionist. Equally concerning is the number of people who think they must now disavow Jewishness because they cannot accept the policies of the State of Israel. If Zionism continues to control the meaning of Jewishness, then there can be no Jewish critique of Israel and no acknowledgment of those of Jewish descent or formation who call into question the right of the State of Israel to speak for Jewish values or, indeed, the Jewish people. Although it is surely possible to derive certain principles of equality, justice, and cohabitation from Jewish resources, broadly construed, how can one do this without thereby making those very values Jewish and so effacing or devaluing other modes of valuation that belong to other religious and cultural traditions and practices?

One way around this, perhaps, is to consider what it means to derive those principles from Jewish resources. The idea of derivation implies a consequential ambiguity: if such principles have Jewish sources, do they remain exclusively Jewish principles once they are developed and take new historical forms, or do they to a certain extent depart from that exclusive framework? Indeed, we might ask more generally whether the principles of justice and equality at stake in any criticism of the Israeli state, or other states that commit similar forms of injustice, are always partially derived from various specific cultural and historical resources and yet "belong" exclusively to none of them. We can include among such resources the classical Greek tradition, the French Enlightenment, and the decolonization struggles of the twentieth century. In these cases, as in others, one can say that such principles are derived from specific cultural resources, but this does not mean that they belong exclusively to any one tradition from which they are derived. Indeed, for a concept of justice to be derived from a specific tradition means that there must

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be some way for it to depart from that tradition, to demonstrate its applicability outside that tradition. In that sense, the departure from the tradition is a precondition of any tradition yielding strong political principles. So the dilemma is clear: if the critique of state violence relies on principles or values that are finally, exclusively, or fundamentally Jewish, understood variously and broadly as a religious, secular, or historical set of traditions, then Jewishness becomes a privileged cultural resource, and the Jewish framework remains the only or privileged one by which to think the critique of state violence. But if one undertakes this critique because one objects to the principles of Jewish sovereignty that govern that region, historic Palestine, and because one is in favor of a polity that would put an end to the colonial subjugation in the West Bank and Gaza, and acknowledge the rights of the more than 750,000 Palestinians forcibly displaced from their homes and lands in 1948—and through subsequent and recurrent forms of land confiscation—then one is arguing for a polity that would apply equally and fairly to all the inhabitants of that land. It would then make no sense to say that Jewish frameworks can provide the basis for political cohabitation or, indeed, binationalism, since the whole point is to develop a polity that would not only shelter multiple frameworks, but commit itself to a binationalism that will only become fully thinkable once colonial rule has come to an end. Rather than a bid for an easy multiculturalism, my proposal is that the vast and violent hegemonic structure of political Zionism must cede its hold on those lands and populations and that what must take its place is a new polity that would presuppose the end to settler colonialism and that would imply complex and antagonistic modes of living together, an amelioration of the wretched forms of binationalism that already exist.

So, though one needs to contest the hegemonic control Zionism exercises over Jewishness, one needs, equally, to contest the colonial subjugation Zionism has implied for the Palestinian people. In fact, one would not be concerned with the first hegemonic move (Jewish = Zionist) if one were not primarily concerned with ending the history of subjugation. How does one move on both fronts at once?

TO DERIVE A SET OF PRINCIPLES

Let us reflect first on what it means to derive a set of principles from a cultural tradition and then move to the larger political issues at hand. As I noted, to say that principles are “derived” from Jewish resources raises the question of whether these principles remain Jewish once they are developed within a contemporary situation, assuming new historical forms? Or are they principles that can and must be, always have been, derived from various cultural and historical resources, thus

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“belonging” exclusively to none of them? In fact, does the generalizability of the principles in question depend fundamentally on their finally not belonging to any one cultural location or tradition from which they may have emerged? Does this nonbelonging, this exile, help to constitute the generalizability and transposability of the principles of justice and equality?

If such principles are derived from Jewish sources, others might conclude that they are Jewish values originally, fundamentally, even finally. It follows from that argument that one must look to that religious, secular, or historical set of traditions to understand those values, at which point Jewishness becomes a privileged cultural resource, and the Jewish framework remains the only or at least the privileged one by which to think the problem of cohabitation and even binationalism. We thus fail to depart from the exclusive cultural framework of Jewishness. And this has especially contradictory and unacceptable conclusions of we are trying to think about equality and justice in Israel/Palestine.

Even as such a conclusion is unacceptable, there seems to be no easy way around this paradox. One point, however, already seems clear: equality, justice, cohabitation, and the critique of state violence can only remain Jewish values if they are *not* exclusively Jewish values. This means that the articulation of such values must negate the primacy and exclusivity of the Jewish framework, must undergo its own dispersion. Indeed, as I hope to show, that dispersion is a condition of possibility for thinking justice, a condition we would do well to remember during these times. One might say, “ah, dispersion—a Jewish value! Derived from messianic scattering and other theological figures for diaspora! You attempt to depart from Jewishness, but you cannot!” If, however, the question of the ethical relation to the non-Jew has become definitive of what *is* Jewish, then we cannot capture or consolidate what is Jewish in this relation. Relationality displaces ontology, and it is a good thing, too. The point is not to stabilize the ontology of the Jew or of Jewishness, but rather to understand the ethical and political implications of a relation to alterity that is irreversible and defining and without which we cannot make sense of such fundamental terms as *equality* or *justice*. Such a relation, which is surely not singular, will be the obligatory passage beyond identity and nation as defining frameworks. It establishes the relation to alterity as constitutive of identity, which is to say that the relation to alterity *interrupts* identity, and this interruption is the condition of ethical relationality. Is this a Jewish notion? Yes and no.

Of course, the rejoinder to such a position is usually that the Jews cannot survive in dispersion, that what I have offered as a Jewish/non-Jewish approach to ethics would imperil the Jews. But ethical self-departure is not the same as self-annihilation

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or even risking annihilation. This argument can be effectively countered in several ways. First, nothing risks courting aggression more than instituting, through violent means, modes of colonial subjugation that deny the subjugated population basic rights of self-determination. Second, not only is there substantial evidence that dispersion is the mode in which Jews have in fact survived,¹ but the idea that dispersion is a threat to Jews that must be overcome often relies on the notion that “dispersion” is a form of exile from the homeland (a condition of *galut* that can only be reversed through “returning” to the homeland).² If dispersion is thought not only as a geographical situation but also as an ethical modality, then dispersion is precisely the principle that must be “brought home” to Israel/Palestine in order to ground a polity where no one religion or nationality may claim sovereignty over another, where, in fact, sovereignty itself will be dispersed. I will elaborate on this point later and note only for now that this was one of Edward Said’s most important political aspirations in the last years of his life.

It may seem like a paradox to establish alterity or “interruption” at the heart of ethical relations. But to know that we have first to consider what such terms mean. One might argue that the distinctive trait of Jewish identity is that it is interrupted by alterity, that the relation to the gentile defines not only its diasporic situation, but one of its most fundamental ethical relations. Although such a statement may well be true (meaning that it belongs to a set of statements that are true), it manages to reserve *alterity* as a predicate of a prior subject. The relation to alterity becomes one predicate of “being Jewish.” It is quite another thing to understand that very relationship as challenging the idea of “Jewish” as a static sort of being, one that is adequately described as a subject. If to “be” that subject is to have already entered into a certain mode of relationality, then the “being” gives way to a “mode of relatedness” (suggesting a way to think about Levinas in relation to Winnicott). Whether one claims that being should be rethought as a mode of relating or whether one insists that a mode of relating contests ontology is finally less important than the primacy of relationality for thinking about this problem. Moreover, the kind of relationality at stake is one that “interrupts” or challenges the unitary character of the subject, its self-sameness and its univocity. In other words, something happens to the “subject” that dislocates it from the center of the world; some demand from elsewhere lays claim to me, presses itself upon me, or even divides me from within, and only through this fissuring of who I am do I stand a chance of relating to another. If one tries to say that this is the formulation of “Jewish ethics” that is proposed in this text, one would only be partially right. It is Jewish/not Jewish, and its meaning

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lies precisely in that conjunctive disjunction. An understanding of this perspective, itself necessarily double, will be important to understand why a diasporic frame may be crucial for the theorization of cohabitation and binationalism, with the proviso that there can be no workable “living together” under conditions of colonial subjugation that does not ratify such a political condition. As a result, coexistence projects can only begin with the dismantling of political Zionism.

This view of diaspora also sheds some light on why it makes sense that perspectives from “elsewhere” should be brought to bear on topics that are regional. The State of Israel has established itself by expelling Palestinian populations elsewhere and even views the Jews from elsewhere as badly situated for comprehending the various reasons why colonial rule must continue in the name of democracy. The argument that no one from the outside should pass judgment on what happens there seeks to restrict whatever arguments there are within the nationalist frame of Israel. But if one looks “inside” there, one finds that the “elsewhere” is already within the regional, defining it essentially. Palestinians are both within and outside the borders of the established state; the borders themselves establish an enduring relationship to the lands and peoples they exclude and monitor. The relationship is characterized by violent dispossession, surveillance, and the ultimate control by the Israeli state over Palestinian rights to mobility, land, and political self-determination. So the relationship is cemented along these lines, and it is utterly wretched.

A similar problem emerges when we say that this idea of ethical relationality is “derived from” Jewish sources. On the one hand, this is a true statement (which is to say neither that those are the only sources from which it is derived or that such ideas are derived from no other sources). As the debate between Jürgen Habermas and Charles Taylor made clear,³ it matters whether one claims (a) that certain values are derived from religious sources and then translated into a domain of rationality considered to belong finally to no religion (Habermas) or (b) that the religious reasons we give for why we act as we do belong to certain idioms and can never be fully extracted from those discursive fields (Taylor). Whether one takes the first or the second position, it is still necessary to enter into a field of translation, since either the secular content has to be extracted through some means from the religious discourse or the religious discourse has to make itself communicable beyond the community of those who share the idiom. So even if a certain conception is “derived from” Jewish resources, it has to enter into translation in order to be more broadly communicable and for its relevance to be established outside a communitarian frame (whether religious or national). The origins of a practice

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are, as Nietzsche claims, “worlds apart” from its eventual use and meaning—one important contribution of his notion of genealogy.⁴ Still, for such a crossing of worlds to become possible, a process of cultural translation is required. A certain transposition of the tradition takes place through time (indeed, without an institutionalized repetition of such transpositions, traditions cannot prevail). And this means not only that tradition is itself established through departing from itself, time and again, but that a resource only becomes “available” for ethical purposes if it first enters into a field of translation and transposability. This does not imply a translation *from* religious *to* secular discourse (where the “secular” is understood to have transcended its religious formulations), nor does it necessarily mean that it remains immanent to its own communitarian frame. Rather, it means that what begins as a “resource” upon which one draws undergoes a set of changes in the process of being drawn upon. Indeed, a certain temporal trajectory has to be undergone for a resource to become incisive or illuminating in the present; it is only through a series of displacements and transpositions that a “historical resource” comes to bear upon the present and to achieve applicability or renew its effectiveness. This temporal trajectory is at the same time spatial, since the movement from one topos to another cannot assume a single, continuous, and stable geographical ground; the movement remaps the topography itself, especially when questions of land become bound up with historical claims. What gives a tradition legitimacy is very often what works against its effectiveness. To be effective, a tradition must be able to depart from the particular historical circumstances of its legitimation and prove applicability to new occasions of time and space. In a sense, such resources can only become effective by losing their grounding in historical or textual precedent, which means that only by “ceding ground” does an ethical resource from the past come to thrive elsewhere and anew, in the midst of converging and competing ethical claims, as part of a process of cultural translation that is also a remapping of social bonds or indeed of geographical space itself.

ETHICS, POLITICS, AND THE TASK OF TRANSLATION

The turn to translation risks two different kinds of problems. On the one hand, one might assume that translation is an assimilation of religious meanings into established secular frames. On the other hand, one might assume that translation is an effort to find a common language that transcends particular discourses. But if and when translation is a scene in which the limits of a given episteme are exposed, and forced to become rearticulated in ways that do not recontain alterity, then we have

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opened onto a terrain that neither presumes the superiority of secular discourses nor affirms the self-sufficiency of particular religious discourses. And, if we accept that secularism emerges from religious sources that are never fully overcome in the course of its emergence, that particular way of polarizing the discussion no longer seems useful.

My efforts to think about the place of translation in ethical encounter are derived in part from Jewish resources, but they are also adapted and reformulated for political philosophy. In this way, my own trajectory marks two senses of departure: the first takes the Jewish tradition as one starting point for my own thinking; the second is understood as a break with a communitarian discourse that cannot furnish sufficient resources for living in a world of social plurality or establishing a basis for cohabitation across religious and cultural difference.

As an effort to overcome a sharp divide between ethics and politics, the chapters that follow aim to show how the overlapping of these two spheres recurs. Once ethics is no longer understood exclusively as disposition or action grounded in a ready-made subject, but rather as a relational practice that responds to an obligation that originates outside the subject, then ethics contests sovereign notions of the subject and ontological claims of self-identity. Indeed, ethics comes to signify the act by which place is established for those who are “not-me,” comporting me beyond a sovereign claim in the direction of a challenge to selfhood that I receive from elsewhere. The question of how, whether and in what way to “give ground” to the other becomes an essential part of ethical reflection; in other words, reflection does not return the subject to him or herself, but is to be understood as an ec-static relationality, a way of being comported beyond oneself, a way of being dispossessed from sovereignty and nation in response to the claims made by those one does not fully know and did not fully choose. From this conception of the ethical relation follows a reconceptualization of both social bonds and political obligations that takes us beyond nationalism.

I want to suggest a reformation of this important conception of ethics along a different line. The demand of the Other, to invoke Levinasian terms for the moment, always arrives through some language or some media; so if that demand is to act upon me, soliciting a response or, indeed, calling forth my sense of responsibility, it has to be “received” through some idiom or another. It will not do to say that the demand is preontological and thus prior to any and all language. It makes more sense to say that the demand from elsewhere is part of the very structure of address by which language operates to bind people. Still, if we accept this last interpretation,

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we have to accept as well that the “very” structure of address is always known and experienced through “some” language, idiom, media, or another, or some site of convergence between them. Of course, the structure of address can miss the one who might have been established as a subject within its orbit. Sometimes there is a “one” who is not interpellated at all or who is defined precisely at the boundary, as the excrement, of a set of established interpellations. So one is not addressed; but, to complain about it, one must have some sense of one’s addressability. One *could* be addressed if only the modes of address were hailing in one’s direction. Or a term or description comes one’s way, and they are somehow “wrong,” but it is in the distance between the falsifying interpellation and one’s sense of wrongness that one finds oneself—an interstitial predicament, to be sure.

This is why we might be multiply addressed or misaddressed, or solicited to respond in contradictory or inconsistent ways, to certain calls we receive or that are registered within our ambient world. Moreover, certain calls come through with static on the line, which means we are not always sure what precisely is being asked of us or what to do (Kafka’s various undelivered messages seems to provide an important qualification of Levinas in this regard, as do Avital Ronell’s reflections on missed calls).⁵

The commandment is a clear case in point. If I am to take up an ethical demand that is sent to me, I have to be able to discern the language in which it is delivered and navigate my way within its terms. To “receive” the commandment is hardly guaranteed, as we know from the story of Moses, whose followers lose faith that it will arrive, and from Moses himself, who shatters the commandments once before carrying them to the people. We have this story, in several different versions, and it comes to us from the past. For Levinas, it comes to us in every present moment through “the face,” which commands us not to kill, and is not dependent on any historical or textual precedent. For Levinas, this is a noninterpretive moment, though we know it is possible to quarrel over what counts as a face and what does not.⁶ Any sign of injurability counts as the “face.” If the ethical demand arrives from the past, precisely as a “resource” for me in the present—a message from an ancient text, a traditional practice that illuminates the present in some way, or might dispose me toward certain modes of conduct in the present—it can only be “taken up” or “received” by being “translated” into present terms. Receptivity is always a matter of translation—a psychoanalytic point upon which Jean Laplanche insisted. In other words, I cannot receive a demand, much less a commandment, from a historical elsewhere without translating, and, because translation alters

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what it conveys, the “message” changes in the course of the transfer from one spatiotemporal horizon to another. According to Gadamer, those horizons “fuse” at moments of translation,⁷ but I would counter that translation opens a chasm within the very presumption of historical continuity presupposed by Gadamer and others who work in the hermeneutic tradition. What happens when horizons fail or when there is no horizon? Even those traditions that appear to sustain continuity do not reproduce themselves in time by remaining the same. As iterable, they are subject to deviations and unpredictable sequences. A certain chasm provides the condition for a tradition to reemerge as new. The idiom through which a demand is conveyed is not the same as the one by which it is taken up, especially if the demand is crossing from one temporal topography to another. Something is lost in the course of arriving in the here and now, and something new is added by the form of conveyance to what is sometimes called the “content” of the message. Some continuity is broken, which means that the past is not “applied” to the present nor does it emerge intact after its various travels. What proves vibrant in the present is the partial ruin of what formerly was.

So if we try to reflect on what this might mean for us now, we discover rather quickly that we do not know precisely what we mean by this “we” or how best to think about the temporality in which we live. This disorientation is not something to be lamented, but rather the precondition of any effort to think anew about territory, property, sovereignty, and cohabitation. After all, if the resources of a religious tradition are multiple, then several kinds of “demands” might be made upon us on the basis of different strands of tradition; this is what accounts for open debate about scripture, Talmudic dispositions, and hermeneutic differences in the reading of the Koran. It is also why Levinasian commandments, despite Levinas’s own claims, cannot precede or nullify the demand for interpretation or translation. As we know, hermeneutics is the science not only of how best to read religious texts, but how to read them in the present and how best to cross the temporal and geographical divides that characterize the conditions of their inception and their present applicability.⁸

Over and against a view that would assume the continuity of “the Word” through time, deploying an idea of translation as a pure vehicle for relaying this continuity, we need to return to the chasm that makes translation possible and consider what it might mean for one ethical resource from the past to enter into a field of translation with resources from quite distinct and internally complicated traditions. And here I am not only referring to multiple strains within the Jewish

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tradition (though that remains important), but ways in which Jewish resources come to be taken up and elaborated within non-Jewish discourses and why this particular form of linguistic crossing is actually central to what Jewish resources are and can be. Only by entering into a field of cultural translation do particular ethical resources become generalizable and effective. This is not only a descriptive claim: religious traditions only thrive through being in contact with other religious and nonreligious institutions, discourses, and values. It is also a value in itself. Only by being displaced and transposed from one spatiotemporal configuration to another does a tradition make some kind of contact with alterity, that field of the “not-me.” What I take from Levinas is the claim that this contact with alterity animates the ethical scene, the relation to the other which obligates me. In this way, the chasm in translation becomes the condition of contact with what is outside me, the vehicle for an ec-static relationality, and the scene where one language meets another and something new happens.

We tend to consider this question of how ethical mandates enmeshed in tradition become present by tracing the travels of a tradition from one place and time to another. But, if translation serves as the vehicle for that transposition from the language through which a demand is formulated to the language by which the demand is received, then we have to think both language and temporality in a different way. If a demand comes from elsewhere, and not immediately from within my own idiom, then my idiom is interrupted by the demand, which means ethics itself requires a certain disorientation from the discourse that is most familiar to me. Further, if that interruption constitutes a demand for translation, then translation cannot be a simply assimilation of what is foreign into what is familiar; it must be an opening to the unfamiliar, a dispossession from prior ground, and even a willingness to cede ground to what is not immediately knowable within established epistemological fields. These limits on what is knowable are established precisely by regimes of power, so if we are disposed to respond to a claim that is not immediately assimilable into an already authorized framework, then our ethical disposition to the demand engages in a critical relation to power. In this sense, as Spivak claims, “translation is a field of power.”⁹ Or, as Talal Asad remarks about the practice of cultural translation, it “is inevitably enmeshed in conditions of power.”¹⁰

Only by passing through unsettled and deauthorized modes of knowledge, then, does something like ethics emerge within a matrix of power. And this means that traditions cede their continuity and ground in responding to the claims that emerge from contravening discursive fields, ones that call into question the

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adequacy of traditional epistemological frames. Indeed, translation in this sense stages an encounter with the epistemic limits of any given discourse, drawing the discourse into a crisis from which it cannot emerge through any strategy that seeks to assimilate and contain difference.

If we understand the way we gain access to an original set of demands or injunctions as a translation, then this access does not take place through a historical return to the time and place of the original, which is, in any case, impossible. On the contrary, we can only turn to what translation makes available to us, brings forth, illuminates within the present. In this way the loss of the original is the condition of the survival of a certain “demand” relayed through language and across time. What survives is thus both ruined and vibrant. The destructive and illuminative dimensions of translation become whatever is still active, whatever sparks still, which means that translation is the religious resource that bears upon the present. Construed as an academic argument, one might say that one cannot understand the Levinasian demand except through Benjamin’s account of translation—I will return to this in what follows. Translation makes the demand available, if it does. But this means as well that the demand may not always be legible; it may arrive, if it does arrive at all, only in bits and pieces and so only partially knowable.

If the process of translation comes to define retroactively religious resources for ethical thinking, then to derive an alternative political imaginary from such resources is to make them anew or, indeed, to scatter and transmute them. In this sense, one might discern in Derrida’s idea of “dissemination” a certain *revenant* of messianic scattering.¹¹ It is perhaps an instance of a religious term that translates into a textual meaning (and which, of course, always had something of a textual meaning), questions the possibility of return to hypothetical origins, and whose implicit signification of a kabbalistic scattering of divine light makes sense of Derrida’s own move from dissemination in the early works to the messianic in the later works. We would be wrong to say that Derrida suddenly became religious or even that certain concepts like the messianic and messianicity remained furtively religious in his writing. After all, writing is the scene of that transposition and displacement, not only informed by the idea of “scattering” but scattering that very idea.

Recent debates tend to ask how religious discourses can be translated into public discourse and democratic modes of participation and reflection, with the implication that translation nullifies the first discourse in favor of the second. The assumption is that religion is a form of particularism, tribalism, or communitarianism that must “translate” into a common or rational language in order to have

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a legitimate and restricted place in public life. The terms of the debate very often presume there is a common public language or a secular form of reason that is not itself religious but that can and must serve as the mediator for religious claims. Otherwise, religion threatens to become the basis of public discourse, political participation, and the legitimating ground of the state itself. Such views have been challenged by the extensive work of Talal Asad and Saba Mahmood on Islam, Charles Taylor on Christianity, and many others who have argued that religion is not overcome through secularism, but establishes its hegemony through the very terms of secularism. Either secularism is itself a religious product, suffused with religious values (Pellegrini, Jakobsen), or the divide between the secular and the religious is itself an instrument to maintain the hegemony of Christianity (Mahmood, Hirschkind) and the effacement of Islam.

The case of Israel tends to complicate such debates, since it raises the question of “Jewishness” in its religious and nonreligious meanings, which is bound up with the question of whether the Jewish status of the State of Israel is finally a religious one. Some liberals argue that Israel is a Jewish state and should serve either as an exception to the liberal postulate that the state must be secular (because of the exceptional circumstances of the Nazi genocide against the Jews) or be defended as a liberal democracy only for Jews, paradoxical as that might seem,¹³ despite its laws of citizenship that confer overwhelming privileges on Jews within the borders, allowing and soliciting the return of diasporic Jews to Palestine while forbidding Palestinians the right of return to lands forcibly seized in 1948 and repeatedly throughout the ensuing years. Left-wing Zionists lament the rise of the religious right within Israel, understanding themselves as the secular alternative. But what does secular mean within the context of a Jewish state? We could argue that “Jewish” does not mean adhering to religious Judaism; for this reason Hannah Arendt wrote purposively about “Jewishness” as a cultural, historical, and political category that characterized the historical situation of populations who may or may not engage in religious practices or explicitly identify with Judaism.¹³ Indeed, *Jewishness* in Arendt’s view is a term that tries to hold together a multiplicity of social modes of identification without being able to reconcile them. There is no one definition and cannot be. Her view would be sufficient if it did not carry with it the presumption of European origin and affinity: this quality, “Jewishness,” tends not to include the Mizrahim, whose cultural origins are Arab,¹⁴ and the Sephardim, whose history of exile from Spain (itself at the liminal space of the European imaginary) resulted in complex cultural intertwinements with various other traditions (Greek, Turkish,

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and North African, to name a few). If *Jewish* is considered to be already a secular term, then Israel is not a religious state but has to defend itself against religious extremists. Is it ever fully possible to extricate Jewishness from its religious background, or is its secular form one result or effect of a certain religious history? Or is it endemic to the religious—the Jewish, in this case—to be constantly departing from its religious history?

I pose such questions without quite knowing the answers, without even knowing whether I must know the answers in order to proceed with this book. After all, I'm not writing a book on religious history or even on the philosophy of religion. Rather, I'm trying to understand how the exilic—or more emphatically, *the diasporic*—is built into the idea of the Jewish (not analytically, but historically, that is, over time); in this sense, to “be” a Jew is to be departing from oneself, cast out into a world of the non-Jew, bound to make one's way ethically and politically precisely there within a world of irreversible heterogeneity. The idea of exile or *galut* within Jewish culture characterizes a population that has lost one place and not been able to return to another. The idea of “return” remains implicit to the idea of the exilic insofar as it is linked to Zion and to Zionism. Thus, within Zionist discourse, *galut* is considered a fallen realm, one that can only be rectified and restored through a return to the homeland. The diasporic functions differently, signifying a population and even a “power” that depends upon cohabitation with the non-Jew and eschews the Zionist linkage of nation to land.¹⁵ The distinction operates very differently in relation to the Palestinians of 1948 or, indeed, for all those who have been forcibly dispossessed of land in historic Palestine. Jewish populations, when not explicitly destroyed, were certainly dispossessed from home and land under the Nazi regime, but not from Palestine. The idea that a forcible dispossession of others might rightfully compensate for having been forcibly dispossessed follows no legitimate ethical or legal line of reasoning. But if the basis for the Jewish law of return is understood as biblical, we have surely to oppose the use of religion as a justification for the perpetration of internationally recognized crimes of dispossession and depopulation against Palestinians. One surely has to think carefully about the right of return (Palestinian) in relation to the Law of Return (Israeli), especially when the effort to rectify one form of exile by instituting another clearly repeats rather than resolves the crime.

I hope to show why bringing the idea of diaspora back to Palestine—which means, seeing the multiple ways it already functions there—might be useful for finding a way to think about cohabitation, binationalism, and a critique of state violence.

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Following Edward Said's important reflections in *Freud and the Non-European*, I am trying to imagine what might happen if two "traditions" of displacement were to converge to produce a postnational polity based on the common rights of the refugee and the right to be protected against illegitimate forms of legal and military violence. In order to think through this proposal from Said, we would have to settle the conditions of translation between one form of displacement and another—and also, to ascertain the limits of translatability. The differing cultural formations of exile and diaspora will be important to any such translation.¹⁶

Although Said himself was a defender of secular ideals, he nevertheless understood the kind of convergence of histories and the proximities of exile that might make for a new ethos and politics in the region. How this might be imagined will be addressed in the final chapter of this book. For Said, it is an impossible task, but for that reason no less necessary. Another view is put forward by Etienne Balibar, who links the practice of translation with a defense of secularism and the political promise of diaspora. Balibar writes, "Translation processes can occur among religious universes, but these translations involve precisely the fact that such universes are not purely religious. The 'religious' as such is a point of untranslatability."¹⁷ We have reason to wonder whether this must be so.¹⁸ Translation always concerns what is remaindered and what is brought forward. Something fails to be brought forward, to be sure, but this is as true of a translation of Kafka from German or Lispector from Portuguese as it is in any number of United Nations deliberations. Indeed, is there any translation that does not at some level depend upon the untranslatable? If it did not, then all translations would be perfect, meaning that every element of a first text would find an adequate correspondence in a second one. In fact, I think this idea of full translatability belonged precisely to those religious traditions that sought to translate perfectly, that is, without remainder, the New Testament into any number of languages. Indeed, if the putative word of God, or divine injunctions more generally, is to be transmitted in full and without flaw, the possibility of a perfect and transparent translation must be assumed. And yet Balibar identifies religion as the "untranslatable," suggesting that religion forfeits its religious quality through the vehicle of translation; translation thus strips any claim of its religious element.¹⁹

But if translation has a theological history, does that theological history simply fall away when translation is positioned as the neutral arbiter of religious views? Indeed, what if translation is itself a religious value, as Benjamin's early work suggests?²⁰ How do we then describe the situation? Has translation fully overcome its religious provenance? Or does translation simply recast the problem of religious

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meaning for us within a different set of terms? Translation establishes heteronomy as the constitutive risk of any religious “transmission.” In this sense, translation “disseminates” the original, casting it into the nonreligious and the profane, scattering it, we might say, precisely within a heteronomy of values. In this sense, translation navigates the ruins, sparking the past on occasion.

Balibar returns to the process of translation when he links it to diaspora in an effort to articulate transnational forms of citizenship. He writes that “what seems to form the condition of effective multiculturalism . . . is also closely associated with cross-cultural processes of hybridization and multiple affiliations, which make life uneasy for ‘diasporic’ individuals and groups—because such processes are linked with the melancholy of exile— but which form the material condition for the development of translation processes among distant cultural universes.”²¹ And yet, if we refuse to sanctify the moment of translation as purely secular (and secularism does have its modes of self-sanctification), then it follows that religious significations are continued, disseminated, and transmuted on the occasion of translation. We neither leave the religious realm for a nonreligious one nor remain within a self-referential religious universe. The religious is transmuted into something else, and not precisely transcended in the process. At the same time, that transmutation bars a return to some original meaning, which means that the religious is strewn and scattered, signifying only in the context of a diasporic trajectory, postnational, and nonidentitarian—an affirmative impurity.

On the one hand, I am describing a counterhegemonic trajectory of translation. One discourse is interrupted by another; it cedes hegemonic ground in order to make room for what challenges its scheme of intelligibility. Translation becomes the condition of a transformative encounter, a way of establishing alterity at the core of transmission. On the other hand, I am considering ways of formulating ethics that begin with the question of the conditions for receiving kinds of messages, injunctions, or commands from another discursive sphere, one that is not readily assimilated into one’s one. Thus injunctions such as “thou shalt not kill” or even “love thy neighbor” can only be understood and taken up on the condition that they are translated into the concrete circumstances in which one lives, the proximities that are historically and geographically fraught, the scenes of violence that inform daily life. In this sense, there is no ethical response to the claim that any other has upon us if there is no translation; otherwise, we are ethically bound only to those who already speak as we do, in the language we already know. Hence, if we take the relation to the non-Jew and the non-Jewish as an ethical obligation

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and demand for Jewishness, then what I am describing as the historical trajectory of translation is at once the ethical movement of responding to the claims made by those who are not fully recognizable as part of the “nation” and whose ethical status implies a displacement of the nation as the exclusive framework of ethical relations. What follows from this displacement is a collective struggle to find forms of political governance that institute principles of equality and justice for the full demographic of the region. In this way we might say that there is a Jewish route to a certain notion of social justice and democratic politics, since equality and justice would be available to all, regardless of religion, race, nationality, origin. It may seem to be a paradox to say that there is a Jewish route to the insight that equality must be secured for a population regardless of religious affiliation, but this is the consequence of a universalization that mobilizes an active trace of that formation with another, as well as a break with its original form.

BEYOND WRETCHED FORMS OF BINATIONALISM

There are, of course, many excellent arguments articulated within a self-avowedly secular framework for opposing political Zionism, establishing a polity on grounds of equality for Palestinians and Jews on the lands of historic Palestine, for opposing racist forms of citizenship within the borders of Israel, for stopping and reversing decades of land confiscation and colonial settlement by the Israeli state, supporting Palestinian self-determination, and opposing the brutal use of police and military force to maintain an illegal occupation and a disenfranchisement of whole populations from internationally recognized rights.²² Indeed, these arguments have the great advantage of speaking in a language that is understood to be universal, calling for rights to oppose colonial subjugation that would apply to any and all populations deprived of effective self-governance, mobility, and citizenship. Such arguments are powerful, and I also hope to make some of them in what follows. My only divergence from this important secular tradition is to suggest that some of us arrive at these principles through different formations and that our formations are not necessarily nullified the moment we arrive at insights such as these: only through an end to political Zionism, understood as the insistence on grounding the State of Israel on principles of Jewish sovereignty, can broader principles of justice be realized for the region. This leaves to the side the question of cultural Zionism, which is not necessarily linked to the defense of a particular state formation, and which sometimes insists on the distinction between *Israel*, understood as a nation, and *Eretz Yisrael*, understood as a land. Indeed, early Zionist debates in the 1920s and '30s were able

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to question whether Zionism implies any territorial claim to land. I write neither as a cultural nor a political Zionist, though I believe the history of the distinction shows that such terms go through historical reversals and transmutations that we have effectively forgotten.

More often than not in the United States, when the question is posed, “are you a Zionist?” the meaning is, “Do you believe in Israel’s right to exist?” The question always presupposes that we assume the existing form of the state provides legitimate grounds for its own existence. But if one argues that the current grounds for its existence as well as the existing formation of the state may not be legitimate, that is taken to be a genocidal position. So a political discussion on what constitutes the legitimating grounds for any state in that region is immediately silenced because to ask after the question of legitimacy (without knowing in advance how it will be answered) is taken not as an essential reflective moment for any democratic polity but rather as a dissimulated wish to see a given population annihilated. Obviously, no thoughtful discussion about legitimacy can take place under such conditions. Further, given that Zionism has become equivalent to claims of Jewish sovereignty over lands formerly owned and inhabited by Palestinians, a better question might be: what form of polity could be regarded as legitimate for lands that are currently inhabited by Jewish and Palestinian Israelis, and by Palestinians living under occupation, and are no longer inhabited by hundreds of thousands Palestinians who were dispossessed of their lands through a systematic and recurrent pattern of land confiscation that is part of the ongoing project of settler colonialism? If one asks what kind of polity would honor all these claims, then one is apparently no longer a Zionist within the contemporary understanding of that term. Forgotten in this scenario are not only the various forms of Zionism that rejected territorial claims, but those earlier forms that sought federated authorities to establish binationalism. To be in favor of binationalism is now presumptively an anti-Zionist position, although this was surely not always the case. In any case, given the contemporary formations of Zionism, it is my view that one cannot be a Zionist and struggle for a just end to colonial subjugation. Even the experiments in socialism that characterized the kibbutz movement were an integral part of the settler colonial project, which means that in Israel socialism was understood to be compatible with colonial subjugation and expansion.

Of course, many individuals with Jewish formations and affiliations have arrived at anti-Zionist positions and concluded that they therefore can no longer be Jews. My sense is that the State of Israel would congratulate them on coming to this con-

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clusion. Indeed, if one's opposition to the current policies of the State of Israel, or to Zionism more generally, leads to the conclusion that one can no longer affiliate as a Jew, such a decision effectively ratifies the notion that to be a Jew is to be a Zionist, a historical equation that is to be countered if Jewishness is to remain linked with the struggle for social justice. There are still others with Jewish formations and affiliations who find themselves muted by the present state of Israeli politics. They very often abhor the occupation, feel appalled by Israeli military strikes against civilians in Gaza, and even sometimes wish for forms of binationalism that might provide more just and viable, and less violent, political structures for the region. But they fear that to espouse such criticism will stoke anti-Semitism, and hold that it is unacceptable to offer public criticism that might be instrumentalized to increase anti-Semitism and violent crimes against Jewish people. Indeed, this double bind has become nearly constitutive for many Jews in the diaspora.

What does it mean not to be able to speak out loud the principles that were most important for the desubjugation of the Jewish people themselves? In what follows, I will consider this situation of mute impasse as it operated in the public discourse of both Primo Levi and Hannah Arendt and query what implications it has for contemporary public criticism, its self-imposed limits and the risks it runs. For if we accept that any and all criticism of Israel is effectively anti-Semitic, then we ratify that particular equation every time we mute ourselves. The only way to fight against the equation of the criticism of Israel with anti-Semitism is to clearly and repeatedly, and with strong collective support, show both that the criticism of Israel is just and that all forms of anti-Semitism, along with any other racism, are absolutely unacceptable. Only when this double position becomes legible in public discourse will it be possible to "apprehend" a Jewish left, non-Zionist, and so a Jewish/non-Jewish left that might qualify as a "partner for peace."

Although my views should be clear, it does matter that I arrive at these particular values and principles through a specific formation, specifically, my schooling and early childhood formation within Jewish communities as well as an engagement with the educational programs of my synagogue that prompted me to study philosophy. I would maintain that some of the very values that were formed as part of that childhood and adolescence recur now in my ethical and political resistance to Zionism. Of course, I have a personal story, probably several, but I introduce the autobiographical at this juncture not to pursue that particular history (although, perhaps, I will in another venue, explaining something about my family's losses under the Nazi regime and the way that affected my work on gender and even my

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understanding of photography and film). For this purpose, however, I want to point out that (a) a certain understanding of diasporic Jewish values is crucial for formulating a critique of nationalism and militarism, (b) the ethical relation to the non-Jew was and remains part of an antiseparatist and nonidentitarian approach to ethical relationality, democratic plurality, and models of global cohabitation, (c) the resistance to the illegitimate use of legal and state violence (which also ratifies and sustains economic exploitation and the regulation of impoverishment) belongs to a history of radically democratic social movements that centrally involved Jews who opposed the wanton destruction inflicted on populations by states seeking to maintain hegemonic or totalitarian control and opposed legally sanctioned forms of racism, along with all forms of colonial subjugation and coercive territorial dispossession. Moreover, (d) the conditions of the stateless and the refugee were crucial to my understanding of human rights and of the critique of the nation-state, imprisonment and detention, torture and its ratification by law or policy – and finally drew me, after a delay of many years, to the work of Hannah Arendt, whose critique of the nation-state and of Zionism in particular provided a pivotal conjunction between the dispossession of the Jews from Europe and the justice of the demands of all those who were coercively dispossessed of home, land, and rights of political self-determination, including Palestinians. And finally, (e) practices of mourning (sitting shiva and saying Kaddish) within the Jewish tradition insist on the importance of the communal and public acknowledgment of losses as a way of continuing to affirm life. Life cannot be affirmed alone, but requires a collection of others with whom and before whom one can openly grieve. But if only certain populations are deemed grievable and others are not, then open grieving for one set of losses becomes the instrument through which another set of losses are denied. If Jews only mourn the loss of Jews in the conflicts of the Middle East, then they affirm that only those who belong to one's own religion or nation are worthy of grief. This way of differentiating between valuable and nonvaluable populations emerges not simply in the aftermath of violent conflicts, but provides the epistemological condition of the conflict itself. One hears, time and again in Israeli public discourse, that a single Israeli life is worth more than countless Palestinian lives. Yet only when such obscene calculations definitively fail, and all populations are deemed grievable, will the principle of social and political equality start to govern. Grievability is in this sense a precondition of value, and there can be no equal treatment without a prior understanding that all lives have an equal right to be protected from violence and destruction.

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Although I make recourse to certain religious concepts, it is not in order to “ground” my argument on a religious basis. Rather, I am tracking the generalization of certain principles that are derived from particular religious formations, cultural and historical modes of belonging, patterns of self-reflection and analysis, and conventions governing modes of resistance and the articulation of ideals of social justice. One could easily say this formed creature that I am simply extrapolated from my formation and surroundings to arrive at universal principles whose legitimacy and applicability is fully separate from the paths by which I arrived at them. If that were true, then my formation—indeed, any cultural formation—would be like a ladder one climbs in order to achieve a certain goal, but which falls away—or is thrown away—once that goal is achieved. In fact, the values we bring to bear on such political issues emerge in part from cultural formations. Indeed, we doubtless make a mistake by reducing the question of religion to a problem of whether an established subject holds to certain “beliefs,” when religion often functions as a set of practices and, indeed, as a matrix of subject formation. Perhaps I could not be who I am without a certain formation in religion that in no way implies a specific set of religious beliefs regarding God (the metaphysical reduction) or modes of belief that are distinct from reason (the epistemological reduction). Certain values are embedded in practices and cannot be easily “extracted” from them and made into explicit “beliefs” formulated in propositions. They are lived as part of embodied practices formed and sustained within certain matrices of value.

Since I am, however, hardly determined by that formation, though I find myself oriented in part by its terms (sometimes surely in spite of myself), I am struggling with a set of transpositions that are not always predictable or, indeed, widely shared. Similarly, as I live in a world with others who do not share that formation, I find myself disoriented within my orientation, expelled from its frame, and this is the disorienting trajectory of moves both ethical and counterhegemonic. As I come up against competing frames, recognize the specific political formations that seek to establish certain aspects of my formation into markers of the hegemonic or national (such as political Zionism), the prospects emerge for processes of cultural translation that deprovincialize my orientation. Indeed, through a set of interruptions and transpositions of the given frame, I arrive at generalizable principles. Even as the process of universalization can and does take place through more specific forms of translation, there is no universal that is not finally negotiated at (or *as*) the conjuncture of discourses.²³

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Certain regimes of the universal prove to be limited, or they are instrumentalized to preempt certain claims or to efface the mode in which certain claims are made. Thus, what appears idiomatic or extraneous to the process of universalization contests its “universal” character. If the process of universalization becomes one of assimilating particular discourses into an established regime, then the particularism of the regime is elevated to the status of the universal and its own hegemonic power is effectively concealed. The modes of universalization that contest those regimes of power most effectively are the ones that simultaneously expose the “inassimilable” as the precondition of a current mode of universalization and demand a dissolution and reformulation of the process of universalization in the name of the inassimilable. The point is not to convert the inassimilable into the assimilable, but to challenge those regimes that require assimilation to their own norms. Only when those norms break apart does universalization have a chance to renew itself within a radically democratic project.

In the case of Jewishness, if not Judaism, this displacement characterizes a certain diasporic train of thought. It also confirms a set of ethical values that bind us to those who exhibit no readily available national, cultural, religious, racial similitude to the norms that govern our cultural self-definitions. It is interesting that Levinas insisted we are bound to those we do not know, and did not choose, and that these obligations are, strictly speaking, precontractual. He was, of course, the one who claimed in an interview that the Palestinian had no face,²⁴ that he only meant to extend ethical obligations to those who were bound together by his version of Judeo-Christian and classical Greek origins.²⁵ In some ways he gave us the very principle that he betrayed. And this means that we are not only free, but obligated to extend that principle to the Palestinian people, precisely because he could not. After all, Levinas also gave us a conception of ethical relations that make us ethically responsive to those who exceed our immediate sphere of belonging and to whom we nevertheless belong, regardless of any choice or contract.

An obscure point of contact between Levinas and Arendt guides me here. Arendt was right when she argued that Eichmann thought he could choose with whom to cohabit the earth. In her view, cohabitation is not a choice, but a condition of our political life. We are bound to one another prior to contract and prior to any volitional act. The liberal framework according to which each of us enters into a contract knowingly and voluntarily does not take into account that we are already living on the earth with those we never chose and whose language is not the same

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as our own. For Arendt, one reason why genocide is radically impermissible is that, in fact, we have no choice with whom to cohabit the earth. That diverse population always precedes us; it is always plural, multilingual, and spatially distributed. There is no one part of the population that can claim the earth for itself. To do so is to enter into a policy of genocide. This means that unwilling proximity and unchosen cohabitation are preconditions of our political existence, which is the basis of her critique of the nation-state (and its presumption of a homogeneous nation), and implies the obligation to live on the earth and in a polity that establishes modes of equality for a necessarily heterogeneous population. Unwilling proximity and unchosen cohabitation also serve as the basis of our obligation not to destroy any part of the human population or to make lives unlivable. If Arendt is right, then settler colonialism was never legitimate, and neither were the expulsions of indigenous populations on the basis of their nationality or religion, or indeed the continuing confiscations and displacements of the Palestinian people. Zionism has never found justification in principles of political equality and, for that reason, has never approached a substantive condition of democracy. One cannot find solutions within its terms, since the terms require and extend the nation-state on the basis of the subordination, destruction, or expulsion of the indigenous.

Although it is so often taught that Israel became a historical and ethical necessity for the Jews during and after the Nazi genocide, Arendt and others thought that the lesson we must learn from that genocide is that nation-states should never be able to found themselves through the dispossession of whole populations who fail to fit the purified idea of the nation. And for refugees who never again wished to see the dispossession of populations in the name of national or religious purity, Zionism and its forms of state violence were not the legitimate answer to the pressing needs of Jewish refugees. For those who extrapolated principles of justice from the historical experience of internment and dispossession, the political aim is to extend equality regardless of cultural background or formation, across languages and religions, to those none of us ever chose (or did not recognize that we chose) and with whom we have an enduring obligation to find a way to live. For whoever “we” are, we are also those who were never chosen, who emerge on this earth without everyone’s consent, and who belong, from the start, to a wider population and a sustainable earth. And this condition, paradoxically, yields the radical potential for new modes of sociality and politics beyond the avid and wretched bonds of a pernicious colonialism that calls itself democracy. We are all, in this sense, the

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unchosen, but we are nevertheless unchosen together. On this basis one might begin to think the social bond anew.

Not only Arendt, but Levi, Martin Buber, Hans Kohn, and others called into question the narrative that is part of the legitimating discourse for the State of Israel. It is surely right to say that Jewish and non-Jewish refugees in Europe after the Second World War were in need of sanctuary, but there were, as we know, active debates about where Jews wanted to go and what cultural aspirations they had. *In the Shadow of the Holocaust*, written by Yosef Grodzinsky, offers an important archive of struggles within the deportation camps over political ideology and the question of Zionism.²⁶ His argument is that some Jews were induced by economic and other coercive means to emigrate to Palestine, and many of those who did were not necessarily committed Zionists. But the struggle between Jews and Zionists in the camps was prolonged and intense. Some argued that quotas imposed by the U.S. and the UK on the immigration of Jews ought to be lifted, others preferred to return to Europe, yet others sought to join communist states. And, as we know, there were active battles between exiled Jews about whether there ought to be a federal authority in Palestine, a mode of binationalism, a commonwealth run by international authorities, or a state based on Jewish sovereignty that would effectively guarantee majority rule for its Jewish population. But since 1948, as Idith Zertal and other historians have shown, the narrative links have been forged time and again such that any “reasonable” person now believes that the Nazi genocide against the Jews mandated the founding of the State of Israel—and the founding of the State of Israel on those principles of Jewish sovereignty espoused by David Ben-Gurion, involving a militarized implementation of settler colonialism, a founding that was simultaneous with the Naqba, the catastrophic destruction of home, land, and belonging for the Palestinian peoples.

Indeed, at this point in time a great confusion reigns. Because the founding of the state on that basis is understood as a historical necessity for protecting the Jewish people, many now assume that any criticism of Israel contributes to the delegitimation of the state and so seeks to reverse that historical causality and to open the Jewish people to a new destruction, figured as the Nazi genocide time and again. But if it is historically and politically incumbent to understand that history as a founding catastrophe, and to locate the sites of its contingent emergence as that particular state formation and not some others, we might be able to begin to think outside this narrative lockdown. One claim is that a state was needed on

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those lands or that rights must be secured in other lands for refugees from the Nazi camps; another claim is that a state was needed on those lands where Jews might be safe (which is still not necessarily a politically Zionist argument, however it is a view that prizes the safety of Jews over all other possible refugees); and yet another argument is that a state was needed that secured Jewish self-rule at the expense of Palestinian inhabitants. Finally, with a full understanding of the Nazi genocide and the kinds of traumatic displacements that it entailed, one could develop a view that surviving Jews are refugees and that the rights of refugees must be honored through legal and political means. But, here again, it does not follow that the right of some group of refugees must therefore be legally addressed through a means that produces a new refugee class.

This founding contradiction is covered over by the causal argument that not only leads from the Nazi genocide to the founding of the State of Israel, but takes it at least two steps further, claiming (a) that the founding of the state on those grounds, and not others, was legitimate and (b) that any efforts to criticize the Israeli state for its policies of expulsion, occupation, and land confiscation amount to “delegitimation” that threatens to reverse the course of history and expose the Jewish people to genocidal violence. These arguments have been made *ex post facto* in order to legitimate a state apparatus and a militarized colonial occupation, to build a sense of nationalist entitlement, and to rename all acts of military aggression as necessary self-defense. Indeed, if one questions the founding, or associates the founding with catastrophe, then one is presumed to be insensitive to the destruction of the Jewish people. But that presumption can only hold if we also presume that the Nazi genocide mandates settler colonialism and the production of new classes of noncitizens, partial citizens, and the stateless. Indeed, it would seem that other sorts of values and political aspirations did and do emerge in the light of the Nazi genocide, ones that seek to understand and forestall all forms of fascism and all efforts at coercive dispossession. It might seem that I have just produced a proposal to leave the Jewish framework. That is true, and it is untrue. Part of my intention is to show how Jewishness has been, remains, and must remain, separate from Zionism. And part of my project in this book is precisely to depart from a Jewish-centered framework for thinking about the problem of Zionism and to locate Jewishness in the moment of its encounter with the non-Jewish, in the dispersing of the self that follows from that encounter. That is why one will find engagements here with the work of Palestinian writers, most prominently Edward Said and Mahmoud Darwish.

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My contention is that being able to depart from those communitarian moorings as they have been historically formed is a difficult and necessary struggle and that some aspects of Jewish ethics require us to depart from a concern only with the vulnerability and fate of the Jewish people. I am proposing that this departure from ourselves is the condition of a certain ethical relation, decidedly nonegological: it is a response to the claims of alterity and lays the groundwork for an ethics in dispersion.

That said, this book is errant from the start, struggling against a sentimental and blinding communitarianism that characterizes so many efforts in Jewish thinking to remain within the Zionist framework. It is an oblique documentation of a formation and a break that, I hope, will be useful to others who have undertaken an analogous struggle. This book does not purport to be an intellectual history of European non-Zionist Jewish thought, but it does grapple mainly with a few texts from European intellectual traditions, subjecting them to the twin challenge of Said's political vision and Darwish's poetic rendering of the difficulties of proximities willed and unwilled. The text is skewed by my own formation, but it means to document what can and must be done with one's own formation, how it must be repeated in new ways, and where a departure from formation becomes ethically and politically obligatory (for reasons both internal and external to that very formation). This, then: my symptom, my error, my hope . . .

1. Impossible, Necessary Task

Said, Levinas, and the Ethical Demand

ALTHOUGH IT IS commonly said that a one-state solution and an ideal of binationalism are impracticable goals, even by those who bear such concepts goodwill, it is doubtless equally true that a world in which no one held out for a one-state solution and no one thought anymore about binationalism would be a radically impoverished world. I take it that we might say the same about pacifism. It might be discredited as lacking all Realpolitik, but would any of us want to live in a world in which pacifists no longer existed? What kind of world that would be?

It came as a surprise to me, and also a gift, to read one of Edward Said's last books, *Freud and the Non-European*,¹ not only because of the lively reengagement with the figure of Moses it contains, but because Moses becomes for him an opportunity to articulate two theses that are, in my view, worth considering. The first is that Moses, an Egyptian, is the founder of the Jewish people, which means that Judaism is not possible without this defining implication in what is Arab.² Such a formulation challenges hegemonic Ashkenazi definitions of Jewishness. But it also implies a more diasporic origin for Judaism, which suggests that a fundamental status is accorded the condition by which the Jew cannot be defined without a relation to the non-Jew. It is not only that, in diaspora, Jews must and do live with non-Jews, and must reflect on how precisely to conduct a life in the midst of religious and cultural heterogeneity, but also that the Jew can never be fully separated from the question of how to live among those who are not Jewish. The figure of Moses, however, makes an even more emphatic point, namely, that, for some, Jew and Arab are not finally separable categories, since they are lived and embodied together in the life of the Arab Jew.³ Of course, there are reasons to be suspicious of all recourse to origins, biblical and metaphorical, but Said is here conducting a thought experiment to incite us to think differently. Indeed, he leads us back to the figure of Moses, to show that one key

foundational moment for Judaism, the one in which the law is delivered to the people, centers upon a figure for whom there is no lived distinction between Arab and Jew. The one is implicated in the other—is this also a figure for understanding how the two identities are articulated through one another outside the terms of the present where Israel, claiming to represent a state based on principles of Jewish sovereignty, exercises forms of colonial rule over Palestinians through disenfranchisement, occupation, land confiscation, and expulsion?

The second dimension of this text effectively follows from the first, since Said's text is something of a petition, an incitement to consider that "displacement" characterizes the histories of both the Palestinian and the Jewish peoples and so, in his view, constitutes the basis of a possible, even desirable, alliance. Obviously, those forms of displacement are not precisely equal or analogous: The Israeli state is responsible for the forcible displacement of Palestinians and their ongoing subjugation; the dispossession of the Jews from Europe, and their destruction, constitutes its own, separate catastrophic history. Let us assume that there are historically specific modalities of catastrophe that cannot be measured or compared by any common or neutral standard. And yet, are there other ways of extrapolating from one's own history of dispossession to understand and oppose the dispossession of others?

Said is calling upon the Jewish people to be mindful of their own experience of having been dispossessed of land and rights to forge an alliance with those who have been dispossessed by Israel. His call assumes that there might be, or should be, a Jewish resistance to Israel, that the Jewish people might follow a different historical trajectory than the one that Israel has followed. Even if we grant, as we must, the singular history of Jewish oppression, it does not follow that in every political scenario Jews will always be the victims, that their violence will always be regarded as justified self-defense. In fact, to grant the singularity of one history is implicitly to be committed to the singularity of all such histories, at which point one can begin to ask a different kind of question. The point is not to confirm that Zionism is like Nazism or is its unconscious repetition with Palestinians standing in for Jews. Such analogies fail to consider the very different modes of subjugation, dispossession, and death-dealing that characterize National Socialism and political Zionism. The point is rather to ask how certain kinds of principles might be extrapolated from one set of historical conditions to grasp another, a move that requires an act of political translation that refuses to assimilate the one experience to the other, and refuses as well the kind of particularism that would deny any possible way to articulate principles regarding, say, the rights of refugees on the basis of a

comparative consideration of these and other instances of historical dispossession. It may, in fact, be the case that one moral and political legacy from the Nazi genocide against the Jews (which was, in fact, a genocide against several minority populations) is an opposition to all forms of state racism and its modalities of violence, a reconsideration of the rights of self-determination to be accorded any population that is maintained either as a permanent minority (in Israel) or under conditions of occupation (West Bank and Gaza) or dispossessed of lands and rights (diasporic Palestinians from 1948 and 1967).

It may be that binationalism is an impossibility, but that mere fact does not suffice as a reason to be against it. Binationalism is not just an ideal “to come”—something we might hope to arrive in a more ideal future, but a wretched fact that is being lived out as a specific historical form of settler colonialism and the proximities and exclusions it reproduces through the daily military and regulatory practices of occupation. Even though neither “Jews” nor “Palestinians” are monolithic populations, they nevertheless are now in Israel/Palestine bound together in intractable ways through a regime of Israeli law and military violence that has produced a resistance movement that takes both violent and nonviolent forms. But, rather than start with the history of Zionism as a colonial project to understand how Jews and Palestinians have been brought together, Said suggests that one might rethink biblical origins, not because the Bible has ever been a legitimate basis for founding any political order—it has not—but because it offers a figure that might assist us to think in a new way. Moses is the figure of their cathexis, a living conjuncture. And if we consider that Moses was not European, this means that the non-European Jew, the Arab Jew, is at the origin of our understanding of Judaism—a figure within which “Arab” and “Jew” cannot be dissociated. This fact has contemporary implications, not only for rethinking the history of the Jewish people in ways that do not presume a European origin, and, hence, include the Mizrachim and Sephardim as central to its history, but also for understanding that the “Arab Jew” constitutes conjuncture, chiasm, and cohabitation (understood as coarticulation with alterity) as a founding principle of Jewish life.

Said thus notes that the non-European from the Ashkenazi Jewish point of view is essential to the meaning of Judaism. As I read Said’s words on this subject, I found myself grateful for the understanding of Jewishness that I would not quite have arrived at without him. In this way, he acts as the “non-European” who might “found” the Jewish people again. And though this might read as hubris, it strikes me as a moving invocation to recall an originary and insuperable alliance. Although

Said was never a devotee of poststructuralism and its critique of the subject (he actively cautioned against the Foucauldian critique of humanism, for instance, in *Orientalism*),⁴ it is clear that what he likes most in Freud's embrace of Moses as the non-European, the Egyptian founder of the Jews, is the challenge the figure of Moses poses to a strictly identitarian politics. If Moses stands for a contemporary political aspiration, it is one that refuses to be organized exclusively on principles of national, religious, or ethnic identity, one that accepts a certain impurity and mixedness as the irreversible conditions of social life. Further, for Said, Freud boldly exemplifies the insight that even for the most definable, the most identifiable, the most stubborn communal identity—and for Freud, this was Jewish identity—there are inherent limits that prevent it from being fully incorporated into a monolithic and unified identity, singular and exclusive. Said maintains that identity cannot be thought or worked through alone; it cannot constitute or even imagine itself “without that radical originary break or flaw which will not be repressed, because Moses was Egyptian, and therefore always outside the identity inside which so many have stood, and suffered—and later, perhaps, triumphed.”⁵

Remarkable here is that although Said reflects on the origins of Judaism, he finds there, at the site of that origin, an impurity, a mixing with otherness (what Continental philosophers might call an ineradicable alterity), which turns out to be constitutive of what it is to be a Jew. “The strength of this thought,” he tells us, “is that it can be articulated in and speak to other besieged identities as well . . . as a troubling, disabling, destabilizing secular wound” (FNE, 54). Although it is not immediately clear what is meant by a “secular wound,” it may be that Said understood secularism to wound or rupture nonsecular modes of political belonging; in this sense, the secular wounds putatively traditional social bonds. And yet, after a wound, it seems, new forms of belonging become possible. He asks whether we might continue to think this thought of two peoples, diasporic, living together, where the diasporic, understood as a way of attaining identity only with and through the other, becomes the basis for a certain binationalism. Could this thought aspire to the condition of a politics of diasporic life? Said asks: can it ever become the not-so-precarious foundation in the land of Jews and Palestinians of a binational state in which “Israel and Palestine are parts rather than antagonists of each other's history and underlying reality?” (FNE, 55). I would like to query further: is it precisely through a politics that *affirms* the irresolution of identity that binationalism becomes thinkable? And can we think a binationalism that moves us beyond both the nation and the binary of Jew/Palestinian that is belied by both the Arab Jew and the Palestinian Israeli?

In the service of such a project—binationalism, irresolution of identity, and why it might be worth our while to attend politically to both of these—I hope to turn to the question of a Jewish resistance to Zionism as a contemporary intellectual and political phenomenon, which has a history that is not only “archaic” in the sense that Moses exemplifies but has also been formulated in a number of generally unacknowledged ways throughout twentieth century European Jewish history. I think one can find, as it were, historical premonitions of post-Zionism—by which I mean a call for its dissolution by those formed within its matrix—prior to Zionism or, indeed, as part of early versions of Zionism.

Oddly, the classical liberal position is generally considered “post-Zionist,” suggesting that this eighteenth-century political framework figures as a future threat to the project of Zionism. However, the classically liberal position—in particular, that the requirements for citizenship should not be based on race, religion, ethnicity—is subject to intense vilification. When an Israeli publicly remarks that he or she would like to live in a secular state, one that does not discriminate on the basis of religion, ethnicity, or race, it is common to hear that position (and person) decried as aiding and abetting the “destruction” of the Jewish state or committing treason. If a Palestinian (Israeli or not) espouses the same position, namely, that citizenship ought not to be determined by religious or ethnic membership, then that might be considered a “terrorist” act. How did it become historically possible for the precepts of classical liberalism to be equated with terrorism and genocide in the beginning of the twenty-first century?

How are we to understand this charge of “destruction”? We hear it, I think, quite often, and the word *destruction* of course resonates with that other phrase, the destruction of the Jewish people, which was, after all, the stated aim of Hitler’s genocide. When we hear the word *destruction* again, as the woeful consequence that would follow from holding a view critical of Zionism, the resonances of the term are mobilized against the person who espouses such a view. The one who calls for the dissolution of an unjust regime, but not the destruction of the population, is nevertheless figured as one who fails to see that apparently only an unjust regime can protect the Jewish population. Thus, by calling for justice, one is figured as calling for genocide. The critique of Zionism is thus understood as emerging from a fundamental insensitivity to the Nazi genocide against the Jews or as a form of complicity with that very genocide. The critique of Zionism and its structural commitment to state violence against minorities is thus itself associated with massive violence against the Jews, the reiteration of ineffable catastrophe, and so the most

unconscionable collaboration with Hitlerian politics. Indeed, as soon as that association is secured—and, I would suggest, it is secured for most in a flash—then the conversation comes to an end, and that viewpoint is, oddly enough, excluded from the domain of acceptable political speech. If what the critic opposed to Zionism calls for is the establishment of a new polity based on principles elaborated in classical liberalism—that is, with religion, for instance, firmly separated from any conditions of citizenship, formal and substantive, and one need go no further than Locke or Montesquieu to make such claims—then it would seem that classical liberalism is precisely what threatens the State of Israel. Thus, when “destruction” of that state emerges as a consequence of holding the view that religion and conditions of citizenship ought to be separated, there is an effective foreclosure of an open debate on whether nonexclusionary criteria for rights of citizenship can be developed and implemented for that region. Indeed, one might hold to these views and be rigorously pacifist or one might hold to such views and believe that such a transition to a new polity should happen through nonviolent means, through the elaboration of new forms of law and projects of land redistribution that seek to compensate for decades of land confiscation, but, in such cases, those who hold such views are charged with “violence” and “destruction,” as in “these views lead to the destruction of the Jewish state.”

If we attend to this line carefully, though, we might see that the charge “these views lead to the destruction of the Jewish state” illicitly draws upon the claim that “these views lead to the destruction of the Jewish people” or, more elliptically, “the Jews.” But it is clearly one thing to ask about the political and economic conditions under which Jews and non-Jews might live equally and peaceably, and to think of forms of government that might require a transition from the current regime to another that would constitute a one-state solution or a form of federated power, and quite another to call for the violent destruction of a state or violence against its existing population. Indeed, the reason to envisage a new polity after Zionism may well be based on the recognition that no state can justly maintain itself through the violent subjugation of an indigenous and minority population who live on that land. Indeed, envisaging a polity after Zionism may well be the only way out of violence and destruction.

The public enunciation of the view asks that the State of Israel consider undertaking formal acts by which equality might be more inclusively allocated and contemporary forms of discrimination, differential violence, and daily harassment against the Palestinian people brought to an end. These views call for a new

concept of the citizen, a new constitutional basis for the country, and a radical reorganization of land partitions, illegal property allocations, and even minimally a concept of multiculturalism that extends to Jewish, Arab, and Christian inhabitants of those lands. Now, one might argue against all these propositions that they are unreasonable and naive, but even then we would have to ask whether the refusal to reorganize a polity on principles of equality, protection against violence, and the just redistribution of lands is itself based on tacit or explicit desires for Jewish demographic advantage or notions of cultural and religious purity. It seems to me that at this point the affective stakes of nationalism effectively circumscribe the domain of acceptable political speech.

Similarly, when the question is posed (repeatedly) to Palestinians, “do you accept Israel’s right to exist?” it is often taken to be synonymous with “are you in favor of the physical destruction of Israel, understood as Israeli property, lives, institutions, and existing territorial boundaries considered as an indissoluble totality?” The question pertaining to the “right” to exist is of another order, though, since the question asks whether the territorial claims and state apparatus have been founded on legitimate grounds (and whether the continual territorial expansion that happens through new paths for the separation wall and new settlements are something other than illegal land grabs). One might, for instance, argue that the founding was in no sense legitimate, but that practical politics require that the State of Israel be negotiated with and that a mode of cooperation be found between Palestinians and the existing Israeli state. Such a realist view might argue as well that, although the founding was illegitimate, there are concrete ways that Israel can and should offer restitution for stolen lands and displaced populations since 1948. In other words, it does not follow that disputing the legitimacy of Israel’s founding and its continuing claims to certain lands implies that one is in favor of the violent destruction of the current State of Israel. Rather, it implies that the injustices of expulsion, killing, disenfranchisement not only characterize the founding of the state, but have continued, and continue still, as the basic modes of reproducing the state and its legitimacy effect. To call for a cessation of such practices and a new polity for the region constitute political viewpoints, and they cannot be equated with artillery directed toward Haifa or Tel Aviv. The analysis may well shed light on why a people, dispossessed and subjected to military power, seeks recourse to their own military resources to resist and reverse these injustices. But, for my purposes here, I wish only to point out that, if we engage the question of the legitimacy of the Israeli state and its polities on political grounds, there is reason to think that political reflection

and negotiation could be the means through which to establish the state on new and legitimate grounds. But, if raising the question of legitimacy is regarded as a declaration of war, then the question of legitimacy cannot be admitted into the sphere of politics, and so the very rejection of the question establishes war as the necessary mode of expression for that political perspective.

FROM BUBER TO ARENDT: A MIXED LEGACY

Hannah Arendt was hardly brandishing weapons when she argued in the late 1940s and early 1950s against Israel as a state based on notions of Jewish sovereignty. She becomes now a resource for post-Zionism, even a trace of post-Zionism that exists prior to its historical inception. Arendt was perhaps, the most avid secular Jewish critic of Zionism in the twentieth century, and she was able to articulate reasons why she found the establishment of the State of Israel to be illegitimate without thereby calling for a war against that polity. To call her a secular Jew is a complicated claim, since the version of secularism she maintained is one that could only be understood over and against a religious Judaism. She was not, for instance, a secular Christian, which would have meant something else. And her secularism could only be understood in relation to the specific religiosity that she rejected. In other words, her way of inhabiting Judaism was through her secularism, and I would even claim that she maintained a specifically Jewish orientation toward her secularism, one that in her case allowed her to maintain a German Jewish identity in exile. In this sense, her secularism does not negate her Judaism, but constitutes its particular mode of life, which is why “secular Jew” is not a contradiction in terms, but rather a historically adequate description since the mid-1900s.

Hannah Arendt’s trenchant criticisms of the founding of Israel have been compiled in a book called *The Jew as Pariah* and more recently published by Schocken as *Hannah Arendt’s Jewish Writings*. Although she was a Jew, she insisted that Israel ought *not* to be a Jewish state and thought its efforts to legitimate its claims to the land through state violence were racist forms of colonization that could only lead to permanent conflict. She also objected to the role the superpowers played in the crafting of the 1948 solution, as it were, since she argued that no polity could be founded and sustained without a popular, democratic exercise of freedom. Indeed, 1948—as a solution imposed upon a community in part by powers that were not inhabitants of the land—was the exact opposite of the democratic revolution she outlined in *On Revolution* in which a plurality works through concerted action to found a federalist legal and political order.

Although Arendt identified with Zionism in the 1930s, she made clear in an interview in 1972 that she could no longer make such identifications: "I do not belong to any group. The Zionists were the only group to which I ever belonged. Only because of Hitler, understandably enough. And only from 1933 to 1943. After that, I broke."⁶

Her criticisms of the State of Israel followed from her critique of the nation-state and colonialism.⁷ Martin Buber, on the other hand, was a cultural Zionist, no secularist, and though he was an advocate of cooperative ventures, he failed to criticize Israel as a form of settler colonialism. His version of Zionism has become so anathematic in light of contemporary framings of Zionism that it now reads as "post-Zionist" or simply anti-Zionist. His political position was rather resolutely defeated by the establishment of Israel as a Jewish state in 1948, an act he understood to be the definitive undermining of Zionism itself. At the time, he and others in the Ichud organization disputed the legitimacy of Ben-Gurion's 1948 declaration of the political sovereignty of Israel as a Jewish state. With Judah Magnes and Hannah Arendt, he called in 1946–47 for a binational polity that would be governed on a federal model. At the time, the U.S. and Britain were closing their doors to further Jewish immigration. And as we now know, Ben-Gurion requested that the major powers close their doors to petitioning Jews during that same time in order to make sure enough Jews could find sanctuary only in Palestine, thus amassing the Jewish population to constitute a demographic majority of Jews over Arabs. After this, he declared the founding of the State of Israel on principles of Jewish sovereignty in 1948.

Buber's views have been regularly dismissed as idealistic, even as they are credited with providing the ethos for the early kibbutz movement. The most consequential blindness in his position, however, was that he could not see the impossibility of trying to cultivate certain ideals of cooperation on conditions established by settler colonialism. Buber did not seem to understand that the project of settler colonialism, with its seizure of lands and subjugation of Palestinian laborers, undermined the possibility of realizing his cooperative ideals. Although in his early work he argued for a spiritual Zionism that would stay away from claims of land and national statehood, he came to idealize the practice of working with the land, importing a neo-Lockean rationale for land appropriation into his thought. Indeed, he understood the settlement of the lands to be a realization of Zionism even as he resisted the claim to political sovereignty for the Jewish people. Instead, he imagined cooperative agricultural efforts as the

basis for any future polity. Painfully, though, he described in neutral terms the Jewish settlements as “colonization” and even accepted that colonization had its virtues. He sought, paradoxically, humane forms of colonization, arguing for what he called concentrative colonialism rather than “expansionist” colonialism.⁸ The use of the word *concentrative* in the early forties must have carried some terrifying resonances, given its association with the German *Konzentrationslager*; but it becomes all the more worrisome when we see the “success” of concentrative colonialism in the West Bank and, most emphatically, in Gaza, where living conditions are cramped and impoverished in accord with the concentrative model.

Although Buber was clearly not prepared to undertake a critique of colonialism, he did, to his credit, hold out for a federated state in which Jewish and Palestinian cultural autonomy could be maintained and where the majority would never be in a position to tyrannize the minority. He also called for cooperative economic ventures, the return of Arab lands seized in 1948 and illegally redistributed in 1950, and he asked the Israeli public to try to understand why there might be Palestinian violence against Jews, chastising Israelis for having violated Arab trust and not undertaking cooperative self-government, the fair distribution of arable land, a just adjudication of property rights, and recognition of the humanity of its neighbors.⁹ Buber imagined that modes of civil and economic cooperation would lead organically to a form of government that would be based on a shared way of life between Arabs and Jews. He called for the process of peace and cooperation to begin at the cultural level, with the organization of life itself, and thought that a state form should not be imposed. In his view, an internally complex federal form of government for the region would and could emerge from a common life wrought together.¹⁰ What Buber failed to see is that no “common” projects could set aside the land seizures that had already taken place and that the basis on which he claimed Jewish right to the land installed an aggressive nationalism at the heart of his notion of cooperation. Interestingly, he understood the aims of political Zionism, which were distinct from his form of cultural Zionism, as “perverting” the spirit of Zionism. In his public writings prior to 1948, he made clear that Zionism should have nothing to do with political territory and political states. Similarly, Franz Rosenzweig wrote in *The Star of Redemption* that Jewish life was, by definition, a life of wandering and waiting. To arrive at a land, and to make Jewishness a matter of property and state, was for him a misunderstanding of the diasporic basis of Jewish values.

LEVINAS

If we return to Said's formulation, we can see that the figure of Moses offers a different conception of "cohabitation" from what we see in Buber's notion of "cooperation." The figure of Moses brings together in his person disparate traditions, Jewish and non-Jewish. If the Jew is bound to the non-Jew as a condition of Jewish life, then the Jew and the non-Jew are not separable: the Jew, at least, cannot be thought without the non-Jew, though we do not know if the reciprocal relation also holds true. To be a Jew, though, means living in relation to the non-Jew, finding a way to refuse identitarian closure. In this way, Said is perhaps closer to the ethical position of Levinas than to Buber. After all, for Levinas, the subject is constituted by the other, and though he sometimes means the "infinite" other, he is also clear that that infinity only makes itself known through the face, the face of another person that bears within it an infinite demand. The other person, one might say, is "over there" and "not me" and, thus, an "alterity" in a clearly locatable sense. But at the same time—and these thoughts must somehow be thought together—that other also constitutes me, and I am, from within, riven by this ethical demand that is at once and indissolubly "over there" and "in here" as a constitutive condition of myself.

This position differs from the "I-Thou" of Buber, which would insist on separate identities, culturally distinct, that nevertheless federate as a cooperative dialogue and venture. The Levinasian position assumes the asymmetry of the relation between the subject and the Other; it also assumes that this other is already me, not assimilated as a "part" of me, but inassimilable as that which interrupts my own continuity and makes impossible an "autonomous" self at some distance from an "autonomous" other. Indeed, the Levinasian position, taken seriously, would defeat Buber's philosophical notion of dialogue, despite the superficial resonances between them. I want to suggest that the Levinasian "interruption" by the other, the way in which the ontology of the self is constituted on the basis of the prior eruption of the other at the heart of myself, implies a critique of the autonomous subject and the version of multiculturalism that assume cultures are constituted autonomous domains whose task it is to establish dialogue with other cultures. In Levinas's view, there is a heterogeneity that is prior to my being and that constantly decenters the autonomous subject I appear to be. It also permanently complicates the question of location: where do "I" begin and end, and what are the locatable parameters of "the Other"? This position maintains some closer alliances to Said than to Buber, oddly enough. After all, the politics of miscegenation implied by Said's use of Moses would seem to constitute the more radical alternative.

Indeed, I expected at first to be able to derive the strongest Jewish statement of an ethical obligation to the other from Levinas, since such an obligation would not be contingent, but would follow from the constitution of the subject by and in alterity. Of course, to make use of Levinas for a left politics is precisely to read him against his own Zionism and his refusal to accept that Palestinians make a legitimate ethical demand on the Jewish people. Philosophically, Levinas outlines an ethical scene in which we are obligated, under most situations, to preserve the life of the other—obligated by the alterity we encounter there. Upon closer inspection, however, it turns out that this scene, which would seem to obligate us universally, is restricted culturally and geographically. The ethical obligation toward the face of the other is not an obligation one can or does feel toward every face. Indeed, at one point in a lecture at the University of California at Irvine, Derrida maintained that if he had to respond to every face he would inevitably become irresponsible. And, if this is true, then the ethical demand is not prior to notions of cultural autonomy, but is precisely framed and restricted in advance by certain notions of culture, ethnicity, and religion. This has concrete implications for understanding the commandment “thou shalt not kill.” For Levinas, the prohibition against violence is restricted to those whose faces make a demand upon me, and yet these “faces” are differentiated by virtue of their religious and cultural background. This then opens up the question of whether there is any obligation to preserve the life of those who appear “faceless” within his view or, perhaps, to extend his logic, by virtue of not having a face, do not appear at all.

We have not yet seen a study of the “faceless” in Levinas, but let us presume it is on its way. The fact that Palestinians remain faceless for him (or that they are the paradigm for the faceless) produces a rather stark quandary, since Levinas gives us so many reasons to extrapolate politically on the prohibition against killing. For instance, for Levinas, the messianic tradition is explicitly one that seeks to counter the politics of revenge, and a reader might reasonably conclude that this would lead him to a non-nationalist politics and a course of minimal violence. When he opposes revenge, he argues that there is no justice to be had in killing those who have killed those closest to oneself or killing those by whom one fears being killed oneself. Levinas remarks that violence done in the name of justice produces a suffering that never operates as a final judgment. This is an odd remark and deserves close scrutiny. Suffering is not a “sign of judgment,” nor is it the act by which judgment is dealt or administered. Thus, one cannot, as a result, interpret one’s own suffering as a judgment, nor can one make another suffer as if such suffering were

no more than a judgment of what is true and right. Levinas appears to be arguing that it is a mistake to think that those who suffer violence must have committed some wrong. The presumption of Greek tragedy is refuted by a specifically Jewish view of suffering: the crimes of history do not always strike down the innocent; sometimes they strike down the guilty, but, if they do, that is a contingency, since the order of judgment and the order of suffering (which belongs to the order of history) are radically distinct. When criminals suffer and are “struck down there is no hand of God behind the striking; those forms of ‘striking down’ are not the same as ‘judgments.’ Historical events such as these do not relay divine purposes or the ethical rightness of historical sequence. It is not possible to say that in being struck down, you were judged to be wrong, and that the striking is itself the deliverance of a judgment. ‘Hillel knew that history does not judge’” (DF, 23). No event in history can judge a conscience. No matter how calculated events may be, events themselves are considered “mindless”: neither containing nor implying any form of judgment.

For Levinas, then, messianism seems linked with this fact, that judgment does not and cannot occur in history. The order of morality is not evinced in any historically unfolding sequence of events, and we cannot regard historical events, no matter how terrible or felicitous, as enacting or revealing moral judgments of some kind. And yet there is a form of judgment before which man is called, as it were, and this takes the form of an indisputable assignation, an assignation that does not take place in chronology or in history, an assignation that comes from a modality other than historical time, constituting its very anteriority. One is called upon to respond ethically, and this call is the effective action of the messianic upon human life. If messianism is engaged with a form of waiting, a waiting for the Messiah and, indeed, a waiting for justice, it also is precisely a kind of waiting that cannot be fulfilled in historical time. Messianism is distinguished from eschatology.¹¹ If one waits for judgment within time, one waits for that which time itself can *never* deliver. If there is a sense to the messianic, it will consist in the interruption of historical time by something outside of it. Benjamin seemed to have a similar view, especially in his “Theses on the Philosophy of History.” And doubtless we see indications of this in Kafka as well.

In “Jewish Thought Today,” Levinas offers an interpretation of a commentary by Rashi, in which a discussion is reported among Talmudic scholars. They ask, “how would we know who the messiah is?” and one of them concludes that “the messiah might (as well) be me” (89). Rashi is silent in response to this proposal, letting the question stand. Indeed, it is a kind of permanently open question: might the Mes-

siah be me? So the “who, me?” arrives in this sentence with a question mark. This is a question that cannot be definitively answered, but only repeated, since every “me” who poses the question will be a different one. It is the rhetorical operation of the “infinity” of the ethical demand, in Levinas’s sense. If the Messiah is the just man who suffers, according to this particular commentary, he is also the one who takes on the sufferings of others and the one who may bear some of the infinitely distributed responsibility characteristic of the messianic.

Although our suffering does not reflect a judgment, the suffering of others formulates the substance of the ethical demand that is continuously upon us. For Levinas, there is no “evasion” of this responsibility: “the fact of not evading the burden imposed by the suffering of others defines the self.” And then he states, “all persons are the Messiah,” and “The Self (*Moi*) is one who has promised itself that it will carry the whole responsibility of the world” (DE, 89).

The messianic is thus not only an experience of waiting and of suffering but also an unwilling and infinite receptivity to the commandment that makes responsibility for the other coextensive with the self. Indeed, responsibility for the other constitutes the ek-static structure of the self, the fact that I am called outside myself, and that this relation to an alterity defines me essentially. When we ask “who might the Messiah be?” and then pose the question, “is it me?” we indicate through that last question that the suffering of others may well be our responsibility and no one else’s. We ask, “am I being addressed by someone’s suffering, and, if so, by whose?” So, though the messianic is often identified with a singular person who may or may not come in time, the messianic is at work, for Levinas, every moment we ask the question “who, me?” Such a moment is not, for him, strictly historical; that is, it does not only happen in response to this or that situation of suffering. The demand traverses historical time and cannot be “relativized” by virtue of historical location, or so it would appear, if we follow his argument through to its logical conclusion. The messianic does not appear in synchronic time, and there is no final verification of “who” the Messiah is, since the whole point of the messianic is to keep the question of the “who” open. The messianic shines through obliquely and infinitely in the question form that articulates the ethical demand. *Who, me?* In fact, there is no reason to be found outside the question that it should be me, but the question implicates me, as it would anyone to whom it is addressed (and it is presumably addressed to everyone).

But if this demand arrives from a nonhistorical zone, from what he calls the order of judgment distinguished from the order of the event, which is history,

then it is difficult to understand to what, precisely, we are obligated to respond. It would seem not to be our historical circumstances or specific historical forms of suffering. Messianism, for Levinas, establishes a perspective by which both history and politics are considered arbitrary, unjustified, even absurd: if we cannot feel the absurd element in history, a part of our messianic sensibility is lost.

In *Difficult Freedom* it is clear that Levinas is referring to the messianic sensibility of a particular collective, the Jews, who, in his view, have experienced the arbitrary violence of historical events. And though we have been told this ethical perspective traverses historical time, Levinas appears to forget his precept and moves quickly into a discussion of Israel as a historical place, people, and state. Indeed, he goes on to claim that the fate of the Jews is to act within the terms of a universalist particularism. This is no arbitrary fate, but a necessary one. And though, in his view, historical events have an arbitrariness to them, the Jewish task—its fate—is to reconcile the particular with the universal. On the one hand, this task is fate and does not take place “in history.” It is an elect and singular task or destiny, a recurrent one that remains indifferent to particular historical events. On the other hand, this ahistorical “fate” grounds his argument in favor of Zionism as a historical and contemporary reality. If this fate is necessary and ahistorical, then it is not the same as history, understood as an arbitrary sequence and field of accidents distinct from the domain of judgment and morality. The absurdity of human events is thus invoked to dispel the idea that historical suffering is a form of morally necessitated “judgment” upon those who suffer. And yet Zionism becomes a “fate” that exercises a certain necessity *in history*.

Thus, the critical question emerges: is Zionism a historically formed movement and set of beliefs and practices, or is it an ahistorical “fate” that recurs in history by virtue of a kind of necessity? If it is historical, then there is no moral reason for it to be; but if it is ahistorical, it constitutes a moral necessity that traverses historical time and has its meaning outside of any history. Similarly, we find that Levinas’s descriptions of the ethical relation require a dispossession of the self that is contravened by his descriptions of Zionism in which he seeks recourse to established notions of autonomy and identity and the overcoming of dispossession for the Jews (but not the overcoming of dispossession for everyone, except insofar as the Jew is implicitly universal and so a privileged form of particularism). For instance, Levinas writes, “Zionism and the creation of the State of Israel mean for Jewish thought a return to oneself in every sense of the term, and the end of an alienation that lasted a thousand years” (DF, 164). And though messianism is defined earlier

as a certain indifference to history, Zionism now departs from messianism, causing a problem for those readings, such as Jacqueline Rose's in *The Question of Zion*, that draw a firm line linking the messianic tradition and Zionist strategies of political self-legitimation.¹² Levinas writes, for instance, "While the spiritual personality of Israel has for centuries excused its lack of participation in the history of the world on the ground that it was a persecuted minority—not everyone has the chance to have pure hands because he is persecuted!—the State of Israel is the first opportunity to move into history by bringing about a just world" (DF, 164).

But what is this justice that the State of Israel is said to bring? It is clearly, for Levinas, one in which the example of universalism embodied in particularism is given form, which means that this people, the Jews, carry universalism as their particular destiny through time. This universalism, this justice, "moves into" history, which suggests that it originates in a nonhistorical relation, synchronic, and somehow passes over into the historical or the diachronic.

What is this ethical relation? And is Levinas maintaining that it is the specific task of Israel to articulate and shelter this mode of ethicality? It is important to remember that our ordinary way of thinking about responsibility is altered in Levinas's formulation. We do not take responsibility for the Other's suffering only when it is clear that we have caused that suffering. In other words, we do not take responsibility only for the clear choices we have made and the effects they have had. Although, of course, such acts are important components of any account of responsibility, they do not indicate its most fundamental structure. According to Levinas, we affirm the unfreedom at the heart of our relations with others, and only by ceding in this way do we come to understand responsibility. In other words, I cannot disavow my relation to the Other, regardless of what the other does, regardless of what I might will. Indeed, responsibility is not a matter of cultivating a will (as it is for Kantians), but of recognizing an unwilled susceptibility as a resource for becoming responsive to the Other. Whatever the Other has done, the Other is still the one who makes an ethical demand upon me, who has a "face" to which I am obligated to respond, meaning that I am, as it were, precluded from revenge precisely by virtue of that responsive relation to those others I never chose.

It is, of course, something of an outrage to be ethically responsible for those to whom one never chose to be responsible, but here is where Levinas draws attention to those modes of being implicated in the lives of others that precede and subtend any possible conditions of choice. Arendt will, as I mentioned earlier, develop a similar position, namely, that unwilled cohabitation is a condition of our political

lives and not something that we are entitled to destroy. No one can choose with whom to cohabit the earth (this was Eichmann's profound error). For Levinas, there are situations in which responding to the "face" of the other feels horrible, impossible, and where even the desire for murderous revenge feels overwhelming and irresistible, but a primary and unwilling relation to the Other would demand that we desist both from a voluntarism and an impulsive aggression that follow from the self-preservative aims of egoism. "The face" thus communicates an enormous prohibition against impulsive aggression toward the persecutor. In "Ethics and Spirit" Levinas writes,

The face, for its part, is inviolable; those eyes, which are absolutely without protection, the most naked part of the human body, nonetheless offer an absolute resistance to possession, an absolute resistance in which the temptation to murder is inscribed. The Other is the only being that one can be tempted to kill. This temptation to murder and this impossibility of murder constitute the very vision of the face. To see a face is already to hear "You shall not kill," and to hear "You shall not kill" is to hear "social justice."

(DF, 8)

If "persecution" by the Other refers to the range of actions that are unilaterally imposed upon us without our will, sometimes against our will, it takes a more literal meaning for Levinas when he speaks of injuries and, finally, of the Nazi genocide. Levinas writes, amazingly, that "in the trauma of persecution" the ethical consists in "pass[ing] from the outrage undergone to the responsibility for the persecutor . . . from suffering to expiation for the other."¹³ Responsibility thus arises for the persecuted, for whom the central dilemma is whether or not one may kill in response to persecution. It is, we might say, the limit case of the prohibition against killing, the condition under which its justification would seem most questionable.

In 1971, Levinas explicitly reflected upon the meaning that the Holocaust has for his considerations of persecution and responsibility. He is surely aware that to derive responsibility from having been persecuted echoes perilously with those who would have blamed the Jews and other victims of the Nazi genocide for their own fates. Levinas clearly rejects this view. He does, however, establish persecution as a certain kind of ethical scene or, at least, a dimension of ethics that cannot be superseded. He situates the particular nexus of persecution and responsibility at

the core of Judaism, even as the essence of Israel. By “Israel” he refers ambiguously and consequentially to both senses of the word, the Jewish people and the land of Palestine. He offers the following controversial formulation:

The ultimate essence of Israel derives from its innate [*innée*] predisposition to involuntary sacrifice, its exposure to persecution. Not that we need think of the mystical expiation that it would fulfill like a host. To be persecuted, to be guilty without having committed any crime, is not an original sin, but the obverse of a universal responsibility; a responsibility for the Other [*l'Autre*] that is more ancient than any sin. It is an invisible universality! It is the reverse of a choosing that puts forward the *self* [*moi*] before it is even free to accept being chosen. It is *for the others* to see if they wish to take advantage of it [*abuser*]. It is for the free self [*moi libre*] to fix the limits of this responsibility or to claim entire responsibility. But it can do so only in the name of that original responsibility, in the name of this Judaism.

(DF, 225)

The preceding paragraph is complex and problematic for many reasons, not least of which is the direct analogy he draws between the suffering of the Jews under Nazism and the suffering of Israel, understood both as *land* and as *people*, from 1948 to 1971, the time of his writing. That the fate of Israel is equated with the fate of the Jews is controversial in its own right, dismissing both diasporic and non-Zionist traditions of Judaism. More emphatically, it is clearly wrong to claim that the State of Israel *only* suffered persecution during those years, given the massive and forcible displacement of more than 750,000 Palestinians from their homes and villages in 1948 alone, not to mention the continuing war, occupation, and so-called extrajudicial killings that have claimed the lives of thousands of Palestinians in the ensuing years. It is curious and problematic that Levinas should here extract “persecution” from its concrete historical appearances, establishing it as an apparently timeless essence of Judaism. After all, he references the Nazi campaign to exterminate the Jews of Europe as a historical event and presumably must say this unequivocally to ward off any possible implication of revisionism. If “persecution” now characterizes the “fate” of the Jews, and so a recurrent and ahistorical dimension of existence, then any historical argument suggesting that Jews are not always in the situation of being persecuted could be refuted on definitional grounds alone: Jews cannot be persecutory since,

by definition, Jews are the persecuted. This attribution of persecution to “Israel” as a necessary and definitional feature of identity seems corroborated by his view of the preontological structure of the subject. If Jews are considered “elect” precisely because they carry a message of universality, and what is “universal” in Levinas’s view is the inaugurative structuring of the subject through persecution and ethical demand, then the Jew becomes the model and instance for this preontological persecution. The Jew is, accordingly, no longer historical. In fact, the problem is that the Jew is a category that belongs to a historically and culturally constituted ontology (unless it is the name for access to the infinite itself); so if the Jew maintains an “elective” status in relation to ethical responsiveness, then a full confusion of the preontological and the ontological is thereby accomplished in Levinas’s work. The Jew is neither part of ontology nor history—the Jew cannot be understood as belonging to the order of historical time—and yet this exemption becomes the way in which Levinas makes claims about the role of Israel, itself historically formed and maintained, as forever and exclusively persecuted and, by definition, never persecuting. As a result, we are asked to consider this historical political state as timelessly suffering persecution—not as a state with a specific history (which includes the persecution of Palestinians), a present (which includes producing nearly a million displaced peoples in Lebanon), and set of possible futures (which might include an effort to move beyond the politics of revenge and the infinitely self-legitimizing claims of being persecuted toward a new notion of relationality that does not presume and reenforce persecution as its condition).

This same confusion between the two domains is made clear in other contexts where Levinas claims that Judaism and Christianity are the cultural and religious preconditions of ethical relationality itself, and, with blatant racism, warns that the “rise of the countless masses of Asiatic peoples [*des masses innombrables de peuples asiatiques*] and underdeveloped peoples threaten the new-found authenticity” (DF, 165) of Jewish universalism. This, in turn, resonates with his warning that ethics cannot be based on “exotic cultures.” He maintains that, ethically, one may not denounce the hunger of others, but then proceeds to say, “under the greedy eyes of these countless hordes who wish to hope and live, we, the Jews and Christians are pushed to the margins of history, and soon no one will bother any more to differentiate between a Catholic and a Protestant or a Jew and a Christian.” Even Marxism, he writes, whose universalism might once have bound these religions in a new unity, “will . . . be lost in the vastness of these foreign civilizations and

impenetrable pasts" (DF, 165). He calls for a new kinship between Christians and Jews to combat this rise "in what can only be called barbarism."

I want to underline here that a vacillation exists for Levinas between the preontological sense of "persecution"—associated with an impingement that takes place prior to any ontology—and a fully ontological sense of "persecution" that comes to define the "essence" of a people. Similarly, through apposition at the end of the paragraph, "the name of original responsibility" is aligned with "the name of this Judaism," at which point it seems clear that this original and hence preontological responsibility is the same as the essence of Judaism. For this to be a distinguishing feature of Judaism in particular, it cannot be a distinguishing feature of all religions, and he makes this clear when he cautions against all religious traditions that fail to refer to "the history of the saints and to Abraham, Isaac, and Jacob" (DF 165). Although in his rendition we receive an implausible and outrageous account of the Jewish people problematically identified with Israel and figured only as persecuted and never persecuting, it is possible to read Levinas against himself, as it were, and arrive at a different conclusion. Indeed, Levinas's words here carry wounds and outrages, and they pose an ethical dilemma for those who read them. Although he would circumscribe a given religious tradition as the precondition for ethical responsibility, thereby casting other traditions as threats to ethicality, it makes sense for us to insist, as it were, on a face-to-face encounter, precisely here where Levinas claims it cannot be done. Moreover, although his words wound us here or, perhaps precisely because his words wound us here, we are responsible for him, even as the relation proves painful in its nonreciprocity.

To be persecuted, he tells us, is the obverse of a responsibility for the Other. The two are fundamentally linked, and we see the objective correlate of this in the double valence of the face: "This temptation to murder and this impossibility of murder constitute the very vision of the face." To be persecuted can lead to murder in response, even the displacement of murderous aggression onto those who in no way authored the injuries for which one seeks revenge. But for Levinas an ethical demand emerges precisely from the humanization of the face: this one I am tempted to murder in self-defense is "one who makes its claim upon me, preventing me from becoming the persecutor in reverse." It is, of course, one thing to argue that responsibility arises from the situation of being persecuted—that is a compelling and counterintuitive claim, especially if responsibility does not mean identifying oneself as the cause of another's injurious action. But to argue that any historically

constituted group of people are, by definition, always persecuted and never persecutory seems not only to confound the ontological and preontological levels but also to license an unacceptable irresponsibility and a limitless recourse to aggression in the name of “self-defense.” Indeed, the Jews have a culturally complex history that includes the sufferings of anti-Semitism, pogroms, and concentration camps where over six million were slaughtered. But there is also the history of religious and cultural traditions and practices, many of which are pre-Zionist, and there is a history, more vexed than is usually acknowledged, of a relation to Israel as a problematic and even unacceptable ideal and political form. To say that persecution is the essence of Judaism not only overrides agency and aggression performed in the name of Judaism, but preempts a cultural and historical analysis that would have to be complex and specific through recourse to a singular preontological condition, one that, understood as universal, is identified as the transhistorical and defining truth of the Jewish people.

WHO HAS A FACE?

So what has happened to the face in this essay by Levinas? Where is its humanizing directive, its commandment to stay attuned to the precarious life of the other, its demand that I become dispossessed in a relationality that always puts the other first? Suddenly, there is a figure not of a face but of a faceless horde, and the horde threatens not only to engulf this me, but a collective “we” who has, contrary to the understanding of messianism, found itself in the historical position of carrying alone, or with its Christian kin, the spirit of universality itself. There is no nameable Islam here, there is no nameable Arab here, only something vaguely *Asiatic*, without a face, threatening engulfment, but also threatening the people whose elected task it is to carry universality and so threatening universality itself. There can be no commandment that issues from the face of this other, since this other, faceless, threatens to undermine the entire tradition from which the face emerges, the entire legacy of the commandment itself.

Here we can see the Ashkenazi presumption that underwrites the Levinasian ethical scene, the notion that substantive Jewish history is the history of European Jewry, and not the Sephardim (descended from the Jews in Spain and Portugal) or the Mizrachim (descended from North African and Arab Jewish cultures). And what we read as well, between or at the end of these lines, is a frank argument in favor of Jewish majority rule in Israel. His fear of engulfment is precisely that which we hear

voiced by some Israelis who fear what power sharing or cohabitation might mean. And any sense of Zionism as a philosophy of cohabitation is surely lost from view. Levinas freely refers to the “exceptional fate” of Judaism and objects to Islam as a “founded religion,” meaning that it was charismatically induced by a leader who worked his way with unthinking peoples. But surely Levinas can only make this claim about the deficiency of Islam by forgetting that Judaism is founded as well, and by Moses, an Egyptian.

This last is a consequential forgetfulness. Thus it is important to turn not only to Freud, who remembered, but also to Said who recalls that if Judaism is to mean anything, it will be by virtue of its founding implication in what is not Jewish. Those “hungry hordes” whom Levinas fears, who threaten to rise up and destroy the Judeo-Christian foundation of his idea of “civilization” are, in Said’s view, the people in need, the dispossessed and the refugees with whom diasporic Judaism maintains an ethical solidarity. Paradoxically, it is Said who becomes at such a moment the non-European founder of Judaism or, at least, the one who petitions to bring Judaism back to its constitutive relation to those who are not Jewish. Remember his reference to the unhoused and diasporic character of Jewish life that aligns it “in our age of vast population transfers” with “refugees, exiles, expatriates, and immigrants” (FNE, 53) It is against such “hordes” that Levinas seeks to protect Judaism, but for Said those populations are precisely the ones who make the ethical and political demand upon us and with whom the Jews, who have suffered persecution and displacement historically, have good reasons to respond however they can. This responsiveness seemed to be what Levinas meant by the ethical, but if the hordes are “faceless” then no response is possible or obligatory.

An obligatory response would require, though, that we understand Said as constituting a different political future than the one Levinas explicitly provided. The other is not simply on the far side of the border, itself violently imposed and maintained, and there is no separating wall that can nullify the ethical demand for responsiveness to the suffering of the other. How are we to think such a responsibility across a border that is meant to differentiate populations, to prevent their inmixing and to render faceless an entire population? Buber could not imagine the separation wall, though he understood that there were those who would always oppose the notion of “living together.” But, now that “living apart” is mandated by violently policed borders and walls, how do we think the obligation of the other when the face, quite literally, can no longer be seen, when the media does not

IMPOSSIBLE, NECESSARY TASK

show the face, when *Haaretz* raises money for the poor in Israel with the assistance of graphic photos, but not for those who are subject to malnutrition within the violently policed borders of Gaza, whose suffering is systematically shrouded? Doubtless, Buber had a point in believing that political forms of alliance could emerge from ways of life that involved living and working together in deinstitutionalized ways, and that such alliances could provide the foundation and model for collaborative associations seeking nonviolent and just solutions to conflicts that appear intractable. And though it is crucial to form such communities—bilingual educational institutions, bilingual theatrical productions, cooperative resistance movements—the larger problem has to do with a certain facelessness that has become the norm within the dominant media. If belonging to the nation of Israel is a precondition of an ethical bearing, then there can be no ethical bearing toward those who are outside the walls of the nation-state, at which point there is no other, which means that the ethical claim has been nullified. Further, Buber thought he could pursue coexistence within a structure of colonialism, affirming the rights of Jews to lay claim to more land. His view—binational, colonialist, and culturally Zionist—continues to haunt those coexistence projects that think they can work within a structure of colonial subjugation. Only by dissolving colonial subjugation will coexistence first become thinkable.

And yet, what will move the colonizers to consider a reconfiguration of that polity on the principles of equality and social plurality? Said points in the direction of an ethical and political alliance that can be achieved only by living to the side of one's nationalism, making the border into the center of the analysis, and allowing for a decentering of a nationalist ethos. I would add that it matters whether this is the nationalism of a militarized nation-state or the nationalism of those who have never known a state. And yet we might take his claim as a way of thinking about any possible future nation (Israel, Palestine, or Israel/Palestine), how its commitment to its own people must imply a concomitant commitment to cohabitation with others.

NATIONS

What would it mean to begin the practice of undoing nationalism, of countering its claims, of beginning to think and feel outside its reach? Would this be something akin to what Said saw about the importance of sustaining a diasporic condition for a new polity, one in which identity never fully returns to itself, where identity remains cast out in a web of relations that cannot eradicate difference or return to

simple identity? It is not just a question of finding that what I am depends upon a “you” who is not me, but that my very capacity for attachment and, indeed, for love and receptivity requires a sustained dispossession of this “I.” This is, I would suggest, a more radical thought than Buber’s conception of the I and the Thou. It would belong to a diasporic Levinas, one that we find most interestingly embodied in the work of Edward Said.

Surprisingly, we have to consider what it is that one can finally love in order to move outside the claims of nationalism. Let us consider two quotations, one from Hannah Arendt and the other from Mahmoud Darwish. They seemed to be in conversation with one another, and I offer them as examples of a way to live to the side of nationalism. Arendt was, as is well known, criticized by Gershom Scholem and others after she published her *Eichmann in Jerusalem*. Scholem calls Arendt “heartless” for concentrating on what she takes to be the inadequate visions of Jewish politics at the time. Scholem wrote to her in 1963 from Jerusalem: “In the Jewish tradition there is a concept, hard to define and yet concrete enough, which we know as *Ahabath Israel*: ‘Love of the Jewish people . . .’ In you, dear Hannah, as in so many intellectuals who came from the German Left, I find little trace of this.” Arendt replies, disputing first that she comes from the German left (and, indeed, she was no Marxist), but then responds with something quite interesting when accused of failing to love the Jewish people well enough. She writes,

You are quite right—I am not moved by “love” of this sort, and for two reasons: I have never in my life “loved” any people or collective—neither the German people, nor the French, nor the American, nor the working class or anything of that sort. I indeed love “only” my friends and the only kind of love I know of and believe in is the love of persons. Secondly, this “love of the Jews” would appear to me, since I am myself Jewish, as something rather suspect. I cannot love myself or anything which I know is part and parcel of my own person. To clarify this, let me tell you of a conversation I had in Israel with a prominent political personality who was defending the—in my opinion disastrous—non-separation of religion and state in Israel. What he said—I am not sure of the exact words any more—ran something like this: “You will understand that, as a Socialist, I, of course, do not believe in God; I believe in the Jewish people.” I found this a shocking statement and, being too shocked, I did not reply at the time. But I could

have answered: the greatness of this people was once that it believed in God, and believed in Him in such a way that its trust and love towards Him was greater than its fear. And now this people believes only in itself? What good can come out of that?—Well, in this sense I do not “love” the Jews, nor do I “believe” in them; I merely belong to them as a matter of course, beyond dispute or argument.¹⁴

In Darwish’s *Memory for Forgetfulness*, his literary account of the bombings of Beirut in 1982, he describes a scene with his Jewish lover. They have been making love, and he becomes sleepy. He is aware that he has to report to the Israeli police in order to avoid being jailed or permanently expelled. His is the first-person voice in the quotation that follows:

He asks, “Do the police know the address of this house?”

She answered, “I don’t think so, but the military police do. Do you hate Jews?”

I said, “I love you now.”

She said, “That’s not a clear answer.”

I said, “And the question itself wasn’t clear. As if I were to ask you, ‘Do you love Arabs?’”

She said, “That’s not a question.”

I asked, “And why is your question a question?”

She said, “Because we have a complex. We have more need of answers than you do.”

I said, “Are you crazy?”

She said, “A little. But you haven’t told me if you love Jews or hate them.”

I said, “I don’t know, and I don’t want to know. But I do know I like the plays of Euripides and Shakespeare. I like fried fish, boiled potatoes, the music of Mozart, and the city of Haifa. I like grapes, intelligent conversation, autumn, Picasso’s blue period. And I like wine, and the ambiguity of mature poetry. As for Jews, they’re not a question of love or hate.”

She said, “Are you crazy?”

I said, “A little.”

She asked, “Do you like coffee?”

I said, “I love coffee and the aroma of coffee.”

She rose, naked, even of me, and I felt the pain of those from whom a limb has been severed.”¹⁵

IMPOSSIBLE, NECESSARY TASK

Later, he changes tone, only to change it again: she asks, “and you, what do you dream about?” And he replies, “That I stop loving you.” She asks, “Do you love me?” He replies, “No. I don’t love you. Did you know that your mother, Sarah, drove my mother, Hagar, into the desert?” She asks, “Am I to blame, then? Is it for that that you do not love me?” And he replies, “No, You’re not to blame; and because of that I don’t love you. Or, I love you” (125).

This last line carries with it a paradox. I don’t love you. Or, I love you. How are we to read this final conjunctive disjunction? This is both proximity and aversion; it is unsettled; it is not of one mind. It might be said to be the affect, the emotional tenor of an impossible and necessary union, the strange logic by which one wishes to go and insists upon staying. Surely binationalism is not love, but there is, we might say, a necessary and impossible attachment that makes a mockery of identity, an ambivalence that emerges from the decentering of the nationalist ethos and that forms the basis of a permanent ethical demand. Something unresolved, the disquiet of ambivalence, the diasporic conditions of a new polity, an impossible task and so all the more necessary.¹⁶

2. Unable to Kill

Levinas Contra Levinas

In the exposure to wounds and outrages, in the feeling proper to responsibility, the oneself is provoked as irreplaceable, as devoted to the others, without being able to resign, and thus as incarnated in order to offer itself, to suffer and to give.

—Levinas, *Autrement qu'être*

WHAT THE FACE COMMANDS

LEVINAS REMARKED on multiple occasions that “the face is what one cannot kill.” This remark is, indeed, remarkable, if only because we know quite literally that the body can be killed, and with it a face of a certain kind. But if Levinas is right—and let us begin with the presupposition that he is—then it would seem to follow that although the body can be killed, the face is not killed along with the body. He does not say the face is eternal and that is why it cannot be extinguished. Rather, the face carries an interdiction against killing that cannot but bind the one who encounters that face and becomes subject to the interdiction the face conveys. If one seeks to defy the interdiction, then one loses sight of the face. And if one sees the face, but does not see the interdiction, then one loses the face in another way. It would be easy enough if we were to say that the face is but another word for the interdiction against killing, a synonym, but the face is not a word, is not only a word, though it can be conveyed through words. If the face conveys the commandment, then the words speak through the “face” and, indeed, whatever bespeaks the commandment becomes a face. We might ask as well whether the interdiction against killing can be communicated through a means other than the face. But in this question we take the face too literally. If the interdiction is communicated, we become bound by that interdiction, which means we have become subject to the face. So in the end it would appear that there is no way to separate the face from the interdiction itself. Or, rather, there is no way to separate the face from that precise encounter with the face to which we are subject, to which we cannot help but be subject, in the face of which we have, in effect, no choice, bound as we are by the interdiction imposed upon us. It is not an interdiction to which we can say no; in other words, it is not a face

from which we can turn away, though clearly sometimes we do precisely what we cannot do, usurping a power that we do not have or, at least, should not have.

Implicit, then, in this interdiction against killing is a question of what “can” be done and so a question of capacity or power (*pouvoir*). We have to make sense of the following paradox: we are without power to turn away from this face, though it is true that people turn away from faces all the time. People can turn away from the face, and, when they turn away, they have sought to escape this impotence (*sans pouvoir*), to become a subject with power. If we say that people can turn away, have turned away, turn away all the time, we are saying that they assert a power where there is no power and so nullify the claim that we cannot turn away, that responding to the face is prior to choice, drawing upon a power that is not properly our own. But even if we say this, thus identifying this ethical claim upon us as prior to any power and hence to any politics, we have to understand why and how this turning away happens. When we maintain, for instance, that people turn away all the time, we say that they take a certain power in the face of a demand to stay with a lack of power; this is another way of claiming that the political supplants the ethical. Of course, one could respond: the fact that everyone turns away all the time is a sign that we should, en masse, renounce the domain of power, the domain of the political, in favor of this ethical claim and that we should consider the deformation of the ethical the political invariably performs. But that conclusion effectively refuses the political, and Levinas clearly did not think that that was possible.

Levinas himself made clear that the ethical relation required by the face is not the same as the domain of the political. The political involves numerous people and not just the ethical dyad, the “I” and the “you.” That dyad is broken up by the “third”—an abbreviated way of referring to those who would be referred to in the third person, those whose faces we do not see, but with whom we are bound to live under contractual conditions that render us substitutable. With the third and the surpassing of the dyad, we are introduced into the order of calculability, of distributive justice, of laws that are passed by the majority, and so into the domain of the political, understood as a formalizable set of rules. Even though the social dimension of the political does not negate the ethical and its claim, it remains difficult to say in what way that ethical claim lives on in the social and political domain. After all, the ethical seems to revolve around the commandment “Thou shalt not kill,” and yet Levinas, in his politics, did not espouse a pacifism. Does the face survive in the domain of the political? And if it does, what form does it take? And how does it leave its trace?

I ask this question because one might be tempted to say that, for Levinas, the commandment “Thou shalt not kill” is absolute and foundational, that it is this commandment, more than any other, that the face conveys, that this commandment composes the very meaning and “saying” (*le dire*) of the face. When he refers to the “face” of the other, he refers to the face “before all mimicry . . . before all verbal expression [*avant toute mimique . . . avant toute expression verbale*]” (EN, 169; EN-F, 175), where the face is a voice, and where the voice does not emerge from the face, through the mouth, but is another name for the face and so a name for what can never be properly named at all.⁴ We are given this face as a voice and thus asked to allow this particular mixing of metaphors between what appears and what is heard. The voice that is the face is a “command” (*une voix qui commande*; DF, 175) and also an “address,” one that is directed toward me and enjoins me “not to be indifferent to that death.” The death of the other is in the face, but by this Levinas means only that “the look” (*le regard*) by which the other faces the world bears a twofold significance: it is, on the one hand, fragile and precarious, but also, on the other hand, “an authority” (*une autorité*), the authority of the command itself. Thus, in the face of the other, one is aware of the vulnerability of that other, that the other’s life is precarious, exposed, and subject to death; but one is *also* aware of one’s own violence, one’s own capacity to cause the death of the other, to be the agent who could expose the Other to his dissolution. Thus the face signifies the precariousness of the Other, and so also a damage that can be caused by my own violence; it signifies as well the interdiction against violence that produces a fear in me of my own violence, what Levinas calls “the fear of all the violence and usurpation that my existing, despite the innocence of its intentions, risks committing [*crainte pour tout ce que mon exister, malgré l’innocence de ses intentions, risque de commettre du violence et d’usurpation*]” (EN, 169, EN-F, 175).

The responsibility that I assume, or, rather, that claims me in this instant, is the result of the precariousness I see, the violence that I may cause, the fear of that violence. As a result, the fear must check the violence, but this does not happen all at once. In fact, the unlimited responsibility that I bear toward the other is precisely the result of an ongoing struggle between the fear induced in me by the commandment and the violence my existence potentially does to the Other. If I fear for the Other, it is because I know the Other can be destroyed by beings like myself. If I am obliged not to be indifferent toward the death of the other, this is because the other appears to me not as one among many, but as precisely *the one* with whom I am concerned. Thus, Levinas writes,

It is as if, in the plurality of humans, the other man abruptly and paradoxically—against the logic of the genus (*la logique du genre*)—turned out to be the one who concerned *me* par excellence; as if I, one among others, found myself—precisely *I* or *me*—the one who, summoned (*assigné*), heard the imperative as an exclusive recipient (*destinataire exclusif*), as if that imperative went toward me alone, toward me above all (*avant tout*); as if, henceforth chosen (*élu*) and unique, I had to answer for the death and, consequently, the life of the other (*d'autrui*).

(EN, 193, EN-F, 198–99)

The face of the Other thus disrupts all formalisms, since a formalism would have me treat each and every other of *equal* concern and thus no other would ever have a singular claim upon me. But can we, really, do without all formalisms? And if we cannot do without all formalisms—including the principle of radical equality—then how do we think about the face in relation to such political norms? Must the face always be singular, or can it extend to the plurality? If the face is not necessarily a human face—it can be a sound or a cry—and is not reducible to a single person's face, then can it be generalized to each and every person to the extent that they appear precisely as of concern to me (but only to persons and not nonhuman animals, in his view)? Would this be a rupture in the way we think about plurality, or would it imply an entrance of the ethical precisely into the formulation of plurality itself? Would it imply a deformalization of plurality? Can the face serve as an injunction against violence toward each and every individual, including those whose quite literal faces I do not know? Can one derive a politics of nonviolence from the Levinasian injunction, and is it possible to respond to the faces of the multitude?

WHERE TO FIND THE FACE?

I want to suggest that the ethical injunction, though “prior” to the political domain, emerges for Levinas precisely within the terms of political conflict. Although these two domains are separated and separable for Levinas, it may be that the ethical demand comes to have a specific meaning for us in specific political contexts. It would seem that already when we encounter the face of the Other as fragile, as what requires protection against our own aggression, we have that encounter in the midst of a sociality in which conflict is already part of its history and present. Would I be tempted to kill the Other if I were not already in some relation to him

or her? Is it that the Other is fragile and my desire to kill emerges in the face of that fragility? Or is it that I see my own fragility, over there, and I cannot bear it, or my own capacity to do damage and I cannot bear it? Levinas puts it quite clearly when he writes, “the face of the other in its precariousness and defenselessness, is for me at once the temptation to kill and the call to peace, the ‘You shall not kill’ [*le visage d’autre dans sa précarité et son sans-défense . . . est pour moi à la fois la tentation de tuer et l’appel à la paix, le ‘Tu ne tueras pas’*]” (PP, 167, PP-F, 344).² The struggle with one’s own violence then takes place in relation to the face of the Other.

Would I be tempted to kill that other if some injury were not already done to me or if some injury against me were not, at least, anticipated? Do we enter a political story in medias res only then to encounter the ethical demand in its midst? Levinas gives us several examples that suggest the ethical emerges in the midst of a conflict already underway. And even if we encounter the other in a way that constitutes a break with sociality and plurality, it may be that the social field that is broken and interrupted by the emergence of the face is the same social field that forms a necessary background for that encounter with the face to begin with.

When Levinas describes the encounter with the face as “at once the temptation to kill and the interdiction upon killing,” he references both the anxiety and the desire that the interdiction produces. As I have discussed elsewhere,³ Levinas recounts the story of Jacob and Esau. Jacob waits for Esau’s arrival, and the scene is tense with the sense that a war will break out over rights of inheritance and land. Levinas cites the Bible: “Jacob was greatly afraid and anxious (*angoisse*).” Levinas notes that, for the commentator Rashi, Jacob exemplifies “the difference between fright and anxiety” and concludes that “[Jacob] was frightened of his own death but was anxious he might have to kill” (PP, 164). If Jacob might have to kill, he would kill in the name of his own life. But to destroy the life of the other by standing for his own life is precisely to turn away from the face. Interestingly enough, killing in the name of self-preservation finds no justification in Levinas. Does he, then, propose an absolute pacifism, even a politics of self-sacrifice that would, in every instance, turn away from violence in turning toward the face? Does the commandment translate into a politics, providing a biblical basis for an absolute interdiction against all violence?

Apparently not. He invokes the Talmudic counsel that if you know someone is coming to kill you, you must rise up early and be prepared to kill first. Thus the face has its exceptions. And though self-preservation is never really affirmed as an

ultimate value by Levinas, it appears that self-defense is another matter. If Jacob is not to kill Esau, he would have to find something else to do with his desire to kill, a desire that is internally linked with the fear of death. The only way the two brothers cannot go to war is by warring with themselves and the commandment. Thus, if nonviolence emerges, it is only as a consequence of another war, the one that one's own murderous impulse wages against the interdiction that proscribes its realization.

Thus nonviolence for Levinas does not come from a peaceful place, but rather from a constant tension between the fear of undergoing violence and the fear of inflicting violence. Peace is an active struggle with violence, and there can be no peace without the violence it seeks to check. Peace names this tension, for it is, invariably a violent process, to some degree, and yet a kind of violence that takes place in the name of nonviolence. In fact, the responsibility that I must take for the Other proceeds directly from being persecuted and outraged by that Other. Thus there is violence in the relation from the start: I am claimed by the other against my will, and my responsibility for the Other emerges from this subjection. If we think about the face as that which commands me not to be indifferent to the death of the other, and that command as what lays hold of me prior to any choice I might make, then this command can be said to persecute me, to hold me hostage—the face of the Other is persecutory from the start. And if the substance of that persecution is the interdiction against killing, then I am persecuted by the injunction to keep the peace.

Of course, the commandment not to kill is, paradoxically, imposed upon me violently: it is imposed against my will and so is violent in this precise sense. The commandment does not convey that I am morally wrong, and it does not accuse me of any specific crime. If the face is “accusatory,” it is so in a grammatical sense: it takes me as its object, regardless of my will. It is this foreclosure of freedom and will through the command that is its “violent” operation, understood variously as persecutory and accusatory. Without this violence, I cannot become subject to the interdiction against violence. Levinas writes in *Autrement qu'êtré* that “persecution is the precise moment the subject is reached or touched without the mediation of the Logos”⁴—that is, in a living way, without consciousness and without cause, according to no principle. I am not persecuted for a reason, and I am not persecuted by another subject, only by the face, the voice, the commandment, that touches me without any reason and prior to any will. Also in *Autrement qu'êtré*, Levinas remarks that suffering (*la souffrance*) is the basis of responsibility and that without being

held hostage there is no responsibility.⁵ Importantly, this kind of persecution does not leave me intact; indeed, this persecution shows that I was never intact. I am responsible for what the other has done, which does not mean that I have done it; it means that I suffer it and, in suffering, assume responsibility for it. I no longer occupy my own place. I have assumed the place of the other, but, more important, the other has assumed my place, usurped me, taken me hostage. Something “other” places itself in my place, and I can only then understand my place as this place already occupied by another. The other is not “over there” (*la bas*), beyond me, but constitutes me fundamentally. The other does not just constitute me—it *interrupts* me, establishes this interruption at the heart of the ipseity that I am. If I use “occupation” metaphorically here, it is with mixed intent, since Levinas himself will refuse a strictly metaphorical understanding of occupation or persecution. He remarks, for instance, that *the historical experience* of persecution grounds the ethics of responsibility:

Of course we do not owe Judaism to anti-Semitism, no matter what Sartre may say. But perhaps the ultimate essence of Israel, its carnal essence prior to the freedom that will mark its history—this manifestly universal history, this history for all, visible to all—perhaps the ultimate essence of Israel derives from its innate predisposition to involuntary sacrifice, its exposure to persecution. . . . To be persecuted . . . is not an original sin, but the obverse of a universal responsibility—a responsibility to the Other—that is more ancient than any sin.

(DF, 225)

Nous ne devons certes pas le judaïsme à l'antisémitisme, quoi que Sartre ait pu en dire. Mais, peut-être, l'ultime essence d'Israël, son essence charnelle antérieure à la liberté qui aura marqué son histoire—cette histoire manifestement universelle, cette histoire *pour tous*, à tous visible—peut-être l'ultime essence d'Israël tient-elle à sa disposition innée au sacrifice involontaire, à son exposition à la persécution. . . . Être persécuté, . . . n'est pas péché originel, mais l'envers d'une responsabilité universelle—d'une responsabilité pour l'Autre—plus ancienne que tout péché.⁶

Of course, there is a significant ambiguity in the apposition that Levinas offers us in this quotation. It would seem that persecution is a “disposition innée au sacri-

fice involontaire” but also an “exposition à la persecution”; in the first instance he seems to be suggesting that this involuntary exposure is particular to the Jews, but then in the second instance it seems that this persecution is what is historically specific about Jewish experience. In the third formulation this internal or historical specificity is understood to be the persecution that founds responsibility as we know it. One can read Levinas several ways on this occasion; one way is that the responsibility emerging from the persecution of the Jews makes a certain kind of responsibility necessary, one that is also formed within a Jewish framework. But I want to read this line against the grain, as it were, and to suggest that this kind of national or religious framing for responsibility would not be compatible with the line in Levinas’s thinking we have been following. After all, he refers to the metaphorically loaded notion of “occupation” to elaborate what responsibility might be. Within such a context we learn that to exist in any place is already to be interrupted and defined by the others who are in that place. This is an act of substitution, what he sometimes calls usurpation, but it is one that grounds responsibility toward the other. This would imply that whatever “nation” grounds itself on the place of the other would be bound to that other, and would be in an infinite responsibility toward that other, a position that is clearly consonant with that of the late Said. If the other persecutes that self, that national subject, it does not in any way relieve the national subject of responsibility: on the contrary, a responsibility is born precisely from that persecution. What that responsibility entails is precisely a struggle for nonviolence, that is, a struggle against the ethics of revenge, a struggle not to kill the other, a struggle to encounter and honor the face of the other.

Of course, it is of interest to see how Levinas dealt with this question of Israel, the land that it occupies, the question of the other who is there, who was there, in the midst of this place, whose place was taken, and who now persists in this place as usurped. But I would prefer to think with Levinas against Levinas and to pursue a possible direction for his ethics and his politics that he did not pursue. Let us remember that if something substitutes for me, or takes my place, that does not mean it comes to exist where I once was or that I no longer am or that I have been fully negated by virtue of being replaced in some way. The other lays claim, but I am already exposed, vulnerable to the claim, and though this situation is, for Levinas, nonreciprocal, we can see that some kind of passion is undergone in this rhythm of exposure and claim. Substitution, in fact, implies that a certain transitivity between the “me” and the Other is irreducible and not under my control (out of my control).

In this sense, substitution is no single act; in fact, it makes the singularity of the act impossible (“la substitution n’est pas un acte, elle est une passivité inconvertible en acte”; AE, 185); if it can be said to happen at all, it is happening all the time. I am always possessed by an elsewhere, held hostage, persecuted, impinged upon against my will, and yet there is still this “I,” or rather “me,” who is being persecuted. To say that my “place” is already the place of another is to say that place itself is never singularly possessed and that this question of cohabitation in the same place is unavoidable. It is in light of this question of cohabitation that the question of violence emerges. Indeed, if I am persecuted, that is the sign that I am bound to the other. If I were not persecuted by this claim upon me, then I would not know responsibility at all. It is the ethical claim upon me not to kill that persecutes me, and it persecutes me precisely because I may well be moved to kill or I may well have to resign my will at the moment the commandment not to kill is addressed to me.

A museum of tolerance was to be built in Jerusalem by the Simon Wiesenthal Center on a Palestinian gravesite.⁷ Skeletons were to be removed from the site in order to build this museum, which will cost 150 million dollars. The self-proclaimed aim of the museum is to “promote unity and respect among Jews and between people of all faiths.” This land served as a cemetery for one thousand years, and the Simon Wiesenthal Center argues that it belongs legally to Israel, regardless of its past ownership. The Palestinian legal counsel remarks that “it’s unbelievable, it’s immoral. You cannot build a museum of tolerance on the graves of other people. . . . It is going to cause the opposite thing to tolerance.” So it is, we might say, an intolerable situation that forms the basis, the ground, for this museum of tolerance, and we have to ask what relation this call for tolerance has to the ground on which it is built. There are already legal disputes about who owns the land, but can we pause for a moment and think about this particular problem of place prior to the question of law and property and rights? This place where the one lives, where the one seeks to build and found its own memory, is already a place where others have lived and left their remains and where they seek to honor the remains of the dead. The one builds its memory through the effacement of the other’s memory, and this happens precisely through recourse to the land, one that both parties share and that sends this into court and onto the street. Perhaps we can think of an ethical relation that would, as it were, divide the land or, rather, show that the land, possessed, is already occupied by the other and that, if it is to govern the problem of place, responsibility will have to proceed precisely through an understanding of substitution as an ethical relation.

If substitution implies that a certain transitivity between the “me” and the Other is irreducible and not under my control, then the place “where one is” is already interrupted by the claim of the other, and thus a usurpation has already taken place that binds me to that other. Though we might expect that one becomes bound to the other in legal or violent conflict, it would appear that Levinas offers us another way to imagine the ties that bind. To be bound to the other who is already in one’s place is precisely to recognize that “place” is the site of such ethical relationality, that claim to which one is bound to honor the face of the other and so not to kill and not to claim exclusive control over place. The exclusive claim disregards the fact that the other is already there and that this cohabitation is the very scene of ethical relationality. One might be tempted to claim ownership, to expunge the other from the place where one is, but one can only do this through refusing the violence of the commandment in favor of the violence the commandment forbids. In this sense, if one is persecuted by this obligation to the other, then one has already conceded that one’s place is not only one’s own place, but already, and from the start, the place of the other. Whatever politics proceeds from this recognition will be counter to the usurpation we associated with political appropriations of land and disenfranchisement of the population already on the land. Usurpation will now work in the opposite direction. Whatever one calls one’s own is already not one’s own, and this formulation alone will allow for pursuit of the nonviolence that honors the ties that bind us, regardless of what we will.

In his *New Talmudic Readings* Levinas makes plain he offers a Talmudic reading “without the traditional erudition.”⁸ Actually, he offers his apology in the form of a conditional, indeed, a long-winded one at that:

If I have accepted doing this Talmudic reading without the traditional erudition, without the acuity of spirit that it presupposes or further refines, it is uniquely with the intention of testifying that an “amateur,” provided he is attentive to ideas, can draw out, even in a superficial approach to these difficult texts—without which Judaism no longer is, but texts whose language and interests seem so strange from the outset that we, Jews today, have some pains returning to them—some essential suggestions for his intellectual life, on the questions which trouble humanity in every epoch, that is to say, modern humanity.

(NTR, 48)

On the one hand, Levinas begins by acknowledging that he is an amateur, that he lacks traditional erudition and even the acuity of spirit that traditional scholarship presupposes and refines, but he also puts into doubt this very claim. What seems at first a humbling move turns out to be something more bold, if not arrogant, when he suggests that being “attentive to ideas” is something else, something he himself can and does do, and this being “attentive to ideas” is that “without which Judaism no longer is.” So from the start we seem to be presented with a set of alternatives, couched in a grammar that is not altogether simple. There seem to be those who believe that traditional erudition alone supports the acuity of spirit needed to read the Talmud, and then there seems to be Levinas who offers suggestions that “attention to ideas” is possible at any instant and that it does not rely on erudition. He accepts that to read the Talmud involves a difficult passage from the present to the past, but he seems to think that this passage does not require any particular hermeneutic exercise. We who live in the present “have some pains” returning to these texts, and they are for us, of necessity, both strange and difficult. What we find there, though, is not historically specific, and I am not sure whether what we find is enmeshed in the page or in the writing in some way that makes it impossible to extricate ideas from language. At least here, and perhaps despite his own practice, Levinas suggests that the ideas and the questions can and must be extracted both from their time and their textuality. Thus, he can write that the task is to “draw out” what is “essential,” which turns out to be those “questions which trouble humanity in every epoch, that is to say, ‘modern humanity.’”

This last juxtaposition is, of course, jarring, since it will turn out that what is “modern” yields those questions that concern humans “in every epoch” and so “universally” (NTR, 48). It becomes clear that modernity is, for Levinas, the site in which a certain universality or generality emerges, at which point we are led away from both textualism and historicism. His own reading practice is described as an excavation, and it depends on taking certain kinds of figures quite seriously. If one excavates a word, one takes it out of its historical context, and this decontextualization is precisely the occasion on which the words become “inflamed” (NTR, 48). He notes that one has to “breathe” upon such words for their flames to spark, and here he makes use, quite obviously, of a kabbalistic trope in order to justify what seems an unapologetic presentism in his approach. The words must illuminate, and this can only happen if they are “breathed upon” in the right way. The breath does not come from elsewhere; it is not a divine breath, but a human

one, the breath of the reader who figures his reading on the model of the spoken word. Whose word? Levinas's word?

Although I am pointing to an antihermeneutic dimension of Levinas's reading, and suggesting that it seeks to release ideas from words through a certain kind of reading figured as an exhalation, I think we have to return to the question of whether the "ideas" released from words are "universal" ones. At least in this respect, it is possible that Levinas is pointing to a recurrent kind of breathing exercise that is not available to all people under all conditions. This attention to "ideas" is not the same as an exercise of abstraction or a use of reason. To make more precise what is at stake, it makes sense to turn to Levinas's "Peace and Proximity" (1984) to understand how this exercise he proposes can be and is "Jewish" without, at the same time, being "universal" according to standards of accepted rationality.

In the essay, "Peace and Proximity," Levinas argues that a "European" consciousness is internally divided between Greek and Hebraic traditions. In his view, the idea of peace derived from the Greek tradition is one that believes that "peace is awaited on the basis of the True" (PP, 162). He characterizes this Greek position as one that believes that only on the basis of "Knowledge," which "unites" those who only apparently disagree, will peace arrive. This notion of "peace" strives for "unity," the overcoming of difference "where the other is reconciled with the identity of the identical in everyone" (PP, 162). He also notes that this Greek conception relies on "persuasion" in which each individual realizes that he or she participates in the "whole" and finds "tranquility" and "repose" in this unity. We may object to this characterization, but it is doubtless important to understand it on its own terms to see what is at stake for Levinas. He wishes, first of all, to underscore that the Europe that believes in this Greek conceit is one that cannot account for its own bloody history, the emergence of fascism, imperialism, and exploitation. Somewhat bitterly, he mocks the Socratic dictum, seeking "a break in the universality of theoretical reason, which arose early in the 'know thyself' in order to seek the entire universe in self-consciousness" (PP, 163). Levinas finds traces within Europe of "a logic other than the logic of Aristotle" and describes it tentatively as an "exaltation which is perhaps explained by a remorse" over colonial wars and seems to be the result of a "long indifference to the sorrows of an entire world" (PP, 163).

So here the traces of another tradition, one emphatically non-Greek, seem to enter through human modalities that exist to the side of a universalizing reason: *exaltation*, *remorse*, and *sorrow*. He accuses the Greek tradition of building a theoretical

reason that cannot account for bloodshed and sorrow. If anything, confronted with the history of its wars, Europe is plunged into an anxiety about its own capacity for violence. He writes: "It is not the intellectual deception of a system belied by the incoherences of the real that is the drama of Europe. Nor is it even just the danger of dying that frightens everyone. There is anxiety in committing the crimes even when the concepts are in agreement with each other. There is an anxiety of responsibility that is incumbent upon everyone in the death or suffering of the other" (PP, 164).

On the basis of this anxiety and responsibility toward the life of the other, a demand is delivered to me that that is precisely not universalizable. This demand is one that is made on the individual and conveyed by the commandment. Thus it is an ethical obligation that may well be delivered to each person, but one that is not universalizable as a consequence. The singular address undoes the universality of the claim, which is why one cannot look up and check to see if others are honoring the "same" claim in the exact same way.

Against this background, and with the knowledge that, for Levinas, if nonviolence emerges, it does so as a consequence of a war within the self against the self's murderous impulses, we can return to the question of what it means to read the Talmud within modernity, what kinds of questions are brought to the text, and what sorts of ideas are to be inflamed and illuminated through the kind of reading that Levinas proposes. In the third chapter of *New Talmudic Readings*, translated as "Who is One-Self?" (but which should be translated "As for oneself . . ."), Levinas turns to Tractate Chullin 88b–89a, in which Abraham is rewarded by Raba for having said "I am ashes and dust" (NTR, 109). Levinas cites the rabbinic saying: "*the world subsists only through the merit of Moses and Aaron. From them the value of the words: 'we are nothing' [or, 'What are we?']*" (NTR, 112). The two sentences are understood to be equivalent in some way. We are nothing, so we ask what we are. We ask what we are and find that we are nothing, that there is no answer to the question, no substance that arrives to define or settle the "we" who asks about itself in this way. For Levinas, we are the ones who are singularly interpellated by the commandment and thus differentiated from one another in such a way that universality is made impossible. On the other hand, because we "are" nothing, and that interpellation implies no ontological resolution for the "I" or the "we," we come to recognize that we are, at an ontological level, dispossessed precisely by this demand. Indeed, the demand that is communicated by the commandment evacuates us of all ontological substance. The human creature is

destitute, but it is, significantly, on the basis of this destitution that the obligation to shelter the other's life is elaborated: "In self-denying, in his dust and ashes . . . there is an elevation of the human creature to another condition, to another level of the human who, authentic under the incessant threat of his mortality, remains someone who thinks of the safekeeping of others" (NTR, 114). So Abraham is "dust and ashes," but it would appear that his words are also "ashes," as are the words of the Talmud. "The Torah is exacting. One must blow on the 'ashes' of ideas and images, for the flame tenderly to appear to man. All the same we have gained some traces of a 'me' which is affirmed in its devotion to the other and which is because it is obligated" (NTR, 121).

This obligation may well underwrite some of the ethical systems and laws that seek to universalize obligations, but any codification of those obligations also overwrites what Levinas calls the "anarchism" of such an obligation.⁹ This "anarchism" is a departure from the Logos and constitutes another "ground" for thinking about human relationality as such. In his view, human relationality is not Greek—and not rational in any established way. It is, rather, that which can only be elaborated through figures that operate this side of the concept, which link human destitution to a certain responsibility to shelter the life of others. It is as if, or precisely because, we are transient, dust and ashes, that we must shelter life: life is perishable; thus we must struggle not to let life perish. It is on the basis of this perishability that an obligation emerges, neither a murderous aggression nor any other form of nihilism. We cannot be careless in relation to this perishability, since we know it precisely through the injunction to care for it, and to care for it not for ourselves, but for others. This may well be a version of a commandment, but it is *not* the logos: it bespeaks life, breath, sorrow, remorse, attention, and obligation of an emphatically nonuniversalizable kind. The "one" who is asked to follow the commandment is also vanquished ontologically by this address, reduced, as it were, to dust and ashes; it becomes nothing other than this obligation and is held in life by the commandment itself, and so sustained and vanquished by this address. This means that the self is no substance and that the commandment is no codifiable law, each exists only in the manner of an address that singles out, vanquishes, and compels. Talmud leads Levinas to a strange sort of anarchy, one that he finds to characterize every relation between the one who receives the ethical demand and the demand itself. This thought precedes him in the work of Walter Benjamin, who sustains a critique of the sort

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of violence that operates through legal regimes. Taking the regime down requires an anarchic relation to an ethical demand that overrides the law, although for Levinas the ethical invariably engages this idea of anarchy, whereas the political, essentially concerned with justice, functions through formalizable law. But what happens if the formal rule of law is unjust? What place is there for anarchy under such conditions?

3. Walter Benjamin and the Critique of Violence

ONE MIGHT WELL ASK about Walter Benjamin's views on Zionism and consult his long-standing discussions with Gershom Scholem to discern those politics. In this text, however, I am less interested in the particular questions he raised about Zionism in the 1920s and '30s than I am with his own views on violence, and legal violence in particular. It is well-known that Scholem sought to persuade Benjamin to emigrate to Palestine and to learn Hebrew, but Benjamin did not comply. At one point Scholem arranged for a stipend to be given to Benjamin from the Hebrew University, and Benjamin went to Russia with the money and never made much of an explanation to his benefactors. But perhaps more important than Benjamin's ambivalent relation to Zionism was his critique of state violence and his views on history and oppression. In this chapter and the one to follow, I seek to understand how Benjamin draws upon Jewish and non-Jewish sources to offer (a) a critique of legal violence—the sort of violence that states commit precisely through their legal structure—and (b) a critique of those forms of progressive history that would realize an ideal over time—a view with clear critical implications for Zionism. His first view shows us that it is not possible to treat law as the alternative to violence, but it also opens up the question of how it becomes possible to refuse uncritical forms of obedience to unjust regimes. The second view centers on his idea of how the messianic reconfigures history and focuses on the possibility of finding present form for the history of the oppressed, one that does not belong to a single nation, but requires a flashing transposition of oppression across time and space.

The messianic takes different forms in Benjamin's work and changes in the course of his reflections and invocations of the term.¹ In the early work, on painting, Benjamin tends to understand the messianic as a nonsensuous core of meaning that nevertheless organizes the sensuous field—focusing on the transmissibility and

dispersion of the “name.” In “The Task of the Translator” we are led to consider how the messianic constitutes a certain break in the possibility of transmission, figured in the much-discussed conception of the “broken vessel” whose parts cannot be restored to their original unity. Although some of those early reflections focus on the messianic as a form of forgiveness, one that requires a forgetting of all the markers of guilt, his “Critique of Violence” (1921) tends to conceive of the messianic force of divine violence as a break with legal violence (which is also an exculpation of guilt). In “Theses on the Philosophy of History” he allies the messianic with the struggle to save the history of the oppressed from an imposed oblivion. There is no single doctrine of the messianic for Benjamin, and we might start our consideration by affirming that the messianic is a counterdoctrinal effort to break with temporal regimes that produce guilt, obedience, extend legal violence, and cover over the history of the oppressed. If it seems that the messianic works in favor of oblivion in the early instances only to struggle against it in the later versions, that is only because the history of guilt is not the same as the history of oppression. As Benjamin becomes more clear that the effacement of the history of oppression must be countered, it is precisely not in the service of augmenting the world of guilt. Rather, the guilty are those who remain tied to a version of law and violence that seeks to cover over the destruction it has caused and causes still. Thus the messianic emerges as a way of exploding that particular chronology and history in the name of recovering in scattered form those remnants of suffering’s past that in indirect ways comport us to bring to an end regimes whose violence is at once moral and physical.

In considering Benjamin’s essay “Critique of Violence,” it makes sense to start with what may seem to be the most elementary question: what meaning does the term *critique* take on when it becomes a critique of violence? A critique of violence is an inquiry into the conditions for violence, but it is also an interrogation of how violence is circumscribed in advance by the questions we pose of it. What is violence, then, such that we can pose this question of it, and do we not need to know how to handle this question before we ask, as we must, what are the legitimate and illegitimate forms of violence? I understand Walter Benjamin’s essay to provide a critique of *legal* violence, the kind of violence the state wields through instating and maintaining the binding status that law exercises on its subjects.² In his critique Benjamin offers at least two different kinds of accounts. In the first instance, he is asking: how does legal violence become possible? What is law such that it requires violence or, at least, a coercive effect in order to become binding on subjects? But also: what is violence such that it can assume this legal form? In asking this last,

Benjamin opens up a second trajectory for his thought: is there another form of violence that is noncoercive, indeed, a violence that can be invoked and waged against the coercive force of law? He goes further and asks: is there a kind of violence that is not only waged against coercion, but is itself noncoercive and, in that sense if not some others, fundamentally nonviolent? He refers to such a noncoercive violence as “bloodless,” and this would seem to imply that it is not waged against human bodies and human lives. As we will see, it is not finally clear whether he can make good on this promise. If he could make good on it, he would espouse a violence that is destructive of coercion, shedding no blood in the process. That would constitute the paradoxical possibility of a nonviolent violence, and I hope to consider in what follows that possibility in Benjamin’s essay.

Benjamin’s essay is notoriously difficult. We are given many distinctions to handle, and it seems as if we handle them only for a few moments, then let them go. There are two sets of distinctions one must work with if one is to try to understand what he is doing. The first is the distinction between *law-instating* (*rechtsetzend*) and *law-preserving* (*rechtserhaltend*) violence. Law-preserving violence is exercised by the courts and, indeed, by the police and represents the repeated and institutionalized efforts to make sure law continues to be binding on the population it governs; it represents the daily ways in which law is made again and again to be binding on subjects. Law-instating violence is different. Law is posited as something that is done when a polity comes into being and law is made, but it can also be a prerogative exercised by the military in innovating coercive actions to handle an unruly population. Interestingly, the military can be an example of both law-instating and law-preserving power, depending upon context; we will return to this when we ask whether there is yet another violence, a third possibility for violence that exceeds and opposes both law-instating and law-preserving violence. The acts by which law is instituted are not themselves justified by another law or through recourse to a rational justification that precedes the codification of law; neither is law formed in some organic way, through the slow development of cultural mores and norms into positive law. On the contrary, the making of law creates the conditions for justificatory procedures and deliberations to take place. It does this by fiat, as it were, and this is part of what is meant by the violence of this founding act. In effect, the *violence* of law-instating violence is summarized in the claim that “this will be law” or, more emphatically, “this is now the law.”³ This last conception of legal violence—the law-instating kind—is understood to be an operation of fate, a term that has a specific meaning for Benjamin. Fate belongs to the Hellenic

realm of myth, and law-preserving violence is in many ways the by-product of this law-instating violence, because the law that is preserved is precisely the law that has already been instated. The fact that law can only be preserved by reiterating its binding character suggests that the law is “preserved” only by being asserted again and again as binding. In the end, it would seem, the model of law-instating violence, understood as fate, a declaration by fiat, is the mechanism by which law-preserving violence operates as well.

The fact that the military is the example of an institution that both makes and preserves law suggests that it provides a model for understanding the internal link between these two forms of violence. For a law to be preserved is for its binding status to be reasserted. That reassertion binds the law again and so repeats the founding act in a regulated way. What is more, we can see here that if the law were not to make itself anew, not to be preserved, it would cease to work, cease to be preserved, cease to be made binding once again. This site of law’s collapse would be the military, since the military seems to be the institution that is exemplary at once of preserving and enforcing law and thus the site where law might be arrested, cease to work, even become subject to destruction.

If we are to understand the violence at work in both law-instating and law-preserving violence, we must consider another violence that is neither to be understood through the notion of fate nor, indeed, as Hellenic or “mythic violence.” Mythic violence establishes law without any justification for doing so. Only once that law is established can we begin to talk about justification at all. Crucially, law is founded without justification, without reference to justification, even though it makes reference to justification possible as a consequence of that founding. First, the subject is bound by law, and then a legal framework emerges to justify the binding character of law. As a consequence, subjects are produced who are accountable to the law and before the law, who become defined by their relation to legal accountability. Over and against this realm of law, in both its founding and preserving instances, Benjamin posits a “divine violence,” one that takes aim at the very framework that establishes legal accountability. Divine violence is unleashed against the *coercive force* of that legal framework, against the accountability that binds a subject to a specific legal system and stops that very subject from developing a critical if not revolutionary point of view on that legal system. When a legal system must be undone, or when its coerciveness leads to a revolt by those who suffer under its coercion, it is important that those bonds of accountability be broken. Indeed,

doing the right thing according to established law is precisely what must be suspended in order to dissolve a body of established law that is unjust.

This was surely the argument of Georges Sorel in his *Reflections on Violence*, which profoundly influenced Benjamin's own discussion of the general strike, the strike that leads to the dissolution of an entire state apparatus. According to Sorel, the general strike does not seek to implement this or that particular reform within a given social order, but rather to undo the entire legal basis of a given state. Benjamin brings the Sorelian position together with a messianic thinking that gives his view a theological and political meaning at once. Divine violence not only releases one from forms of coerced accountability, a forced or violent form of obligation, but this release is at once an expiation of guilt and an opposition to coercive violence. One might respond to all of this with a certain fear that only anarchism or mob rule might follow, but there are a few propositions to keep in mind. Benjamin nowhere argues that all legal systems should be opposed, and it is unclear on the basis of this text whether he opposes certain rules of law and not others. Moreover, if he traffics here with anarchism, we should at least pause over what anarchism might mean in this context and keep in mind that Benjamin takes seriously the commandment "Thou shalt not kill." Paradoxically, Benjamin envisions release from legal accountability and guilt as a way of apprehending the suffering and the transience in life, of life, as something that cannot always be explained through the framework of moral or legal accountability. This apprehension of suffering and transience can lead, in his view, to a kind of happiness. Only through recourse to Benjamin's notion of the messianic can one see how the apprehension of suffering—a suffering that belongs to the domain of life that remains unexplained through recourse to moral accountability—leads to, or constitutes, a kind of happiness. I will return to this notion of happiness in the final consideration of the "Theologico-Political Fragment."

Benjamin was working with several sources when he wrote this essay, and they include Sorel's *Reflections on Violence*, Hermann Cohen's *Ethic of the Pure Will*, and Gershom Scholem's kabbalistic inquiries. He was working along two trajectories at once: a theological one and a political one, elaborating, on the one hand, the conditions for a general strike that would result in the paralysis and dissolution of an entire legal system, and, on the other, the notion of a divine god whose commandment *offers a kind of injunction that is irreducible to coercive law*. The two strands of Benjamin's essay are not always easy to read together. There are those who would say that the theology is in the service of the theory of the

strike, whereas others would say that the general strike is but an example of—or an analogy to—divine destructiveness.

What seems important here, though, is that divine violence is communicated by a commandment that is neither despotic nor coercive. Indeed, like Franz Rosenzweig before him, Benjamin figures the commandment as a kind of law that is neither binding nor enforceable by legal violence.⁴ When we speak about legal violence, we refer to the kind of violence that maintains the legitimacy and enforceability of law, the system of punishment that lays in wait if laws are broken, the police and military forces that back up a system of law, and the forms of legal and moral accountability that forcibly obligate individuals to act according to the law, indeed, to gain their civic definition by virtue of their relation to the law.

Interestingly enough, it is through a reconsideration of the biblical commandment, specifically the commandment “Thou shalt not kill,” that Benjamin articulates his critique of state violence, a violence that is in many ways exemplified by the military in its double capacity to enforce and make law. Although we are accustomed to thinking of the divine commandment as operating in an imperative way, mandating action on our part and ready with a set of punitive reactions if we fail to obey it, Benjamin makes use of a different Jewish understanding the commandment which strictly separates the imperative that the law articulates from the matter of its enforceability. The commandment delivers an imperative precisely without the capacity to enforce the imperative it communicates in any way. It is not the vocalization of a furious and vengeful God, and in this view Jewish law more generally is decidedly *not* punitive; moreover, the commandment associated with the Jewish God is here *opposed* to guilt, even seeks an expiation of guilt, which, according to Benjamin, is a specific inheritance from the mythic or Hellenic traditions. Indeed, Benjamin’s essay offers, in fragmented and potential form, the possibility of countering a misconception of Jewish law that associates it with revenge, punitiveness, and the induction of guilt. Over and against the idea of a coercive and guilt-inducing law, Benjamin invokes the commandment as mandating only that an individual struggle with the ethical edict communicated by the imperative. This is an imperative that does *not* dictate, but *leaves open* the modes of its applicability and the possibilities of its interpretation, including the conditions under which it may be refused.

We have in Benjamin’s essay a critique of state violence inspired in part by Jewish theological resources, one that would oppose the kind of violence that strikes at what he calls “the soul of the living” (*die Seele des Lebendigen*; CV, 250). It is important to tread carefully here, since it would be a mistake to say this essay constitutes a “Jewish

critique,” even though there is a strand of Jewish theology that runs through it—and certainly it makes no sense to call this a “Jewish critique” because Benjamin was a Jew. If the critique can justifiably be called Jewish, it is only as a result of some of the critical resources Benjamin brings to bear. And it is important to remember that Sorel, who was not Jewish and who brought no clearly Jewish resources to bear on his critique (unless we consider Bergson in this light), surely influenced this essay as much as Scholem or Cohen. Although Benjamin clearly equivocates about the possibility and meaning of nonviolence, I will suggest that the commandment, as thought by Benjamin, is not only the basis for a critique of legal violence but also the condition for a theory of responsibility that has at its core an ongoing struggle with nonviolence.

A DIFFERENT JUDAISM

There are at least two political implications of this reading to which I would like to draw attention. If part of the vulgar representation of Judaism is that it subscribes to a concept of God or to a conception of law based on revenge, punishment, and the inculcation of guilt, we see an illuminating remnant of a different Judaism in the kabbalistic strains that inform Benjamin’s thought. Thus, if part of the reduction of Judaism we confront in popular representations of its meaning consists in identifying Judaism with a wrathful and punitive God, and Christianity with a principle of love or *caritas*, we would have to reconsider these distinctions. We also see, I think, the traces of a counter-rabbinic movement in the early twentieth century that informed the work of Rosenzweig and, ultimately, Martin Buber, one that was associated with the notion of spiritual renewal and worried both about assimilationism, on the one hand, and rabbinic scholasticism, on the other. This movement was also critical of efforts to establish a legal and political territoriality for Judaism, and some of these arguments have important resonance for the contemporary critique of Zionism.

Rosenzweig, for instance, both opposed legal coercion and invoked the commandment as way of figuring a noncoercive law. He remarks that, whatever the specific stipulations of a commandment, each and every commandment communicates the demand to love God.⁵ Indeed, in *The Star of Redemption* Rosenzweig writes that God’s commandments can be reduced to the statement “Love me!” Both Rosenzweig and later Buber in the 1910s and 1920s opposed the idea of a “state” for the Jewish people and thought that the critical and even spiritual power of Judaism would be ruined or, in Buber’s words, “perverted” by the establishment of a state with legal coercion and sovereignty as its basis.⁶ Rosenzweig died too early to elaborate

his stand, but Buber came to embrace a version of Zionism that would include a federated state jointly and equally administered by “two peoples.” Benjamin, so far as I know, took no such view of the founding of a state in the name of Zionism, and he deflects the question time and again when pressed by his friend Scholem in their correspondence.⁷ What seems to matter here, for those who seek to make use of his text as a cultural resource for thinking about this time, is at least twofold: it opposes what sometimes amounts to an anti-Semitic reduction of Jewishness to so much bloodletting at the same time that it establishes a critical relation to state violence, one that might well be part of an effort to mobilize critical Jewish perspectives against the current policies, if not against the constitutional basis of citizenship in the State of Israel.

Of course, Benjamin’s essay has its present-day detractors, many of whom would doubtless argue that it fails to anticipate the assault of fascism on the rule of law and parliamentary institutions. Between the writing of Benjamin’s essay in 1921 and its contemporary readers several historical catastrophes ensued, including the murder of more than ten million people in Nazi extermination camps. One could argue that fascism ought to have been opposed precisely by a rule of law that was considered binding on its subjects. But it follows equally that, if the law that binds its subjects is itself part of a fascist legal apparatus, such an apparatus is precisely the kind of law whose binding force should be opposed and resisted until the apparatus fails. Benjamin’s critique of law, however, remains nonspecific, so that a general opposition to the binding, even coercive, character of law seems less savory once we consider the rise of fascism as well as the flouting of both constitutional and international law that characterizes U.S. foreign policy in its practices of war, torture, and illegal detention. Yet it is surely in light of the rise of European fascism that some critics have taken distance from Benjamin’s essay.

Benjamin’s essay received a trenchant reading by Jacques Derrida in his “Force of Law” and became a controversial foil for Hannah Arendt in her “On Violence.” At the time that Derrida wrote his essay on Benjamin, he worried openly about what he called “the messianic-marxism” that ran through it and sought to distance deconstruction from the theme of destruction and to value and affirm an ideal of justice that exceeds any specific or positive law. Of course later Derrida would revisit messianism, messianicity, and Marxism in *Specters of Marx* and in various essays on religion. In the writing on Benjamin, Derrida made clear that he thought Benjamin went too far in criticizing parliamentary democracy. At one point Derrida claims that Benjamin rides “an anti-parliamentary wave” that was the same wave that car-

ried fascism.⁸ Derrida also worries that Benjamin wrote to Carl Schmitt the same year he published “Critique of Violence,” but we don’t learn what, if anything, in that letter gives cause for concern. Apparently the letter is about two lines long and indicates that Benjamin is thankful to Schmitt for sending on his book. But that formal expression of thanks is hardly the basis for inferring that Benjamin condones Schmitt’s book in part or in whole.

Arendt, in “On Violence,” also worries that views such as Benjamin’s do not comprehend the importance of law in binding a community together, and she maintains that he failed to understand that the founding of a state can and should be an uncoerced beginning and, in that sense, nonviolent in its origins.⁹ She seeks to base democratic law on a conception of power that makes it distinct from violence and coercion. In this sense Arendt seeks to solve the problem by stabilizing certain definitions, engaging in what might be termed a stipulative strategy. In her political lexicon, violence is defined as coercion, and power is defined as nonviolent and, specifically, the exercise of collective freedom. Indeed, she holds that if law were based in violence, it would therefore be illegitimate, and she disputes the contention that law can be said to be instated or preserved by violence.

Indeed, whereas Arendt understands revolutions to instate law and to express the concerted consent of the people, Benjamin maintains that something called fate originates law. And whereas Derrida, in his reading of the essay, locates the messianic in the performative operation by which law itself comes into being (and so with law-establishing power, with fate, and with the sphere of the mythic), it is clear that for Benjamin the messianic is associated with the destruction of the legal framework itself, a distinct alternative to mythic power. In what remains I would like to examine this distinction between fate and divine violence, to consider the implications of Benjamin’s notion of the messianic for the problem of critique.

VIOLENCE, FATE, AND THE LAW

If we consider the problem of the founding conditions of state violence, let us remember that in the “Critique of Violence” Benjamin is making at least two sets of overlapping distinctions, one between law-founding and law-preserving violence and then another between mythic and divine violence. It is within the context of mythic violence that we receive an account of law-founding and law-preserving violence, so let us look there first to understand what is at stake. Violence brings a system of law into being, and this law-founding violence is precisely one that operates without justification. Fate produces law, but it does so first through manifesting

the anger of the gods. This anger takes form as law, but one that does not serve any particular end. It constitutes a pure means; its end, as it were, is the manifesting itself.

To show this, Benjamin invokes the myth of Niobe. Her great mistake was to claim that she, a mortal, was more fecund and greater than Leto, the goddess of fertility. She offended Leto immensely and also sought, through her speech act, to destroy the distinction between gods and humans. When Artemis and Apollo arrive on the scene to punish Niobe for her outrageous claim by taking away her children, these gods can be understood, in Benjamin's sense, to be establishing a law. But this lawmaking activity is not to be understood first and foremost as punishment or retribution for a crime committed against an existing law. Niobe's arrogance does not, in Benjamin's words, offend against the law; if it did, we would have to assume that the law was already in place prior to the offense. Rather, through her hubristic speech act, she challenges or tempts fate. Artemis and Apollo thus act in the name of fate or become the means through which fate is instituted. Fate wins this battle and, as a result, the triumph of fate is precisely the establishment of law itself (CV, 250).

In other words, the story of Niobe illustrates law-instating violence because the gods respond to an injury by establishing a law. The injury is not experienced first as an infraction against the law; rather, it becomes the precipitating condition for the establishment of law. Law is thus a specific consequence of an angry act that responds to an injury, but neither that injury nor that anger are circumscribed in advance by law.

That anger works performatively to mark and transform Niobe, establishing her as the guilty subject who takes on the form of petrified rock. Law thus petrifies the subject, arresting life in the moment of guilt. And though Niobe herself lives, she is paralyzed within that living: she becomes permanently guilty, and guilt turns into rock the subject who bears it. The retribution the gods take upon her is apparently infinite, as is her atonement. In a way she represents the economy of infinite retribution and atonement that Benjamin elsewhere claims belongs to the sphere of myth.¹⁰ She is partially rigidified, hardened in and by guilt, yet full of sorrow, weeping endlessly from that petrified wellspring. The punishment produces the subject bound by law—accountable, punishable, and punished. She would be fully deadened by guilt if it were not for that sorrow, those tears; and so it is with some significance that it is those tears to which Benjamin returns when he considers what is released through the expiation of guilt (CV, 250). Her guilt is at first externally imposed. It is important to remember that it is only through a magical causality that she becomes responsible for her children's deaths. They are, after all, not murdered by her hand,

yet she assumes responsibility for this murder as a consequence of the blow dealt by the gods. It would appear, then, that the transformation of Niobe into a legal subject involves recasting a violence dealt by fate as a violence that follows from her own action and for which she, as a subject, assumes direct responsibility. To be a subject within these terms is to take responsibility for a violence that precedes the subject and whose operation is occluded by the subject who comes to attribute the violence she suffers to her own acts. The formation of the subject who occludes the operation of violence by establishing itself as the sole cause of what she suffers is thus a further operation of that violence.

Interestingly enough, fate characterizes the mode in which law is established, but it does not account for how law, or legal coercion in particular, can be undone and destroyed. Rather, fate establishes the coercive conditions of law through manifesting the subject of guilt; its effect is to bind the person to the law, establishing the subject as the singular cause of what she suffers and steeping the subject in a guilt-ridden form of accountability. Fate also accounts for the perennial sorrow that emerges from such a subject, but for Benjamin fate cannot be the name that describes the effort to abolish those conditions of coercion. To understand the latter, one must move from fate to God or from myth, the sphere to which fate belongs, to the divine, the sphere to which a certain nonviolent destruction belongs. Although it is not entirely clear in what precisely this nonviolent destruction consists, it seems to be the kind of destruction that Benjamin imagines would be directed against the legal framework itself and, in this sense, would be distinct from the violence required and waged by the legal framework.

Quite abruptly toward the end of his essay, Benjamin resolves that the *destruction* of all legal violence becomes obligatory (CV, 249). But we do not understand whether this is a violence exercised by particular legal systems or a violence corresponding to law more generally. His discussion remains at a level of generality that leads the reader to assume it is law in general that poses a problem for him. When he writes that the destruction of all legal violence is obligatory, it would appear that he writes at the moment and in a certain context that remains undelineated within the essay.

Earlier, he has distinguished between the political general strike, which is lawmaking, and the general strike, which destroys state power and, with it, the coercive force that guarantees the binding character of all law—legal violence itself. He writes that the second kind of strike is destructive, but *nonviolent* (CV, 246). Here he is already proposing a nonviolent form of destructiveness. He turns in the final pages to a discussion of God to exemplify and understand this

nonviolent form of destructiveness. Indeed, it may be said that God has something to do with the general strike, since both are considered to be destructive and nonviolent at once. God will also have to do with what Benjamin calls an anarchism and not with lawmaking. Thus if we think that God is the one who gives us the law or, through Moses, relays a dictation of what the law should be, we must consider again that the commandment is not the same as positive law, which maintains its power through coercion: as a form of law, the commandment is precisely noncoercive and unenforceable.

If what is divine in divine violence neither gives nor preserves the law, we will be left in a quandary about how best to understand the commandment and, in particular, its political equivalent. For Rosenzweig, the *commandment is emphatically not an instance of legal violence or coercion*.¹¹ We think of the God of Moses as giving the commandment, and yet the commandment is not an instance of lawgiving for Benjamin. Rather, the commandment establishes a point of view on law that leads to the destruction of law as coercively binding. To understand the commandment as an instance of divine violence may seem strange, especially since the commandment cited by Benjamin is "Thou shalt not kill." But what if the positive legal system to which one is bound legally demands that one kill? Would the commandment, in striking at the legitimacy of that legal system, become a kind of violence that opposes violence? For Benjamin this divine violence has the power to destroy mythical violence. God is the name for what opposes myth.

It is important to remember not only that divine power destroys mythical power, but that divine power *expiates*. This suggests that divine power acts upon guilt in an effort to undo its effects. Divine violence acts upon lawmaking and the entire realm of myth, seeking to expiate those marks of misdeeds in the name of a forgiveness that assumes no human expression. Divine power thus does its act, its destructive act, but can only do its act if mythic power has constituted the guilty subject, its punishable offense, and a legal framework for punishment. Interestingly enough, for Benjamin the Jewish God does not induce guilt and so is not associated with the terrors of rebuke. Indeed, divine power is described as lethal without spilling blood. It strikes at the legal shackles by which the body is petrified and forced into endless sorrow, but it does not strike, in Benjamin's view, at the soul of the living. Indeed, in the name of the soul of the living, divine violence acts. And it must also then be the soul of the living that is jeopardized by the law that paralyzes its subject through guilt. This guilt threatens to become a kind of soul murder. By distinguish-

ing the soul of the living from “life” itself, Benjamin asks us to consider what value life has once the soul has been destroyed.

When we ask what motivates this turn against legal violence, this obligation to destroy legal violence, Benjamin refers to “the guilt of a more natural life” (CV, 250). He clarifies in “Goethe’s Elective Affinities” that a “natural kind” of guilt is not ethical and is not the result of any wrong-doing: “with the disappearance of supernatural life in man, his natural life turns into guilt, even without his committing an act contrary to ethics. For now it is in league with mere life, which manifests itself in man as guilt.”¹² He does not elaborate on this notion of a natural life in “Critique of Violence,” though elsewhere in the essay he refers to “mere life” (*blosse Leben*). He writes, “mythic violence is bloody power [*Blutgewalt*] over all life for its own sake [*um ihrer selbst*]; divine violence is pure power over all life for the sake of the living [*reine Gewalt uber alles Leben um des Lebendigen*]” (CV, 250). Positive law thus seeks to constrain “life for its own sake,” but divine power does not safeguard life itself, but rather life only for the sake of “the living.” Who constitutes “the living” in this notion? It cannot be everyone who merely lives, since the soul of the living is different and what is done “for the sake of the living” may well involve the taking away of mere life. This seems clear when Benjamin refers, for instance, to the plight of Korah as an example of divine violence, a biblical scene in which an entire community is annihilated by the wrath of God for not having kept faith with his word (CV, 250).

It is with some consternation then that we must ask whether the commandment “Thou shalt not kill” seeks to safeguard natural life or the soul of the living and how it discriminates between the two. Life itself is not a necessary or sufficient ground to oppose positive law, but the “soul” of the living may be. Such an opposition may be undertaken *for the sake of* the living, that is, for those who are alive by virtue of that active or living soul. We know from the early part of the essay that “the misunderstanding in natural law by which a distinction is drawn between violence used for just ends and violence used for unjust ends must be emphatically rejected” (CV, 238). The kind of violence that he calls “divine” is not justified through a set of ends, but constitutes a “pure means.” The commandment “thou shalt not kill” cannot be a law on the order of the laws that are destroyed. It must itself be a kind of violence that opposes legal violence in the same way mere life controlled by positive law differs from the soul of the living that remains the focus of divine injunction. In a rather peculiar twist, Benjamin appears to be

reading the commandment not to kill as a commandment not to murder the soul of the living and therefore a commandment to do violence against the positive law that is responsible for such murder.

An example of the positive law's seizure of mere life is capital punishment. In opposing legal violence, Benjamin would now seem to oppose capital punishment as legally mandated violence that most fully articulates and exemplifies the violence of positive law. Over and against a law that could and would sentence a subject to death, the commandment figures a kind of law that works precisely to safeguard some sense of life against such punishments, but which sense? Clearly this is not a simply biological life, but the deathlike state induced by guilt, the rocklike condition of Niobe with her endless tears. Yet it is in the name of life that expiation would be visited upon Niobe, which raises the question of whether the expiation of guilt is somehow a motivation or end for the revolt against legal violence. Are the bonds of accountability to a legal system that reserves the prerogative of capital punishment for itself broken by a revolt against legal coercion itself? Does something about the claim of "the living" motivate the general strike that expiates the guilt that maintains the hold of legal coercion upon the subject? *The desire to release life from a guilt secured through legal contract with the state—this would be a desire that gives rise to a violence against violence, one that seeks to release life from a death contract with the law, a death of the living soul by the hardening force of guilt.* This is the divine violence that moves, like a storm, over humanity to obliterate all traces of guilt, a divine expiatory force and thus not retribution.

Divine violence does not strike at the body or the organic life of the individual, but at the subject who is formed by law. It purifies the guilty not of guilt but of its immersion in law and thus dissolves the bonds of accountability that follow from the rule of law itself. Benjamin makes this link explicit when he refers to divine power as "pure power over all life for the sake of the living" (CV, 250). Divine power constitutes an expiating moment that strikes without bloodshed. The separation of that legal status from the living being (which would be an expiation or release of that living being from the shackles of positive law) is precisely the effect of the blow, the strike, and its bloodless effect.

But is this violence truly bloodless if it can involve the annihilation of people, as in the Korah story, or if it relies on a questionable distinction between a natural life and the soul of the living? Is there a tacit Platonism at work in the notion of the "soul of the living"? I would like to argue that there is no ideal meaning attached

to this notion of the “soul,” since it belongs precisely to those who are living, and I hope to make clear how this works in my concluding discussion of this text.

IN THE NAME OF THE LIVING

Benjamin begins to articulate the distinction between natural life and the soul of the living when he concedes that violence can be inflicted “relatively against goods, right, life, and suchlike,” but it never absolutely annihilates the soul of the living (*die Seele des Lebendigen*; CV, 250). Although divine violence is violence, it is never “annihilating” in an absolute sense, only relatively. How do we understand this use of the term *relatively* (*relativ*)? And how precisely does it follow that Benjamin proceeds to claim it cannot be said that his thesis confers on humans the power to exercise lethal power against one another? The question “May I kill?” meets its irreducible (*Unverrückbare*: unmovable, fixed—literally, not able to make crazy or to make veer from the path) answer in the commandment “Thou shalt not kill.” That the commandment is irreducible and unmovable does not mean that it cannot be interpreted and even contravened. Those who heed the commandment “wrestle [*sich auseinandersetzen*] with [it] in solitude and, in exceptional [*ungeheuren*] cases . . . take on themselves the responsibility of ignoring it” (CV, 250).

Over and against the mythic scene in which the angry deed establishes a punitive law, the commandment exercises a force that is not the same as a marking by guilt. The divine word, if it is a performative, is a perlocutionary speech act that depends fundamentally on an uptake to take hold. It works only through its appropriation, and that is surely not guaranteed. Benjamin describes the commandment’s nondespotic powers: “the injunction becomes inapplicable, incommensurable, once the deed is accomplished” (CV, 250), which suggests that any fear provoked by the commandment does not immediately bind the subject to the law through obedience. In the example of mythic law, punishment instills guilt and fear, and Niobe exemplifies the punishment that lays in wait for any who might compare him- or herself to the gods.

Benjamin’s commandment entails no such punishments and lacks the power to enforce the actions it requires. The commandment, for Benjamin, has no police force. It is immovable, it is uttered, and it becomes the occasion for a struggle with the commandment itself. It neither inspires fear nor exercises a power to enforce a judgment after the fact. Hence, he writes, “no judgment of the deed can be derived from the commandment” (CV, 250). Indeed, the commandment cannot dictate

action, compel obedience, or level judgment against the one who complies or fails to comply with its imperative. Rather than constituting a criterion of judgment for a set of actions, the commandment functions as a *guideline* (*Richtschmur des Handelns*). And what is mandated by the commandment is a struggle with the commandment whose final form cannot be determined in advance. In Benjamin's surprising interpretation, one wrestles with the commandment in solitude.

As a form of ethical address, the commandment is that with which each individual must wrestle without the model of any other. One ethical response to the commandment is to refuse (*abzusehen*) it, but even then one must take responsibility for refusing it. Responsibility is something that one takes in relation to the commandment, but it is not dictated by the commandment. Indeed, it is clearly distinguished from duty and, indeed, obedience. If there is wrestling, then there is some semblance of freedom. One is not free to ignore the commandment. One must, as it were, wrestle with oneself in relation to it. But the wrestling with oneself may well yield a result, a decision, an act that refuses or revises the commandment, and, in this sense, the decision is the effect of an interpretation at once constrained and free.

One might expect Benjamin to safeguard the value of life over violence and to coin a notion of nonviolent violence to name this safeguarding action, this strike against the shackles of the law, this expiation of guilt and resuscitation of life. But he makes clear that those who prize existence over happiness and justice subscribe to a position that is both "false" and "ignominious" (*niedrig*). He objects to the understanding of "existence" as "mere life" and suggests that there is "a mighty truth" in the proposition that existence is to be prized over happiness and justice: if we consider existence and life to designate the "irreducible, total condition that is 'man' . . . man cannot, at any price be said to coincide with the mere life in him" (CV, 251). As is clear in Benjamin's agreement with the Jewish view that killing in self-defense is not prohibited by the commandment, the commandment against killing is not based on the sacredness (*heiligkeit*) of life itself (a notion that correlates with guilt), but on something else. He does not refuse the notion of the sacred in trying to establish the grounds and aims of the commandment against killing, but he wants clearly to distinguish what is sacred in life from mere or natural life.

The temptation to read Benjamin as subscribing to an otherworldly doctrine of the soul or the sacred emerges temporarily when he refers to "that life in man that is identically present in earthly life, death, and afterlife" (CV, 251). Even then, he only refers to the sacred through a parenthetical appeal: "however sacred man is [*so heilig*

der Mensch ist] . . . there is no sacredness in his condition,” which includes bodily life and its injurability. What is sacred is some restricted sense of life that is identical in this life and the afterlife, but what sense are we to make of this? Benjamin only introduces the problem of the sacred and of justice in the context of a conjecture, suggesting that it belongs to an indefinite future, if any time at all. How are we to adjudicate Benjamin’s claims? Is this appeal to another life, to a sense of life that is beyond the body, the maneuver of the “spiritual terrorist” (*der geistige Terrorist*) who supplies the “ends” that justify violence? That would seem to be at odds with Benjamin’s earlier claim that divine violence does not act according to specified ends, but rather as a pure means. By this he seems to suggest that divine violence consummates a process, but does not “cause” it, that we cannot extricate the “ends” it achieves from the “means” by which it is achieved, and that instrumental calculations of that sort are set aside here.

Let us first understand this restricted sense of life that emerges within Benjamin’s conjecture. If there is something sacred or divine in this restricted sense of life, then it would seem to be precisely that which opposes guilt and the law-enforcing violence of positive law. It would consist in that which resists or counters that form of legal violence, and we have seen that this kind of hostile counterviolence is itself the expression of what remains unbound, unguilty, or expiated. In this essay, however, we see that divine violence is allied with the general strike and what is revolutionary, and this in turn is connected with what contests and devastates the legal framework of the state. I would suggest that this sacred or divine sense of life is also allied with the anarchistic, with that which is beyond or outside of principle. We saw this anarchistic moment already when the solitary person is conjured as wrestling, without model or reason, with the commandment. It is an anarchistic wrestle, one that happens without recourse to principle, one that takes place between the commandment and the one who must act in relation to it. No reason links the two. There is in this solitary coming-to-terms-with-the-commandment a nongeneralizable moment that destroys the basis of law, one that is called forth by another law in the name of life and with the hope of a future for the living outside the shackles of coercion, guilt, and accountability that keep the legal status quo unchallenged. The destruction or annihilation of state power belongs neither to lawmaking nor to law-preserving violence. Although an epoch is founded through this abolition or revolutionary destruction of legal violence, no law is made from this place, and the destruction is not part of a new elaboration of positive law. Destruction has some odd permanence to it, and this makes sense if we consider

that the anarchistic moment in any effort to come to terms with the commandment is one that destroys the basis of positive law. It also makes sense when we consider the theological sense of the messianic—with which Benjamin himself is coming to terms in this essay—that not only informs the restricted sense of life we have been investigating, but counters the Platonic reading of his understanding of the soul.

The anarchism or destruction to which Benjamin refers is to be understood neither as another kind of political state nor as an alternative to positive law. Rather, it constantly recurs as the condition of positive law and as its necessary limit. It does not portend an epoch yet to come, but underlies legal violence of all kinds, constituting the potential for destruction that underwrites every act by which the subject is bound by law. For Benjamin, violence outside of positive law is figured as at once revolutionary and divine—it is, in his terms, pure, immediate, unalloyed. It borrows from the language in which Benjamin describes the general strike, the strike that brings an entire legal system to its knees. There is something speculative here when Benjamin claims expiatory violence is not visible to men and is linked to eternal forms: the life in man that is identically present in earthly life, death, and afterlife. Reading “Critique of Violence” together with the “Theologico-Political Fragment,”¹³ written about the same time, we can discern claims worth careful consideration: the first, that nothing historical can relate itself to the messianic; the second, that this expiatory violence can be manifest in a true war or divine judgment of the multitude against a criminal (CV, 252).

At this point, there still seems to be cause for worry. Is Benjamin offering justification for a true war outside of all legality or for the multitude to rise up and attack a criminal designated as such only by themselves? His final reference to a sacred execution would seem, as well, to conjure similar images of the lawless masses rising up to do all sorts of physical violence in the name of some sacred power. Is this Benjamin riding “the antiparliamentary wave” that brings him perilously close to fascism? Or does so-called sacred execution attack only the totalizing claims of positive law? He has already claimed that divine or sacred violence is not to be justified by a set of ends, though he seems to claim that a specific relation between the actor and the divine is at stake in divine violence.¹⁴

How finally do we interpret his claims here? Benjamin does not call for violence, but suggests rather that destruction is already at work as the presupposition of positive law and, indeed, of life itself. The sacred does not designate what is eternal, unless we understand destruction itself as a kind of eternity. Moreover, the notion of the sacred invoked by Benjamin implies that destruction can have

no end and that it is redeemed neither by lawmaking nor by a teleological history. In this sense destruction is at once the anarchistic moment in which the appropriation of the commandment takes place *and* the strike against the positive legal system that shackles its subjects in lifeless guilt occurs. It is also *messianic* in a rather precise sense.

Let us then consider the precise meaning of destruction in the messianic conception with which Benjamin is working. Consider first his claim from the “Fragment” that “in happiness all that is earthly seeks its downfall [*im Glück erstrebt alles Irdische seinen Untergang*]” (TF, 312–13). This downfall does not happen once, but continues to happen, is part of life itself, and may well constitute precisely what is sacred in life, that which is meant by “the soul of the living.” For the Benjamin of the “Theologico-Political Fragment,” the inner man, linked to ethical solicitude, is the site of messianic intensity. This makes sense if we keep in mind the solitary wrestling with the commandment that constitutes Benjamin’s view of responsibility, one that comes to have resonance with Levinas’s position and that remains radically distinct from, and opposed to, coerced obedience. The messianic intensity of the inner man is conditioned or brought about by suffering, understood as misfortune or fate. To suffer from fate is precisely not to be the cause of one’s own suffering, is to suffer outside the context of guilt, as a consequence of accidents or powers beyond one’s control. When fate succeeds, however, in creating positive law, a significant transmutation of this meaning of fate ensues. The law wrought by fate succeeds in making the subject believe that she is responsible for her own suffering in life, that her suffering is the causal consequence of her own actions. In other words, fate inflicts a suffering that is then, through law, attributed to the subject as her own responsibility.

Of course, this is not to say that there is, or should be, no responsibility. On the contrary. But Benjamin’s point is to show at least three interrelated points: (1) that responsibility has to be understood as a solitary, if anarchistic, form of wrestling with an ethical demand, (2) that coerced or forced obedience murders the soul and undermines the capacity of the person to come to terms with the ethical demand placed upon her, and (3) that the framework of legal accountability can neither address nor rectify the full conditions of human suffering. The suffering to which Benjamin refers is one that is coextensive with life, one that cannot be finally resolved within life, and one for which no adequate causal or teleological account can be given. There is no good reason for this suffering, and no good reason will appear in time. The messianic occurs precisely at this juncture, where downfall appears to be eternal.

In the "Fragment," the perpetual downfall of human happiness establishes transience as eternal. This does not mean that there is only or always downfall, but only that the rhythm of transience is recurring and without end. What is called immortality corresponds, in his view, with "a worldly restitution that leads to the eternity of downfall, and the rhythm of this eternally transient worldly existence, transient in its totality, in its spatial but also its temporal totality, the rhythm of Messianic nature, is happiness" (TF, 313). Benjamin understands happiness to be derived from this apprehension of the rhythm of transience. Indeed, the rhythmic dimension of suffering becomes the basis of the paradoxical form of happiness with which it is twinned. If the rhythm of the messianic is happiness, and the rhythm consists in an apprehension that all is bound to pass away, undergo its downfall, then this rhythm, the rhythm of transience itself, is eternal, and this rhythm is precisely what connects the inner life of the person, the person who suffers, with what is eternal. This seems to account for that restricted sense of life that is invoked by the commandment. It is not the opposite of "mere life," since transience surely characterizes mere life, but it is mere life grasped as the rhythm of transience, and this provides a perspective that is counter to the view that life itself is sinful, that guilt must bind us to the law, and that law must therefore exercise a necessary violence on life.

There is, then, a kind of correlation between inner life and a suffering that is eternal, that is, unrestricted to the life of this or that person. The inner life, understood now as suffering, is also the nongeneralizable condition of wrestling with the commandment not to kill; even if the commandment is contravened, it must be suffered. This solitary wrestling and suffering is also the meaning of anarchism that motivates moves that are fatal to the coercive law. Coercive law seeks to transform all suffering into fault, all misfortune into guilt. By extending accountability beyond its appropriate domain, however, positive law vanquishes life and its necessary transience, both its suffering and its happiness. It turns its subjects into wailing stones. If the positive law establishes a subject accountable for what she suffers, then the positive law produces a subject steeped in guilt, one who is compelled to take responsibility for misfortunes that are not of her own doing, or one who thinks that, by virtue of her own will alone, she could put an end to suffering altogether. Whereas it is surely the case that humans cause harm to one another, not all of what any of us suffer can be traced to the actions of another. The expiation of the guilty subject through divine violence takes place when the self-centered notion of the subject as harmful cause is tempered and opposed by the realization of a suffering that no amount of prosecution can ever abate. This expiation unshackles the subject from

the fugitive narcissism of guilt and promises to return the subject to life, not mere life, and not some eternal beyond, but life in this sense of its sacred transience. For transience to be eternal means that there will never be an end to transience and that perishing inflects the rhythm of all life. Benjamin thus does not defend life against death, but finds in death the rhythm, if not the happiness, of life, a happiness that, for the subject, requires an expiatory release of guilt, one that results in the undoing of that subject itself, a decomposition of that rocklike existence.

In Benjamin's early writings, he referred to something called "critical violence," even "sublime violence," in the realm of the work of art (CV, 340).¹⁵ What is living in the work of art moves *against* seduction and beauty. Only as a petrified remnant of life can art bespeak a certain truth. The obliteration of beauty requires the obliteration of semblance, which constitutes the beautiful, and the obliteration of guilt requires the obliteration of marks, so in the end both signs and marks have to be arrested for the work of art to evince its truth. This truth is to take the form of language, of the word in the absolute sense (a view that proves problematic for understanding the visual field distinct from the linguistic one). This word, in Benjamin's sense, gives organizational unity to what appears, although it does not itself appear; it constitutes an ideality embedded in the sphere of appearance as organizing structure.

In the "Critique of Violence" the word is the commandment, the commandment not to kill, but this commandment can only be received if it is understood as a kind of ideality that organizes the sphere of appearance.¹⁶ What is sacred in transience is not found outside that transience, but neither is it reducible to mere life. If the condition of "mere life" has to be overcome by sacred transience, then it follows that mere life does not justify the commandment that proscribes killing. On the contrary, the commandment is addressed to that which is sacred and transient in human life, what Benjamin calls the rhythm of the messianic, which constitutes the basis of a noncoercive apprehension of human action. Benjamin seems to suggest that the notion of an extramoral transience allows for an apprehension of human suffering that exposes the limits of a notion of morality based on guilt, the metalepsis of a moral causality that produces paralysis, self-berating, and endless sorrow. And yet there seems to be something of endless sorrow that Benjamin preserves from this account. After all, Niobe not only regrets what she has done, but mourns what she has lost. Transience exceeds moral causality. As a result, it may be that Niobe's tears provide a figure that allows us to understand the transition from mythic to divine violence.

Niobe boasts that she is more fecund than Leto, and so Leto sends Apollo to kill her seven sons. Niobe continues to boast, and Leto sends Artemis to kill her seven daughters, though some say that one daughter, Chloris, survived. Niobe's husband takes his life, and Artemis then turns Niobe into rock, but a rock from which tears stream eternally. One could say that Niobe caused her punishment and that she is guilty of arrogant boasting. But the fact remains that it was Leto who thought up that punishment and ordered the murders of Niobe's children. It was as well Leto's children, Apollo and Artemis, who implemented her legal authority, thus constituting its legitimacy retroactively. Only with that punishment does law emerge, producing the guilty and punishable subject who effectively conceals and effects law-instating power. If divine violence is not involved in the making of law, but mobilizes the messianic in its powers of expiation, then divine power would release the punished subject from guilt.

What would Niobe's expiation look like? Can we imagine? Would justice in this case require a conjecture, the opening up of the possibility of conjecture? We can imagine only that the rock would dissolve into water, and that her guilt would give way to endless tears. It would no longer be a question of what she did to deserve such a punishment, but of what system of punishment imposes such a violence upon her. We can imagine her rising up again to question the brutality of the law, and we can imagine her shedding the guilt of her arrogance in an angry refusal of the violent authority wielded against her and an endless grief for the loss of those lives. If that sorrow is endless, perhaps it is also perennial, even eternal, at which point it is her loss and it is also part of the "downfall" that links her loss to the rhythms of destruction that constitute what in life is sacred and what of life makes for happiness.

There are still many reasons to remain uneasy with Benjamin's arguments in this early essay, since he does not tell us whether it is obligatory to oppose all legal violence, whether he would support certain forms of obligation that coercively restrain those in power from doing violence, and whether subjects should be obligated to the state in any way. Clearly, he is not offering a plan for the future, but only another perspective on time. The essay ends on a note of destruction rather than transformation, and no future is elaborated. But this does not mean that there can be no future. Earlier, he noted that, for Sorel, the proletarian general strike engages a kind of violence that is "as a pure means . . . nonviolent." In explaining this, he writes: "For it takes place not in readiness to resume work following external concessions and this or that modification to working conditions, but in the determination to resume only a wholly transformed work, no longer enforced by the state, an upheaval

[*ein Umsturz*] that this kind of strike not so much causes as consummates [*nicht so wohl veranlasst als vielmehr vollzieht*]" (CV, 246).

This consummating upheaval links the general strike with divine violence. The latter also breaks with modes of coercive enforcement and opens to a sense of time that refuses teleological structure and prediction. Specifically, the messianic thwarts the teleological unfolding of time (the Messiah will never appear in time). The messianic brings about expiation, displacing guilt, retribution, and coercion with a broader conception of suffering in relation to an eternal or recurrent transience. In this sense, his critique of legal violence compels us to suspend what we understand about life, loss, suffering and happiness, to ask about the relationship between suffering, "downfall," and happiness, to see what access transience affords to what has sacred value in order to oppose a deadening of life and a perpetuation of loss by means of state violence. Sacred transience could very well function as a principle that shows us what it is about mere life that is worth protecting against state violence. It might also suggest why the commandment "Thou shalt not kill" functions not as a theological basis for revolutionary action, but as a nonteleological ground for the apprehension of life's value. When the suffering one undergoes comes to be understood as a recurrent, even eternal, rhythm of downfall, then it follows that one's own suffering might be dispersed into a recurrent rhythm of suffering, that one is afflicted no more and no less than any other, and that the first-person point of view might be decentered—dissipating both guilt and revenge. If this recurrent downfall gives life its rhythms of happiness, this would be a happiness that would in no sense be purely personal.

We can perhaps also discern in Benjamin's discussion the conditions of critique, since one must have already departed from the perspective of positive law to ask about and to oppose the violence by which it gains its legitimation and self-preserving power. The law legitimates the violence done in the name of the law, and violence becomes the way in which law instates and legitimates itself. This circle is broken when the subject throws off the shackles of law, or finds them suddenly removed or undone, or when the multitude takes the place of the subject and refuses to implement the demands of law, wrestling with another commandment whose force is decidedly undespotic. The individual who struggles with the commandment is likened to the population that elects a general strike, since both refuse coercion and, in the refusal, exercise a deliberative freedom that alone serves as the basis of human action. Benjamin notes that under such conditions of a rigorous general strike, especially when the military refuses to do its job, "the action

diminishe[s] instances of actual violence” (CV, 247). Although we call a strike an “action” against the state, it is, as Werner Hamacher notes, an omission,¹⁷ a failure to show, to comply, to endorse and so to perpetuate the law of the state. If this refusal to act is itself violent, then it is directed against the imperative to act itself, a way of relieving the law of its power and force by refusing to instate it again and again, refusing the repetitions of implementation by which the law preserves and instates itself as law across time. The law can and will “go under”; the law will have its “downfall,” which will link this action with the destruction of what has existed historically in the name of a new and different time—an “upheaval,” as Benjamin remarks. To offer a critique is to interrupt and contravene law-preserving power, to withdraw one’s compliance with the law, to occupy a provisional criminality that fails to preserve the law and thus undertakes its destruction. That Benjamin’s essay ends so abruptly might be understood as enacting the kind of sudden ending that divine violence is, the very operation of critique on the model of a destruction and upheaval that contravenes teleological time.

Imagine, if you can, that Apollo and Artemis tell their mother to get a grip and refuse to obey her command or that the military, refusing to break up a strike, effectively goes on strike itself, lays down its weapons, opens the borders, refuses to man or close the checkpoints, every member relieved of the guilt that keeps obedience and state violence in place, prompted rather to withhold their action by the memory and anticipation of too much sorrow and grief, and this in the name of the living.

STORMS

As we will consider in the next chapter, the messianic for Benjamin is not about a future to come, but rather consists in the “chips” and “sparks” from another time that striate the present. The messianic offers no promise about the future, but it does transform the present into what he called a “now-time” (*Jetztzeit*). It is not clear that we can achieve a now-time, that the time of now can dawn on us, since the present is so often claimed by the past through the demand to pay for what has happened, through cycles of retribution and revenge. To achieve the now, or to somehow allow the now to take place, happens only on the condition of a certain expiation. Can Benjamin help us to think, for instance, about the war in southern Lebanon in the summer of 2006, or the war against Gaza in 2008–9, and to ask more specifically whether and how the notion of “self-defense” invoked by the State of Israel works in the service of retribution? Although it seems reasonable to defend oneself against attack (a reasonable conclusion that would, logically,

extend to Palestinian self-defense as well), under what conditions does self-defense become unmoored from the problem of self-preservation and operate instead as the legitimating condition of unbridled violence? It might seem odd to seek recourse in some notion of the messianic to oppose a misguided notion of self-defense; after all, the messianic is precisely what is claimed by right-wing settlers, and shouldn't we, on the left, be seeking recourse to ever more sound secular grounds for opposing state violence? Against both of these very reasonable assumptions, I want to suggest that the messianic, understood not as a promissory note for the future, and not as a ground on the basis of which to claim an entitlement to land, may well involve suspending self-defense as the permanently legitimating ground for state violence. When such a defense becomes permanent, it is no longer possible to distinguish between its legitimate and illegitimate uses. In other words, precisely because the defense serves the function of legitimating the state, it is always right and always legitimate, acting in the name of the state. This leads, I want to suggest, to perilous consequences. Of course, I am not arguing for self-destruction as a goal—that would be absurd. But I am holding out for a way of thinking and acting politically that does not presume that self-defense or self-destruction are the only two alternatives. Within such a closed dialectic, no thought is finally possible—and certainly no politics one can stand by.

Is it possible to turn to Benjamin's earliest works to think about forgiveness and expiation and then move from there to a consideration of retribution and its ruses in light of recent military assaults? To do this, I want to return to the figure of the "storm" in Benjamin's early work. We know the figure most clearly from the angel in "Theses on the Philosophy of History" where "a storm is blowing from Paradise," a storm that "has got caught in the wings" of this angel "with such violence that the anger can no longer close them" (TPH, 258).¹⁸ What is this strange coupling of violence and paradise? The angel does not, cannot face the future, but only faces backwards, and instead of the forward development of our usual sense of historical progress, it sees only "debris" that "grows skyward." That the storm is what we "call progress" is surely quite astonishing as well, since there is the looking backward and the accumulation of wreckage. And that we are somehow also asked to understand that the storm blows from "Paradise" can only be disarming, since what of paradise is there to be found in this accumulated wreckage, a past, as it were, that augments as we move forward, that is, backward, in time. If elsewhere Benjamin makes clear that progress constitutes a unilinear notion of time that establishes homogeneity and continuity as the substance of history, then surely the notion of "progress"

introduced by this open-mouthed, wide-eyed angel propelled against its will, irresistibly, counters the one that belongs to the conceits of historical development and the volitional subject. It seems important as well that it is the figure of the storm, and the angel whose wings are caught in the storm, countering that conceptual march that is supposed to constitute the progress of both capitalist development and certain versions of historical materialism.

In what possible sense, then, is the storm blowing from paradise? Is paradise sending a message? If so, is it the kind we find in Kafka, the imperial message that never does quite arrive since the messenger is thwarted by an infinitely compressed and impenetrable architecture? If something is being destroyed, is it perhaps forward movement itself? And how are we supposed to prize this, much less understand it as a figure for a certain kind of messianism? Indeed, if the figure of the storm is the means through which Benjamin introduces a particular notion of the messianic, we will be right to think that the messianic is not the same as progress, and whatever destruction it wreaks will be of something that is itself destructive. In these same theses Benjamin resolves upon the following formulation as part of his resistance to fascism: “it is our task to bring about a real state of emergency” and “one reason why fascism has a chance is that in the name of progress its opponents treat it as an historical norm” (TPH, 257). If progress is a norm of this kind, then it follows that a certain history will, of necessity, produce the future by which it is overcome. It is this belief that is now wrecked, and that wreckage is what the angel clearly sees. No unfolding historical development will overcome fascism, only a state of emergency that breaks with a certain faith in historical development. Can we understand this state of emergency, open-mouthed, wide-eyed, irresistible, in terms of the messianic—not the messianic of what is “to come,” but, rather, the messianic feature of the now, what Benjamin calls “now-time”? What gets established from the kind of critique of progress that Benjamin proposes is “a conception of the present as the ‘time of the now’ which is shot through with chips of Messianic time” (TPH, 263).

Benjamin returned, time and again, to the problem of the messianic, associating it in his early work with forgiveness and the loss of memory, but moving in his “Theses on the Philosophy of History” to the importance of delivering a forgotten history from oblivion. In close contact with Scholem, Benjamin sought to understand the messianic in his early years (1913–20) as bound up with the problem of forgiveness. And forgiveness is formulated against retribution, not quite as its opposite, but rather as its outside. If “progress” and “development” always understand the present in terms of the future to which it gives rise, or the past by which it is

engendered, then retribution always also posits the present in light of an injurious past and a future of revenge and compensation. By 1921 it was clear that the expiation Benjamin found in forgiveness was linked to the radical strike, the one that would relieve the worker and the citizen from bonds of obligation to an oppressive state apparatus and bring the state apparatus to a halt. The point was not to refuse this or that policy of the state, but to negate the state itself, a negation that implies freeing oneself from the bonds of guilt upon which legal regimes rely. One cannot free oneself from bonds of guilt without first saying no to the state, but to say no one must be already unshackled or in the process of becoming so. One does not lead to the other, but both lead to each other at once, and it is the time of this “at once” that constitutes the present time of emergency.

Importantly, this act of “forgiveness” is figured as a “storm”—the first “storm” I can find in Benjamin’s opus—and the effect of this storm is to eradicate all traces of guilt, all ciphers leading back to misdeeds. One might expect some wreckage or debris to be left from this storm, but, oddly enough, its particular power is to eradicate every trace of wrongdoing. Benjamin refers, for instance, to “the immeasurable significance of the Last Judgment, of that constantly postponed day which flees so determinedly into the future after the commission of every misdeed.” The last judgment, then, does not quite arrive; it is a permanently postponed appointment and in this way vanquishes the idea of the day on which there is a final reckoning, during which injuries are compensated and retribution succeeds (whatever that might be). Since the last judgment is precisely the day that *never* comes, the “storm of forgiveness” is what makes final judgment impossible. Like Kafka’s imperial message, the judgment, quite blissfully, never arrives, and the reason seems to be that all the evidence has been destroyed by this storm. What is wrecked, finally, is the project of retribution itself.

Benjamin writes that “the significance [of the Last Judgment] is revealed not

in the world of law, where retribution rules, but only in the moral universe, where forgiveness comes out to meet it. In order to struggle against retribution, forgiveness finds its powerful ally in time. For time, in which Ate [moral blindness] pursues the evildoer, is not the lonely calm of fear but the tempestuous storm of forgiveness which precedes the onrush of the Last Judgment and against which she cannot advance. *This storm is not only the voice in which the evildoer’s cry of terror is drowned; it is also the hand that obliterates the traces of his misdeeds, even if it must lay waste to the world in the process.*¹⁹

Forgiveness is hardly a quiet or quietistic affair. Any expectation that forgiveness is achieved when passions die down is thwarted by the figure of the storm, at once natural and divine and yet somehow, too, composed of human features: a voice and a hand. The voice is clearly loud, so forgiveness is that which, quite literally, audibly overwhelms the cry that bespeaks the terror of punishment, but also, somehow, a hand, with the power to obliterate misdeeds, a destructive power that must lay waste to the world if it has to eradicate those traces of wrongdoing. This storm is not exactly a figure for the divine, though it wields some clearly divine forces, but if it is such a divine figure, it is *not* one of retribution. Indeed, we end up not knowing much about God, but we do learn about this storm, which seems to have some human and divine features cobbled together in ways that are not clearly conceptualizable—not unlike Kafka’s famous Odradek, part human, part spool of thread, conforming to no recognizable morphology. Most important, this storm of forgiveness constitutes a radical alternative to the closed economy of atonement *and* retribution.²⁰

If we expect this notion of the divine to confirm a notion of the Jewish God as vengeful, we must consider there to be another Judaism at work here. This storm, with its hand and voice, finally figures time itself, a time that is freed from the cycles of retribution, one that obliterates guilt and all its marks (a time, in other words, that will come to constitute an alternative account of the messianic), one whose voice drowns out the human cry of terror. If this is some kind of God whose fury roars through history as the storm of forgiveness, then this is *not* the vengeful God but a God who is seeking to destroy vengeance itself. And, if it is a God, it is in war against another, one that opposes the lightning bolts of divine wrath, one that precedes it, sweeping away the marks of misdeeds and so foiling the plots of revenge.

This figure of the divine is equivalent to time, a time that works its force in spite of human remembrance and forgetfulness. This version of time brings forgiveness only because it is not determined by the human experience of time, because it is a time indifferent to the human even as it subtends all human life, a time that is neither remembered (or remember-able) nor forgotten (or forgettable). Only that kind of time is expiatory; it wields the power to extinguish the traces of all misdeeds and in this way helps to complete the process of forgiveness. The past is forgiven because it is obliterated, but precisely *not* because some group of humans have come to terms with it, that is, *not* because some social resolution has been found. What is irresolvable remains so, but it ceases to matter. Time, for Benjamin, helps,

in ways that are wholly mysterious, to complete the process of forgiveness, though never of reconciliation.²¹

If one read *Haaretz*, the Israeli daily, in the summer of 2006, one found that most of the debates about the war were about why Israel was not more effective in winning the war, whether Israel did win the war, whether Israel had lost its military efficiency, and whose fault that might be. There is very little debate about or discourse on whether the war was justified or how to come to terms with the destruction of lives and livelihoods in southern Lebanon. Some writers cynically claim that Hezbollah infiltrated villages and civilian sites and so used the populations of southern Lebanon as human shields. The same argument emerged in Gaza during and after Operation Cast Lead—the Palestinians were said to be using children in public squares as human shields. But can we say that those outposts along the northern border of what is called Israel are also full of human shields? And those soldiers who agree to serve in those areas, are they also human shields in the same way? If we equate all life that is destroyed in war with the notion of the human shield, then it seems to me we have a ready justification for murder, since all those who are in the way of bombs are there on purpose, are there tactically and purposively, and are not only part of the war effort but are conceived as shields, as instruments of war. At which point there can be no outrage over the destruction of human life—and here, I would say, there is no outrage over the destruction of human life on either side of that border—since all human life has become instrumentalized as part of the war and has, as a result, ceased to signify as lives worthy of protection, precarious, in need, lives worth valuing and lives worth mourning. It is striking when the lives of Israeli soldiers were personified, given names and families, and openly mourned, when the lives of Lebanese and Palestinian soldiers and civilians remained nameless, effectively unmournable.

To act or live in the “name of the living” leaves open the question of who, finally, is considered to be living. One does not say “life for the Jews and not for others” and one certainly does not say “life for the Israelis and not for others.” Life clearly implies transience, and it is precisely because life can be lost so easily and quickly that life is to be treasured—that life is extinguishable does not make life worthless, but precious. The commandment “Thou shalt not kill” imposes a strong obligation to distinguish actual moments of legitimate self-defense from its cynical use in the service of an infinitely self-legitimizing aggression. If all killing is proactively and retroactively named self-defense, then self-defense no longer operates as a credible

justification for killing. Any and all killing is justified and approved on the part of one who names all the violence waged as self-defense.

But what is this “self” who is to be defended, and what sort of self is actually left after all the killing is done? Could it be that self-defense leads not to self-preservation, but to self-destruction? And to understand this “self,” do we need to ask as well how it defines itself, through what available borders? The border is always a way of maintaining a relationship with what is excluded by the border. So those who live on the other side of the wall or those who are barred from full citizenship on this side of the wall define that “self” who seeks to preserve itself. Wretchedly, it preserves itself through preserving the border, which is, after all, a relationship to the excluded and the subjugated that must be reinstated daily and whose effect of permanence must be cultivated through military institutions and practices. So what is “defended” is a mode of disavowed subjugation without which the self cannot survive. And yet this very subjugation can and must lead to resistance to that status quo and so becomes the specter of that self’s undoing. Since there is no self without a boundary, and that boundary is always a site of multiple relations, there is no self without its relations. If the self seeks to defend itself against this very insight, then it denies the way in which it is, by definition, bound up with others. And, through this denial, that self becomes imperiled, living in a world in which the only options are to be destroyed or to destroy.

4. Flashing Up

Benjamin's Messianic Politics

I CONTINUE TO THINK ABOUT Benjamin in order to understand the right to wage public criticism against violence, but also to articulate the values of cohabitation and remembrance—the values of not effacing the active traces of past destruction. These may well be Jewish things to do, but, if they are, they are also non-Jewish things to do. My contention from the outset of this book is that the relation with the non-Jew is at the core of Jewish ethics, which means that it is not possible to be Jewish without the non-Jew and that, to be ethical, one must depart from Jewishness as an exclusive frame for ethics. There are various ways to understand this mutual implication of Jew/non-Jew. I do not, for instance, accept the Sartrean formulation that the anti-Semite creates the Jew. I am trying, rather, to delineate a political ethics that belongs to the diaspora, where Jews are scattered among non-Jews, and to derive a set of principles from that geographic condition and transpose them onto the geopolitical reality of Israel/Palestine. Although I will elaborate on those principles in the chapters on Arendt and in the final chapter on Edward Said and Mahmoud Darwish, especially relating to the rights of refugees, for now I wish to suggest that the historiographical presumption of progressive history that supports the idea of Zionism as the unfolding realization of an ideal can and must be countered by a critique of that form of progressivism, and Benjamin can assist us in formulating such a critique. This can be accomplished, in part, through an alternate reading of the messianic that focuses on preserving the history of the oppressed against oblivion. What is more, the messianic depends on a notion of scattering linked with social heterogeneity and converging temporalities, both of which contest those forms of political nationalism that depend on founding and continuing forms of expulsion and subjugation.

In thinking about the history of the oppressed, it seems imperative to recognize that such a history can and does apply to any number of people in ways that are never strictly parallel and tend to disrupt easy analogies. I will take this up more fully in my chapters on Hannah Arendt. But I would like to draw upon Arendt briefly here to suggest that one might usefully read Benjamin's late references to the messianic in relation to her notions of plurality and cohabitation. The link is not immediately clear, to be sure, but perhaps it becomes more so when one considers how the history of the oppressed, referenced in Benjamin's "Theses on the Philosophy of History," is linked with the status of the refugee or, indeed, the stateless in Arendt's *The Origins of Totalitarianism*. Benjamin sought to identify those moments in which the history of the oppressed emerges in a flash, even as a sign of danger, breaking through or interrupting the continuum of history that goes under the name of progress. The homogeneity he opposed was the one that threatened to monopolize temporality in the form of continuous history. The homogeneity Arendt opposed was one that belonged to the nation-state, the unity and sameness of the nation, which she thought could not stand as the basis for any state. She had two basic claims to make in this regard: the first was that any state founded on a homogeneous idea of the nation is bound to expel those who do not belong to the nation and so to reproduce the structural relation between nation-state and the production of stateless persons. The second is that for any state to have legitimacy it must accept and protect the heterogeneity of its population, what she called its plurality. At some points she seems to suggest that that heterogeneity belongs to all countries starting sometime in the nineteenth century, or at least it becomes an explicit problem for the nation-state after Westphalia. But at other points she seems to establish an ontology of plurality: the plurality of any and all populations constitutes the precondition of political life, and any political state, policy, or decision that seeks to eradicate or limit that plurality is racist, if not genocidal.¹ Here, as elsewhere, I pursue Arendt's conjectured indictment of Eichmann toward the end of *Eichmann in Jerusalem* when she explicitly claims that he wrongly thought he could choose with whom to cohabit the earth.² In her view, cohabitation was a precondition of political life, and though one could, to some extent, choose with whom to share a bed or a neighborhood, one could not choose with whom to cohabit the earth. That cohabitation remains the unchosen condition of all political decisions, if those political decisions are not to be genocidal.

Whereas Arendt in the late 1940s pursues this thought of unchosen cohabitation in relation to a federated Palestine, and then again in relation to the American

Revolution, it is in each case a refusal to accept national or religious grounds for citizenship. Though, in her terms, everyone has a right to belong, existing modes of belonging do not ground or justify that right. Writing two decades earlier, Benjamin worried less about the grounds of citizenship and the formations of the state than in a kind of history whose forward motion left all sorts of debris, some of which was human debris, or, rather, we might say in the spirit of Kafka, the debris may once have been human, but its current contours are barely conceptualizable—Odradek and his sort. Do regimes of narrative power treat the stateless as so many forms of debris, strangely animated, bespeaking a history of dispossession that is refused? Is there still some form of history there, packed into that animated object, that partially humanized ruin? Of course, that figure appears very differently once a different kind of history can be told, but perhaps Kafka is helpful in a limited way here. He lets us see the figural form that a muted history takes. If the history of the discarded or oppressed is covered over by a progressive history whose subject now lays claim to the subject of rights, then we have to ask about the form of that effacement. An expulsion has already taken place—someone or something has become a refugee, without audible language or status. And as history moves forward, the expelling continues. So there is no single deportation of the oppressed, but a reiterated action, an ongoing process of deportation, land confiscation, or expulsion that functions as the condition of possibility of that sense of progress. That forwardly propelled subject and the history of the oppressed are thus linked together, and we are asked to consider a double movement: propulsion and expulsion, working at once, without a clear end in sight.

If Arendt has the stateless in mind, as she does when she considers the massive deportations from Europe in World War II and the simultaneous and resulting problem of large numbers of refugees, she continues to have it in mind when she objects to that form of political Zionism heralded by Ben-Gurion that defeated her coauthored proposal for a federated binational authority in Palestine. She predicted a new refugee problem, not merely one that would happen during the Naqba of 1948 to over 750,000 Palestinians, but one that would continue to happen as the State of Israel moved forward as a nation-state on the model she rejected and thought everyone should reject. She could not have predicted the nearly five million now living under occupation, in refugee camps, or in the diaspora as a consequence of 1948 and 1967, but she did predict that the making of the refugee could not cease under the political conditions of the nation-state³. Her call for cohabitation was an effort to assert an unchosen plurality on an egalitarian basis as the precondition for

legitimate politics, and it was meant quite clearly to counter the genocidal politics of National Socialism and the recurrent production of the stateless by any and all nations that sought to homogenize the nation by purging it of its heterogeneity. As the homogeneous nation moves forward, it not only covers over the history of that past; it continues to spit out and pile up those who are no longer supported by a history that would establish them as subjects. They are, rather, expelled from the nation as so much debris, indiscernible from a littered landscape.

I do not want to meld these two positions together, even though we know that Arendt was profoundly indebted to Benjamin, even as she quarreled with what she thought were his more mystical moments. I want, however, to focus on Benjamin's notion of remembrance. After all, it would seem that remembrance functions in an inverse relation to the progressive history he explicitly criticizes in "Theses on the Philosophy of History." In this sense, remembrance is not about demonstrating or telling a history, and neither is it finally about the excavating and subsequent monumentalization of a past, as he makes clear in *The Arcades Project*. Importantly, remembrance works against history, undoes its seamless continuity; the homogeneity in Benjamin's history seems internally related to the homogeneity of the nation-state in Arendt. Both engage the question of how populations are differentiated, some of whom are propelled forward, and others cast out and deformed in the casting, at least from the perspective of the victors.

What flashes up—or who flashes up? And in what way can a history be said to flash? It takes no narrative form, but emerges as a sudden and provisional light. Is this the sort of dangerous mysticism that my critical theory friends warn me against in Benjamin? If not, how are we to understand that light that interrupts that history, that propels and expels at once? And does it interrupt it only for a moment, or can it stop or change the course of that progress? What do we make of this moment?

One might wonder how his early work might bring us close to understanding something I am calling the politics of remembrance. In "Theses on the Philosophy of History," Benjamin makes reference to a strange sort of flashing up that seemed to be the sudden emergence or breaking forth of another temporality into one characterized by its uniformity and its progress. It appears suddenly and disappears. Benjamin writes, "the true picture of the past flits by. The past can be seized only as an image which flashes up at the instant when it can be recognized and is never seen again" (TPH, 255). Or later, "to articulate the past historically does not mean to recognize it 'the way it really was.' It means to seize hold of a memory as it flashes up at a moment of danger [*wie sie im Augenblick einer Gefahr aufblitzt*]"

(TPH, 255). Something flashes up, but something also flashes *through* a historical continuum, understood as the “historical progress of mankind” that has instituted and even naturalized time as “homogenous and empty” (TPH, 261). Sometimes it seems that this flash comes from an explosive device, as when he remarks upon “the awareness [of the revolutionary classes at the moment of their action] that they are about to make the continuum of history explode” (TPH, 261). Apparently this moment of action converts empty time into full time, but this experience seems to belong to the historian rather than the activist. The understanding of how the past continues to enter the present brings one into greater proximity with “the time of the now,” understood as “shot through with chips of Messianic time” (TPH, 263).

Now shooting through might seem to return us to the idea of explosives, but maybe in fact we are asked here to find explosive consequence in the work of history. Those chips that have shot through present time clearly interrupt its homogeneity. Something outside homogeneous and empty time is found lodged within its trajectory in parts, in fragments, in chips, as if something were broken off from its original material integrity as an object. If these chips are the messianic, then we will not find the messianic in the form of some human; the messianic will be neither anthropomorphism nor event. Rather, it will be something broken off, shooting through; or broken off, having shot through, and now flashing up. We learn in the sixth thesis that the Messiah will not only be understood as a redeemer, but as “the subduer of Antichrist” (TPH, 255) (“Der Messias kommt ja nicht nur als der Erlöser; er kommt als der Überwinder des Antichrist”),⁴ but we don’t quite yet know what is standing for Christ. Yet, Benjamin does write in the final line of those theses, “every second of time was the strait gate through which the Messiah might enter” (TPH, 264), a wonderfully Kafkaian formulation, which suggests the messianic has to be understood as something of a wager. It is not that a messiah will come or has come, but rather that what we can call messianic is always on the order of the “might enter.” Here again, we have a sense of one force entering a certain established temporal horizon, and here it is not quite shooting through or flashing up, but simply entering, as one enters a gate or enters through a door, some opening onto another time. What enters through that door is not a figure, but that disruption to temporality or, indeed, an alternative temporality. It matters which one we choose, since on one reading—one that is surely supported by the text—the messianic puts an end to time and constitutes “a cessation of happening” (*einer messianischen Stillstehung des Geschehens*).⁵ But, on another reading, some forgotten set of histories, those that belong to the history of the oppressed, flashes

up and makes a sudden claim. On the first reading, the point is to stop history as we know it, to go on strike against the current temporal regime, and even not to act. But, on the second reading, a certain reconfiguration or reconstellation of present time takes place in which the forgotten history of the oppressed may well enter into or through the strait gate. We might even say that the memory explodes into the present and that someone called a historian, someone whose practice is remembrance, seems to be crucial to this inauguration of “now-time.” The historian is not a messiah, and yet something of the messianic emerges here, perhaps as the time of an emergency brake pulled on history, but also by virtue of something flashing up or shooting through that calls for urgent attention.

Sudden illuminations have a history in Benjamin; they are associated with scattered angels and unredeemed histories. It might be useful to offer a brief genealogy of the flash in Benjamin’s work to understand what it means for the flash to flash up into an established historical continuum and to figure out what this means for remembrance, but also, tangentially, for cohabitation. I ask these questions of Benjamin’s text to make a certain wager, to imagine what it might be to have the history of the oppressed enter, to interrupt, transfigure or light up, stall, reconstellate the time of the present otherwise understood as a kind of marching on—progress as the temporal form of destructive propulsion. The seamless forward march not only leaves its debris, but that debris becomes ahistorical, if not atemporal, by virtue of the effacements performed by progress. We might think in general that in politics we have to be on the side of progress, by which we mean that we have to choose between going forward and falling backward, but neither is really the case. Perhaps we have to ask how certain forms of progress, themselves the history of the victor, efface another history, one that belongs to the vanquished, and how that nonhistory nevertheless makes itself felt, exercises its demand, disorienting the very terms of progress. If what is meant by progress is a movement of destruction, vanquishing, and effacement, then only on the basis of such a disorientation and cessation can we begin to distinguish progress from moving forward, since moving forward would consist then in a moving away from progress. Benjamin holds out not for a different time but for a “true picture” of the past, one that allows it to take spatial forms. Some luminous and transient shape will flash up, something that can only be a disfigurement within the order of figures and not exactly a human form.

Here Kafka seems to be knocking on the door, or already within the threshold, especially his figure of Odradek from “Cares of a Family Man,” that wooden spool

with a laugh that sounds like the rustling of leaves, who seems to have no fixed abode.⁶ The descriptions of Odradek are impossible: he, if he is a he, is a set of remnants from another time when there might have been leaves that made that sound, when we were the sort of being who could hear them. Now it seems Odradek is constantly, endlessly, falling down a set of stairs in what appears to be the family home, raising the question of whether he was once someone's son, and this happens not once but time and again. Indeed, Odradek seems to inaugurate a time of infinity in his current state. If Odradek carries echoes from another time, he also survives, painfully, as the figure for the recurrent and endless time of the present. We cannot quite ask what can come from Odradek or for what state of alienation he stands. The only question is whether Odradek might be a chip, a part-object, or a ruin descended from a once integrated object belonging to a former time or whether Odradek is the barely scrutable name for a present in which the breakup of anthropomorphism takes place in the name of the messianic, taking place again and again, without aim or end.

Significantly, as a barely scrutable figure, Odradek *flits by*, which makes me wonder whether Odradek is "the true picture of the past" that Benjamin claims "flits by" (*das wahre Bild der Vergangenheit huscht vorbei*).⁷ If the figure were fleeting, then we could simply say it is transient. But if it flits, it is engaged in a peculiar kind of activity, one engaged by a light and fast body. Although it seems that true picture of the past flits by only once, perhaps we need to pay closer attention to the formulation Benjamin provides. Here is the line again: "The past can be seized only as an image which flashes up at the instant when it can be recognized and is never seen again." OK, but then we have to ask whether it flits by and can never be seen again only once or whether it continually flits by, never to be seen again. In other words, is there a never-to-be-seen-again quality to this image that continues in the present in the way that Odradek seems to outlive his narrator and dwell in that household, even though he has no fixed abode? I am not sure what it would mean to *recognize* or grasp hold of (*festzuhalten*) such an image: it is visual for us only in and as passing time. If this is a true picture of the past, it is not a truth that corresponds to that past; on the contrary, it is a true picture of the past as it breaks into the present and continues there. In Benjamin's words, "to articulate the past historically does not mean to recognize it 'the way it really was'" (TPH, 255). Recognition takes another form; it gives us neither permanence nor objectivity. Rather, what recognition "means [is] to seize hold of a memory as it flashes up at a moment of danger" (TPH, 255). And again that enigmatic phrase: "The Messiah comes not as the redeemer, but as the subduer of the Antichrist."

It would be odd to seize hold of the Messiah, but we can imagine all kinds of interesting art that might try and do that. In this phrase translated as “seizing hold,” one seems to grab him by the collar, as if he were some kind of ruffian needing to be wrestled to the ground. But if the messianic is precisely beyond anthropomorphism and teleology alike, then it seems to be the name not for a man or for a body but for another time, for a figure who, like Odradek, is not quite scrutable in human form. Or perhaps the Messiah is merely another name for *this* time, one that comes from the past, entering, as if from a future, or at least in such a way that the temporal sequence is itself confounded. If it is a memory of suffering from another time, it is not exactly one’s *own* memory; indeed, such a memory belongs to no one, cannot be understood as anyone’s cognitive possession; it is circulating, shattered, lodged in present time; it seems to be a memory carried by things, or the very principle of their breaking up into pieces, perhaps in the form of part-objects, partially animated and partially inorganic and strangely divine; something flashes up from this nonconcepalizable amalgam, something that is decidedly not substance: light, and shape, sudden, but also, oddly, chips exploding and lodging and flashing up. Its effect is to interrupt, reorient, or pull the break on the politics of this time. It is memory that takes momentary shape as a form of light, recalling the kabbalistic *sephirot*,⁸ those scattered and quasi-angelic illuminations that break up both the suspect continuity of the present along with the amnesia and expulsion it ritually and seamlessly performs. In the seventeenth thesis it seems clear that whatever brake on history is pulled, whatever “cessation of happening” takes place—if it does take place at all—is a wager about what will happen. The wager takes place, even though it belongs neither to the continuum of history nor to its future unfolding.

The messianic introduces a break into the narrative of inexorable unfolding that belongs to some versions of historical materialism. What is produced at such a moment, or at such a juncture, is, in Benjamin’s words, “a revolutionary chance in the fight for the oppressed past” (TPH, 263). To fight *for* the oppressed past is not simply or only to document it, much less to give it monumental form. Rather, it is a certain breaking apart of the amnesiac surface of time, so that what seems to be moving toward us, what might be entering the gate, is a memory as it acts upon the present, a memory that takes fragmented and scattered form. We no longer know precisely what kind of time we are in when we suddenly have the chance to fight, apparently as historians, for the oppressed past. We do not seek to redeem that past, to make it better, or indeed to use it as the basis for a new nationalist dream. Things have to remain undone, neither collected nor assembled too swiftly into

new forms. Benjamin's remembrance enacts a resistance to the swifter resolutions of Hegelian desire. The point, if I understand it, if I have recognized or seized hold of these textual moments in the course of reading them, is to seize something called a "chance," or what I call a "wager," for a different now-time. The problem is not that there was once a history of suffering that now needs to be excavated and recollected. Rather, the history of suffering continues as erasure continues, and as progressive narratives proceed, especially those that belong to the nation, they require and reenact that erasure, taking the following form: "You were never injured, and we are not to blame." The denial of the injury reinlicts the injury, and that denial or, indeed, disavowal, is not only the precondition of progress, but its reiterated activity. One temporality is denied, turned to debris, precisely as and through the propulsive narrative of progress. So what is the wager? The history of the oppressed might break through the history of the victor, destabilize the claim to progress, pull the brake on that motor of pain called progress. And if that is true, can we say that this is also progress? Or is it something else? Is it the time of the wager, the temporality of chance? Something may enter, something might happen—a strange sort of possibility lodged in history. If effacement continues in the history of affliction, then what flashes up is precisely the history of the oppressed not as something that did happen but something happening still. And if the emergency brake is pulled on such a history, then the effacement through which affliction is continued is brought to a halt. Well, not quite. There seems to be a chance that this will happen, but the messianic, if we recognize it here, seems not to be an event, not a happening, but the chance, the sudden fragility of an inexorable progress, the exploding from within of an amnesia that denies the history of suffering and so continues that history.

We still don't know quite what to do with the flash of the messianic, even though Derrida remains our guide here, since he wrestled at least twice with Benjamin's angelic illuminations.⁹ Perhaps we can take a cue from Derrida and return to an earlier piece, one in which oppression and the fragments of Marxism make no clear appearance. Benjamin concludes his essay "On the Mimetic Faculty" with a reflection on the possibility of translation between languages.¹⁰ His predicament is the one of Babel in which we are left to understand how various languages might, with equal efficacy and divergent means, refer to the same thing. Benjamin makes claims about the nonsensuous similarity between words that links different languages and facilitates a convergence of nonsimilar names at the site of the same thing. Benjamin accepts the heterogeneity of languages, but insists that that heterogeneity is sensu-

ous. The similarities are nonsensuous: we cannot see or demonstrate them, but they are activated in any and all acts of reference that take sensuous form. Obviously, we cannot discover what links such words together by inspecting their morphology or their phonemic composition. Nothing in their sensuous manifestation lets us see likeness. And yet there seem to be occasions on which this similarity gives us a chance to recognize its operation. In Benjamin's view, a similarity becomes available to us more often through the written than the spoken word. In other words, the written word illuminates, gives off light, sometimes more effectively than the spoken one. Interestingly, Benjamin invokes here as well the unconscious of the writer who leaves his traces in written words, and those words become what he calls in "Doctrine of the Similar" "an archive of nonsensuous similarities, of nonsensuous correspondences."¹¹ Here it seems that whatever is unconscious in the act of writing installs concealed images in the writing itself. Importantly, the archive that is handwriting is not settled and sealed for good, since someone continues to write, or someone continues to read; as a result, the archive continues to act, to flash up on occasion, and to make its strange sort of history known. Flashes and flames are all over this text, appearing some years before the theses on history, but not, I would suggest, without relevance to the latter text.

In "On the Mimetic Faculty" Benjamin writes that "the mimetic element in language can, like a flame, manifest itself only through a kind of bearer. This bearer is the semiotic element." He continues, "thus the coherence of words or sentences is a bearer through which, like a flash, similarity appears" (722). Does coherence bear the flash, or is coherence established in the course of some activity? Elaborating then on the mimetic element, the semiotic element, even to similarity, he continues: "For its production by man—like its perception by him—is in many cases, and particularly the most important, tied to its flashing up. It flits past" (722). Oh, so much flitting: messianic flashes, Odradek, and even earlier, the nonsensuous similarity between words from different languages—a mimetic element fused with a semiotic one. In this early essay, his last remark on the topic refers to the "rapidity of writing and reading" that "heightens the fusion of the semiotic and the mimetic in the sphere of language" (722). So he has been investing in light and flame for some time, but even here the mimetic element, so fundamental to all language, is described as "like a flame"—which means that the analogy recapitulates the mimesis it attempts to explain. There seems to be no way out of that circuitry of mimesis, but this flash-up of light, what he here calls its *manifestation*, turns out to be conditioned by an ongoing activity, the rapidity of reading and writing. Some bearer is needed, the

traces of the human hand, or some kind of script, and without that bearer there is no flash of similarity. Are these divine sparks, are they the fusion of mimesis and semiosis, or are they in some sense both? Something happens in reading and writing. Perhaps this is what is meant by the task of the historian. Something from an unconscious domain surges up and passes by, but it proves to be already lodged in the writing itself. Writing attests to a history it cannot narrate, and something is densely scattered throughout script, making it like an archive or, rather, making likeness into that nonsensuous link that fuses languages at their core, makes translation possible, but also defers infinitely its utopian promise.

In much of Benjamin's writing, what is being elaborated cannot be held conceptually with a maximum of precision. This does not mean that it is confused, but rather that there is something to be grasped and recognized at the border of the concept that will be important for the question of the past and even for remembrance. In "On Language as Such and on the Languages of Man,"¹² Benjamin writes, "there is, in the relation of human languages to that of things, something that can be approximately described as 'overnaming': *the deepest linguistic reason for all melancholy* and (from the point of view of the thing) for all deliberate muteness. Overnaming as the linguistic being of melancholy points to another curious relation of language: . . . overprecision" (73). There is such a thing as naming too much or naming too well. If such a practice produces melancholy, it is because the name seeks to capture its object and so risk its erasure. After all, there are always other ways to name what we seek to name, and if we take the name we use too seriously, or if we wield it too tenaciously, then we assert the necessity of the name and thereby fail to realize the other languages and the other names that approach this object with equal right. In other words, we have to remain comparativists when we name, and it would be a mistake to take one national language as the privileged site for naming. Indeed, we not only lose all those other languages, and the entire sphere of nonsensuous resemblance, but in our certainty that our naming practice is the most definitive we fail to realize what we have lost: hence, our melancholy. Something must reverberate with something else; otherwise we cannot recognize the flash. And if there is an archive of the unconscious that takes form in writing or gives off some sparks there, then we refuse the archive when we name too much or too well or when we think that, through ever more refined forms of precision, we will capture the object. This archive seems linked to the history of the oppressed for which we must continue to fight; that history is termed "an enormous abridgment" (TPH, 263) or "unfathomable abbreviation."¹³ Perhaps we need to be more distracted, as

Baudelaire was said to be, in order to be available to the true picture of the past to which Benjamin refers. Perhaps, at some level that has implications for the political point I hope to bring out here, a certain disorientation opens us to the chance to wage a fight for the history of the oppressed, not to reverse or redeem that history, but to let it interrupt into the present to bring about a “now-time.”

Can we think about this strange temporal insurgency in relation to the later text on history? Are those messianic chips not precisely illuminating, flashing up, or flaming in ways that offer sudden, passing interruptions of present time? Or is it rather that we have to be provisional situationists, seizing the chance to fight when it appears? If what we fight for is the lost history of the oppressed, we do it within the present precisely because that loss is occurring still and constitutes the underside of the progressive history we tell in “Theses on the Philosophy of History.” One can surely make use of such a model to understand how certain histories of loss and oppression continue to happen even when they have apparently ceased to happen: the genocide of indigenous peoples, the continuing history of the disappeared in Argentina. But it might usefully be understood as well in light of the history that is called 1948: what is hailed by some as the founding of the State of Israel and the establishment of a permanent sanctuary for the Jews and what is mourned by others as the *Naqba*, the forcible dispossession of over 750,000 Palestinians from their homes and lands during the weeks and months when the State of Israel was founded, which has led to the disenfranchisement of millions of Palestinians at the present time.

Is there a way to relate these Benjaminian reflections to the propositions made by Said about the possibility of two diasporic conditions converging on the land of Palestine? As we considered in chapter 1, Said identified the exilic condition of the Jewish people with that of the Palestinian people and asked whether such histories might not produce the possibility of a new politics for those lands in which the rights of the refugee would be paramount, in which no one would be excluded from citizenship in an effort to minimize heterogeneity. In this way, he reiterated Arendt’s point of view: never again should there be a group of permanent refugees who are actively dispossessed of land and rights in order to shore up a state that bases itself on a religion, ethnicity, principles of national sameness, or race. His point, and hers, was to bring an ethic based on heterogeneity, usually associated with diasporic thinking, back to the question of binationalism. My suggestion is that this formulation also opens the question: can binationalism be the deconstruction of nationalism? Of course, such questions are more easily

posed by those who live within forms of the militarized nation-state, but much more difficult for those who have yet to see a nation. And Palestinian nationalism is itself an internally complex matter, sometimes linked to a state project and sometimes not.¹⁴ And yet it seems that any national striving has to deal with its “outside”—both the alterities within and without—and with a commitment to the postnational in the name of global cohabitation.

In his “Conversations with Brecht,” Benjamin offers an alternative to Brechtian interventions, insisting instead that “the true measure of life is remembrance.”¹⁵ Brecht is figured within this reconstructed dialogue as accusing Benjamin of “Jewish fascism.” It’s a rough moment to be sure, since Brecht is suggesting that this “remembrance” business has some mystical elements, ones that would take Benjamin away from a more proper activism. But in what way is there a flash of activism in this remembrance? And why is it the measure of a life, anyway? In a volume entitled *Nakba: Palestine, 1948, and the Claims of Memory*, edited by Ahmad Sa’di and Lila Abu-Lughod, Benjamin appears a few times.¹⁶ First, the text opens with a narrative from anthropologist Rema Hammami, who tells the story of finally finding the childhood home of her father in Jaffa, a home he lost in 1948, which had been in his family for generations. The inhabitants show her a mural and then explain that she needs to understand the truth of the story of the triumphant return of the Jews to the lands of Palestine. It is the lecture on Jewish redemption she receives that leaves her shocked and mumbling. The site of enormous loss, one transmitted through generations, comes up against the narrative of the victor. But the narrative of the victor is also the narrative of the resolution of suffering and exile into nationalism. Is there another way to approach this problem of suffering without the narrative conversion into a redemption story? One loss might have reverberated with another loss at such a moment, which is not to say that the losses are the same, but only that some act of translation across language and history could have been possible there, might still be possible somewhere.

The introduction states, “we are not as concerned about what these memories tell us about the past (although we think they contribute rich material to the ongoing reconstruction of the events of 1947 and 1948) as we are with the work they do, and can do, in the present” (2). The introduction also notes that Benjamin is among those who claim that “history is partial and is always written by the victors,” but, they add, “memory is one of the few weapons available to those against whom the tide of history has turned. It can slip in to rattle the wall” (6). Much of the volume seeks recourse to trauma history, and the sense of time articulated on the basis of

this work, much of it based on the Nazi genocide against the Jews, emphasizes the continuity of a history that most sequential narratives consider to be past.

One essay on trauma in Palestinian film remarks upon the “continuity of pain and trauma, reaching from the past into the heart of the present, as well as a continuity of struggle.”¹⁷ The author, Haim Bresheeth, transposes the work that Cathy Caruth has done on trauma in the concentration camps, not because the two historical situations are the same, but because the temporality of trauma crosses both domains. He notes that several recent films, including *Chronicle of a Disappearance* and *1948*, recall Benjamin’s “Angel of History”: “who, looking backward over history, can see only the piles of rubble and destruction, a cacophony of massacres and privations” (TPH, 175). He points out how often the films made in the past decade struggle against amnesia: “while it is impossible to assume amnesia in the case of Palestinians living in Israel after 1948, a sort of forced public amnesia was experienced by [that community] for decades. . . . The conditions for remembering and commemoration did not exist because Israeli rule prohibited any such activity” (175). Indeed, legal struggles continue today to contest the censorious consequences of a bill that now prohibits the public funding of any educational or artistic representation of the Naqba as Israel celebrates its independence. In another essay entitled “The Politics of Witness,” Diana K. Allan relays her conversations with older memories in Palestinian refugee camps in Lebanon.¹⁸ She objects to the nationalist Palestinian efforts to recruit such memories for the purposes of constructing a single national memory. What she finds are fragments of memories that are not useful for such political appropriations. The memory of uprootedness becomes itself a deracinated memory. She identifies a “paradox that lies at the heart of traumatic experience, in which forgetfulness and a breakdown of witnessing are inextricably linked to the act of remembrance, as the event is neither fully recalled nor erased” (266).

There is a note appended to this last sentence, and it references again Cathy Caruth, Dori Laub, and Shoshana Felman.¹⁹ What they write is applicable to the scenes Allan describes, but not because she is drawing some equivalence between those modes of suffering or drawing any causal connections or inverted analogies. No one here is saying that the Jews inflicted on others what they themselves suffered. On the contrary, there is something on the order of resemblance or even resonance, and perhaps one should not overname at such a moment, for fear of losing the reverberation that is most important to seize upon and recognize. Indeed, Primo Levi testified to the breakdown in witnessing in his own work, underscoring the moments in which forgetfulness overcame his will to remember well. And here

Caruth is cited in explaining the broken testimonies of the Palestinians who survived the loss of their worlds. In the context of traumatic memory, one is positioned “between the elision of memory and the precision of recall” (281).²⁰

Abu-Lughod cautions, in the introduction to *Nakba*, that although most trauma studies based on the Nazi genocide are useful, even “brilliant,” such studies sometimes run the risk of reproducing Jewish exceptionalism. Perhaps Benjamin’s remembrance, as something that seizes upon resonances that make translation possible, offers a slightly different way to go, one that cannot and will not stay within the frame of the nation, one that presupposes heterogeneity and even sustains affiliation with Arendt’s notions of cohabitation. Perhaps this leads us back again to the quite remarkable suggestion made by Said that perhaps two exilic peoples might establish principles of social justice on the basis of their converging and resonant histories of dispossession. To do so means interrupting the progressive narrative of Zionist redemption, or rather taking stock of what it produces and continues to produce, as so much inscrutable debris. Those who seize the chance to fight for the oppressed past are indeed in a struggle to transmute suffering into political claims for justice, especially when there is no historical guarantee that justice will develop or manifest in time. Indeed, the time of the now is the time in which that destruction, like other destructions, has the chance to be recognized, a recognition that would change our very sense of time, would let the time of the oppressed enter into the time of the victor, at which point there might be a chance for something else.

If remembrance is the true measure of life, it is doubtless bound up with the true picture, with truth in various forms of modality. But the modalities at issue are neither seamless narratives, national histories, nor monuments that praise governments or bespeak their power. Remembrance attends to the way that history acts now as well as to what opens up within that reiterated history to reclaim the history of the oppressed. The measure of a life is the way that history continues to act in the present, which means, of course, that the presence of those contingent moments accumulate, chances or wagers, flash upon flash, a struggle for the past, which is the only way to transform the present. Perhaps the messianic takes aim precisely at redemption and in this way is the “Antichrist.” Somebody’s memory is interrupting someone else’s march forward, and perhaps this happens precisely because something of that suffering over there resonates with the one over here, and everything stops. Remembrance may be nothing more than struggling against amnesia in order to find those forms of coexistence opened up by convergent and resonant histories. Perhaps for this we still do not have the precise name.

5. Is Judaism Zionism?

Or, Arendt and the Critique of the Nation-State

CLEARLY, ZIONISM IS one way that religion has entered public life, although there are ways of thinking about Zionism that are obviously antireligious, including ways of defining Jewishness for the purpose of Israeli citizenship that are shorn of explicit religious references. Indeed, the category of “Jewish” proves complex in these debates, since rabbinic law defines Jewishness for an apparently secular state law in Israel that in other respects distinguishes itself emphatically from rabbinic law. How does this ambiguity affect the more general discussions of religion and public life that seem to be so much with us during these times?

Doubtless, we have to be very careful when we refer to “religion” in public life, since it may not be possible finally to talk about religion as a category in this sense. Depending on which religion we have in mind, its relation to the public will be different. Indeed, there are a variety of religious positions on public life and a variety of ways of conceiving public life within religious terms. If we begin by asking about “religion” in “public life” we run the risk of simply filling in the category “religion” with a variety of specific religions; and the sphere of “public life” somehow remains stable, enclosed, and outside of religion. If the entry of religion into public life is a problem, then it would seem we are presupposing a framework in which religion has been outside public life, and we are asking about how it enters and whether it enters in a justifiable or warranted way. But, if this is the operative assumption, it seems we have to ask first how religion became private and whether the effort to make religion private ever really succeeded. If one implicit question of this inquiry presupposes that religion belongs to a private sphere, we have first to ask, “which religion” has been relegated to the private, and which, if any, circulate without question in the public sphere. Perhaps then we might have another inquiry to pursue, namely, one that differentiates between legitimate and illegitimate religions, that

is, those that are considered to implicitly support a secular public sphere and those that are considered to threaten the secular public, or, equivalently, those that, like Christianity, are understood to provide the cultural preconditions of the public, whose symbols circulate freely within the public, and those that are considered to threaten the foundation of secular life, whose symbols circulating within the public are considered ostentatious or threatening to democracy itself. If the public sphere is a protestant accomplishment, as several scholars have argued, then public life presupposes and reaffirms a dominant religious tradition *as* the secular. And if there are many reasons to doubt whether secularism is as liberated from its religious makings as it purports to be, we might ask whether these insights into secularism also apply, in some degree, to our claims regarding public life in general. In other words, some religions are not only already “inside” the public sphere, but they help to establish a set of criteria that distinguish the public from the private. This happens when some religions are relegated to the “outside”—either as “the private” or as the threat to the public as such—while others function to support and delimit the public sphere itself. If we could not have the distinction between public and private were it not for the protestant injunction to privatize religion, then religion—or one dominant religious tradition—underwrites the very framework within which we are operating. This would indeed constitute quite a different point of departure for a critical inquiry into religion in public life, since both public and private would form a disjunctive relation that would be, in some important sense, “in” religion from the start.

My point is not to rehearse the questions about secularism, which have been ably expounded by Talal Asad, Saba Mahmood, Michael Warner, William Connolly, Charles Taylor, Janet Jakobsen and Ann Pellegrini, and Charles Hirschkind. On the basis of this new scholarship, it is clear that secularization may be a fugitive way for religion to survive; we always have to ask, which form and path of secularization do we mean? My point is to suggest, first, that any generalizations we make about “religion” in “public life” are suspect from the start if we do not think about which religions are being presupposed in the conceptual apparatus itself, especially if that conceptual apparatus, including the notion of the public, is not understood in light of its own genealogy and secularization projects. It makes a different kind of sense to refer to a secular Jew than to a secular Catholic; whereas both may be presumed to have departed from religious belief, there may be other forms of belonging that do not presume or require belief; secularization may well be one way that Jewish life continues as Jewish.¹ We also make a mistake if religion becomes equated with

belief, and belief is then tied to certain kinds of speculative claims about God—a theological presumption that does not always work to describe religious practice. That effort to distinguish the cognitive status of religious and nonreligious belief misses the fact that very often religion functions as a matrix of subject formation, an embedded framework for valuations, and a mode of belonging and embodied social practice. Of course, the legal principle of the separation of state and religion haunts any and all of our discourses here, but there are many reasons to think that the juridical conception is insufficient to serve as the framework for understanding the larger questions of religion in public life. Also insufficient are the debates about religious symbols and icons that have produced widespread disagreement about first amendment rights, on the one hand, and the protection of religious minorities against discrimination and persecution, on the other hand.²

I enter this fray with another problem, namely, the tension that emerges between religion and public life when public criticism of Israeli state violence is taken to be anti-Semitic or anti-Jewish, as it so often is. For the record, I would like to make clear that some of those criticisms do employ anti-Semitic rhetoric and argument and so must be opposed absolutely and unequivocally. But the legitimate criticisms, and there are many, do not. Included among them are criticisms of Israeli state violence that emerge from within Jewish struggles for social justice (which are not the same as struggles for social justice only for Jews). Jewish opposition to Zionism accompanied the founding proposals made by Herzl at the International Zionist Congress in 1897 in Basel, and it has never ceased since that time.³ It is not anti-Semitic or, indeed, self-hating to criticize the state violence exemplified by Zionism. If it were, then Jewishness would be defined, in part, by its failure to generate a critique of state violence, and that is surely not the case. My question is whether the public criticism of state violence—and I know that term is yet to be explained—is warranted by Jewish values, understood in noncommunitarian terms.

One asks this question because if one openly and publicly criticizes Israeli state violence, then one is sometimes, and in certain circumstances almost always, considered anti-Semitic or anti-Jewish. And yet to openly and publicly criticize such violence is in some ways an obligatory ethical demand from within Jewish frameworks, both religious and nonreligious, that sustain necessary ties to broader movements against state violence of this kind—thus Jewish and departing from Jewishness at once. Of course, you will already see a second set of quandaries introduced by this formulation. As Hannah Arendt made clear in her early writings, Jewishness is not always the same as Judaism.⁴ And, as she made clear in her

evolving political position on the State of Israel, neither Judaism nor Jewishness necessarily leads to the embrace of Zionism.

My aim is not to repeat the claim that Jews differ among themselves on the value of Zionism, on the injustice of the occupation, or on the military destructiveness of the Israeli state. These are complex matters, and there are vast disagreements on all of them. Nor is my point to say simply that Jews are obligated to criticize Israel, although in fact I think they are or, rather, we are; given that Israel acts in the name of the Jewish people, casts itself as the legitimate representative of the Jewish people, there is a struggle over what is done in the name of the Jewish people and so all the more reason to reclaim that tradition and ethics in favor of a politics that prizes social and political justice above a nationalism that depends fundamentally on military violence to sustain itself. The effort to establish the presence of progressive Jews runs the risk of remaining within certain identitarian and communitarian presumptions; one opposes any and all expressions of anti-Jewish anti-Semitism and one reclaims Jewishness for a project that seeks to dismantle Israeli state violence and the institutionalization of racism. This particular form of the solution is challenged, however, if we consider that there are several ethical and political frameworks in which such a critique is obligatory.

Moreover, as I have sought to suggest, Jewishness can and must be understood as an anti-identitarian project insofar as we might even say that being a Jew implies taking up an ethical relation to the non-Jew, and this follows from the diasporic condition of Jewishness where living in a socially plural world under conditions of equality remains an ethical and political ideal. Indeed, if the relevant Jewish tradition for waging the public criticism of Israeli state violence is one that draws upon cohabitation as a norm of sociality, then what follows is the need *not only* to establish an alternative Jewish public presence (distinct from AIPAC, to be sure, but also from J Street) or an alternative Jewish movement (such as Jewish Voice for Peace, Independent Jewish Voices in the UK, Jews for Justice for Palestinians, to name but a few), but to affirm the displacement of identity that Jewishness requires, as paradoxical as that may first sound. Only then can we come to understand the mode of ethical relationality that informs some key historical and religious understandings of what it is to “be” a Jew. In the end, it is not about specifying the ontology of the Jew over and against some other cultural or religious group—we have every reason to be suspicious of any effort to do such a thing. It is rather a question of understanding the very relation to the non-Jew as the way of configuring religion in public life within Judaism. The point is not simply to scatter geographically, but to derive a set

of principles from scattered existence that can serve a new conception of political justice. That conception would entail a fair doctrine on the rights of refugees and a critique of nationalist modes of state violence that sustain the occupation, land confiscation, and the political imprisonment and exile of Palestinians. It would also imply a notion of cohabitation whose condition of emergence would be the end of settler colonialism. More generally formulated, it is on the basis of this conception of cohabitation that the critique of illegitimate nation-state violence can and must be waged—with no exceptions.

There are, of course, both risks and obligations of public criticism. It remains true that the criticism of Israeli state violence, for instance, can be construed as a critique of the Jewish state on the same grounds as those one would use to base criticism of any other state that engaged in the practices of occupation, invasion, and the destruction of a livable infrastructure for a subjugated or minority population. Or it can be construed as a critique of the Jewish state, emphasizing the Jewishness of that state and thus prompting the fear that it is because the state is *Jewish* that it is criticized. What is usually feared then is that an anti-Jewish impetus drives the criticism. But such a fear often deflects from the legitimate concern articulated here, namely, that it would be unjust for any state to insist on one religious and ethnic group maintaining a demographic majority to create differential levels of citizenship for majority and minority populations (even internally valorizing Ashkenazi origins and narrative accounts of the nation over Sephardic and Mizrahi cultural origins within its mandated educational curriculum and public discourse). If, then, the problem is this last one, it is still difficult to enunciate this in public, since there will be those who suspect that really something else is being said or that anyone who calls into question the demand for Jewish demographic majority in particular is motivated by insensitivity to the sufferings of the Jewish people, including the contemporary threat they experience, or by anti-Semitism, or both.

And of course, it makes a difference whether one is criticizing the principles of Jewish sovereignty that have characterized political Zionism since 1948 or whether one's criticism is restricted to the occupation as illegal and destructive (and so situating itself in a history that starts with 1967) or whether one is more restrictively criticizing certain military actions in isolation from both Zionism and the occupation, such as the assault on Gaza in 2008–9, which included clear war crimes, or the growth of settlements, continuing forms of land confiscation of other kinds, or the policies of the current right-wing regime in Israel. But in each and every case, there is a question of whether the criticism can be registered publicly as something other

than an attack on the Jews or on Jewishness. Depending where we are and to whom we speak, some of these positions can be heard more easily than others. And yet, as we know, there are contexts in which none of these criticisms can be heard without an immediate suspicion that the person who articulates them has something against the Jews or, if Jewish herself, has something against herself. Moreover, in every case we are confronted with the limits on audibility by which the contemporary public sphere is constituted. There is always a question: should I listen to this or not? Am I being heard or misconstrued? The public sphere is constituted time and again through certain kinds of exclusions: images that cannot be seen, words that cannot be heard. And this means that the regulation of the visual and audible field—the regulation of the senses more generally—is crucial to the constitution of what can become a debatable issue within any version of the “legitimate” sphere of politics.⁵

If one says that one would be opposed to any state that restricted full citizenship to any religious or ethnic group at the expense of indigenous populations and all other coinhabitants, then one might well be charged with not understanding the exceptional and singular character of the State of Israel and, more importantly, the historical reasons for claiming that exception. But if the state is “excepted” from international standards of justice, or if it clearly abrogates principles of equality and nondiscrimination—to draw attention at this moment only to its infractions against liberalism—then its existence is bound to a contradiction that it can “resolve” only through violence or radical transformation. For Arendt, the call to rethink federal authority or binationalism for the region to politically embody principles of cohabitation envisages a way out of violence rather than a path that would lead to the destruction of any of the populations on that land. The political point is that one cannot defend the Jewish people against destruction without defending the Palestinian people against destruction. If one fails to universalize the interdiction against destruction, then one pursues the destruction of the “Other” with the assumption that only through that destruction can one oneself survive. But the truth remains that the destruction of Palestinian lives and livelihoods can only increase the threat of destruction against those who have perpetrated it, since it gives ongoing grounds for a resistance movement that has its violent and nonviolent versions. One does not need to be an advanced student of Hegel to grasp this point. And if someone counters with the claim that I fail to consider the faults of the Palestinian in this scenario, my reply is that there are surely better and worse ways of waging a resistance movement to colonial occupation. But any evaluation of Palestinian strategies would have to take place within the framework of politi-

cal resistance. The positions have never been equal, and so it makes no sense to treat the relations between Israel and Palestine as “two sides” of a conflict. Those models that assume equal contributions of Israel and Palestine build equality into their explanatory model and so efface the inequality on the ground. Once political conditions of equality are established, we can then perhaps begin to talk within terms of equality, but only then.

In this spirit I propose thinking about Hannah Arendt, whose political views made many people doubt the authenticity of her Jewishness. Indeed, as a result of her salient criticisms of political Zionism and the State of Israel in 1944, '48, and '62, her claim to belong to the Jewish people was severely doubted, most famously by Scholem.⁶ As I indicated in the introduction, Scholem more quickly embraced a conception of political Zionism, whereas Buber in the teens and twenties actively and publicly defended a spiritual and cultural Zionism that, in his early view, would become “perverted” if it assumed the form of a political state. By the 1940s, Arendt, Buber, and Magnes argued in favor of a binational state, proposing a federation in which Jews and Arabs would maintain their respective cultural autonomy. It is worth noting as well that Franz Rosenzweig also elaborated a diasporic opposition to Zionism in his *The Star of Redemption*, where he wrote that Judaism is fundamentally bound up with waiting and wandering, but neither with the claim of territory nor the aspirations of a state.

As I indicated in chapter 1, Edward Said proposed that Palestinians and Jews have an overlapping history of displacement, exile, living as refugees in diaspora among those who are not the same. This is a mode of living in which alterity is constitutive of who one is. Said did not clarify in what way these traditions of exile might be overlapping, but he was careful not to draw strict analogies. Does this suggest that one history might inform or interrupt another in ways that call for something other than comparison, parallelism, and analogy? Were Buber and Arendt thinking about a similar problem when, for instance, mindful of the massive numbers of refugees after the Second World War, they expressed their concerns about the establishment of a Jewish state in 1948 that would be based on the disenfranchisement and expulsion of Arabs as a national minority—one that turned out to expel more than seven hundred thousand Palestinians from their rightful homes—now more often estimated as nine hundred thousand? Arendt refused any strict historical analogy between the displacement of the Jews from Europe and those of the Palestinians from a newly established Israel; she surveyed a number of historically distinct situations of statelessness to develop the general critique of the

nation-state in *The Origins of Totalitarianism* in 1951. There she attempted to show how, for structural reasons, the nation-state produces mass numbers of refugees and *must* produce them in order to maintain the homogeneity of the nation it seeks to represent, in other words, to support the nationalism of the nation-state. This led her to oppose any state formation that sought to reduce or refuse the heterogeneity of its population, including the founding of Israel on principles of Jewish sovereignty, and it is clearly one reason she reflected on the postsovereign and postnational promise of federalism. She thought that any state that failed to have the popular support of all its inhabitants, and that defined citizenship on the basis of religious or national belonging, would be forced to produce a permanent class of refugees; the critique extended to Israel, which, she thought, would find itself in endless conflict (and heighten the danger to itself) and would perpetually lack legitimacy as a democracy grounded in a popular will, especially in light of its continued reliance on “superpowers” to maintain its political power in the region. That Arendt moved from an analysis of a series of stateless conditions to a consideration of Palestine as a stateless condition is significant. The centrality of the European refugee situation both under fascist Germany and after its demise informs her politics here. But this is certainly *not* to say that Zionism is Nazism. She would have refused such an equation, and we should, too. The point is that there are principles of social justice that can be derived from the Nazi genocide that can and must inform our contemporary struggles, even though the contexts are different, and the forms of subjugating power clearly distinct.

If cohabitation may be understood as a form of convergent exiles, it will be important not to take this convergence as a form of strict analogy between separate terms. Edward Said made that claim about the exilic condition of both Palestinian and Jewish people, and Arendt made it differently when she wrote that the conditions of statelessness under the Nazi regime require a larger critique of how the nation-state perpetually produces the problem of mass refugees. She did not say that the historical situation under Nazi Germany was the same as the situation in Israel. Not at all. But the former was part, not all, of what led her to develop a historical account of statelessness in the twentieth century and to derive general principles that oppose the reproduction of stateless persons and persons without rights. In some ways she invoked the repetition of statelessness as the condition from which a critique of the nation-state had to take place, in the name of heterogeneous populations, political plurality, and a certain conception of cohabitation. It is clear that Jewish history comes to bear on Palestinian history through the

impositions and exploitations of a project of settler colonialism. But is there yet another mode in which these histories come to bear upon one another, one that sheds another kind of light?

One persistent question is, what is finally Jewish about Arendt's thought, if anything? Although I think there are some religious sources for Arendt's political thought, I am in a minority in this regard.⁷ It is clear that her early work on Augustine, for instance, focuses on neighborly love.⁸ And, in the early writings on Zionism, she seeks recourse to the famous formulation of Hillel, "If I am not for myself, who will be for me? If I am not for others, what am I? And if not now, when?" In 1948 she wrote an essay, "Jewish History, Revised," in which she assesses the importance of Scholem's *Major Trends in Jewish Mysticism*, published two years before. There she considers the importance of the messianic tradition for establishing the notion of God as "impersonal" and "infinite" and as linked less with stories of creation than with accounts of *emanation*.⁹ Commenting on the "esoteric character" of such mystical ideas, Arendt underscores a more important legacy of mysticism in the notion that humans participate in the powers that shape the "drama of the world," thus delineating a sphere of action for humans who saw themselves as obligated to a broader purpose. As messianic hopes proved less credible and legal exegesis less efficacious, this resolution of the mystical tradition into a form of action became more important. But this idea of action depended on the exilic existence of the Jewish people, a point explicitly made by Isaac Luria, which Arendt cites: "Formerly [the Diaspora] had been regarded either as a punishment for Israel's sins or as a test of Israel's faith. Now it still is all this, but intrinsically it is a mission; its purpose is to uplift the fallen sparks from all their various locations" (309). To uplift the fallen sparks is not necessarily to gather them again or to return them to their origin. What interests Arendt is not only the irreversibility of "emanation" or dispersal, but the revalorization of exile that it implies. Is there perhaps also a way to understand that the embrace of heterogeneity is itself a certain diasporic position, one conceptualized in part through the notion of a scattered population? The kabbalistic tradition of scattered light, of the *sephirot*, articulated this notion of a divine scattering that presupposes the dwelling of Jews among non-Jews.

Although Arendt scorned explicitly political forms of messianism, the exilic tradition from which and about which she wrote was also bound up with a certain version of the messianic, one that interested her, for instance, in Benjamin's reading of Kafka. Over and against the messianic version of history Scholem later adopted, which provided a redemptive historical narrative for the establishment of the State

of Israel, Arendt was clearly closer to Benjamin's countermessianic view (or alternative form of the messianic, depending how one reads it). In his view, the history of the suffering of the oppressed flashes up during moments of emergency, which interrupts both homogeneous and teleological time. Here I agree with Gabriel Piterberg's argument that Benjamin's "Theses on the Philosophy of History" constituted "an ethical and political drive to redeem humanity's oppressed,"¹⁰ over and against Scholem, who finally understood the messianic as implying a return of the Jews to the land of Israel, a return *from exile to history*. As an effort to reverse the devalorization of "exile" (and *galut*) within Zionist historiography, several scholars, including, prominently, Amnon Raz-Krakotzkin,¹¹ focus their reading of Benjamin on the recognition and remembrance of the dispossessed. No one people could claim a monopoly on dispossession. The exilic framework for understanding the messianic provides a way to understand one historical condition of dispossession in light of another. Forms of national historiography that presuppose an internal history of the Jews are able to understand neither the exilic condition of the Jews nor the exilic consequences for the Palestinians under contemporary Zionism.¹² Redemption itself is to be rethought as the exilic, without return, a disruption of teleological history and an opening to a convergent and interruptive set of temporalities. This is a messianism, perhaps secularized, that affirms the scattering of light, the exilic condition, as the nonteleological form that redemption now takes. This is a redemption *from* teleological history. But how, we might surely ask, does the remembrance of one exile prompt an attunement or opening to the dispossession of another? What is this transposition? If it is something other than historical analogy, how is to be described? And does it take us to another notion of cohabitation?

Raz-Krakotzkin writes that the tradition of Benjamin's "Theses" does not mobilize the memory of the oppression of the Jews in order to legitimate the particularist claims of the present, but serves as a catalyst for building a more general history of oppression; the generalizability and transposability of that history of oppression is what leads to a politics that broadens the commitment to alleviating oppression across various cultural and religious differences.¹³

Although Arendt rejected all messianic versions of history, it is clear that her own resistance to the progressive narrative of political Zionism was formed in part within terms offered by Benjamin. In her introduction to Benjamin's *Illuminations*, Arendt remarks that, in the early 1920s, Benjamin's turn to baroque tragic drama in the *Trauerspiel* seemed to parallel, if not draw upon, Scholem's turn to the Kabbalah. Arendt suggests that throughout the *Trauerspiel* Benjamin affirms that there is no

“return” either to German, European, or Jewish traditions in their former condition. And yet, something from Judaism, namely, the exilic tradition, articulates this impossibility of return. Instead, something of another time flashes up in our own. Arendt writes that there was in his work of this time “an implicit admission that the past spoke directly only through things that had been handed down, whose seeming closeness to the present was thus due precisely to their exotic [perhaps esoteric?] character, which ruled out all claims to a binding authority.” She understood as “theologically inspired” Benjamin’s conclusion that the truth could not be directly recovered and so could not be “an unveiling which destroys the secret, but the revelation that does it justice.”

The revelation that does the secret justice does not seek to recover an original meaning or to return to a lost past, but rather to grasp and work with the fragments of the past that break through into a present marked by oblivion, where they become episodically available. This view seems to find resonance in that remark in the “Theses on the Philosophy of History” that “the true picture of the past flits by. The past can be seized only as an image which flashes up at the instant when it can be recognized and is never seen again” (TPH, 255). If, as I argued in the last chapter, what flashes up is a memory of suffering from another time, then it interrupts and reorients the politics of this time. This would not be rightly described as a transgenerational memory, since the generational line is traversed by a memory that crosses over from one population to another, thus assuming a break in both filial linearity and the temporal continuity of national belonging. In fact, Benjamin makes clear in the seventeenth thesis that this flashing up makes possible an interruption of established forms of historical development; it constitutes a “cessation of happening” (TPH, 263) and so a calling into question of progressive historiography itself. Only such a cessation of happening, he tells us, can produce “a revolutionary chance in the fight for the oppressed past” (TPH, 263). Modes of progressive history, including those that assume the progressive realization of political ideals (Zionism among them), reinstitute amnesia with every step “forward.” Thus, stepping forward has to be stopped if the history of the oppressed is to come to the fore. The point is not for that history to lead to revenge (which would be a cyclical form of history that Benjamin would reject), but rather to an active battle against those forms of political amnesia that “found” progress.¹⁴ If one temporality emerges within another, then the temporal horizon is no longer singular; what is “contemporary” are forms of convergence that are not always readily legible.

Arendt agreed with the necessity to criticize certain forms of historical progress. Whereas Benjamin seemed to have the progressive claims of capitalism in mind when he sought to redefine historical materialism and describe the increasing quantification of value, Arendt was clearly thinking of more teleological forms of historical materialism when she contested the notion of progress as an inevitable unfolding of political ideals. For Arendt, politics would be a matter of action, and action could only be understood on the basis of political plurality. Although her ideas of plurality and cohabitation are formulated in many published texts, there is one formulation that emerges in her book on Eichmann, published in 1962, that has special relevance to this discussion.

According to Arendt, Eichmann thought that he and his superiors *might choose* with whom to cohabit the earth and failed to realize that the heterogeneity of the earth's population is an irreversible condition of social and political life itself.¹⁵ This accusation against him bespeaks a firm conviction that none of us should be in the position of making such a choice. Those with whom we cohabit the earth are given to us, prior to choice and so prior to any social or political contracts we might enter through deliberate volition. In fact, if we seek to make a choice where there is no choice, we are trying to destroy the conditions of our own social and political life. In Eichmann's case, the effort to choose with whom to cohabit the earth was an explicit effort to annihilate some part of that population—Jews, gypsies, homosexuals, communists, the disabled and the ill, among others—and so the exercise of freedom upon which he insisted was genocide. If Arendt is right, then it is not only that we may not choose with whom to cohabit, but that we must actively preserve and affirm the unchosen character of inclusive and plural cohabitation: we not only live with those we never chose and to whom we may feel no social sense of belonging, but we are also obligated to preserve those lives and the plurality of which they form a part. In this sense, concrete political norms and ethical prescriptions emerge from the unchosen character of these modes of cohabitation. To cohabit the earth is prior to any possible community or nation or neighborhood. We might sometimes choose where to live, and who to live by or with, but we cannot choose with whom to cohabit the earth.

In *Eichmann in Jerusalem*, she clearly speaks not only for the Jews, but for any other minority who would be expelled from habitation on the earth by another group. The one implies the other, and the "speaking for" universalizes the principle even as it does not override the plurality for which it speaks. Arendt refuses to

separate the Jews from the other so-called nations persecuted by the Nazis in the name of a plurality that is coextensive with human life in any and all its cultural forms. Is she subscribing here to a universal principle, or does plurality form a substantial alternative to the universal? And is her procedure, in some ways, related to the problem of convergent and interrupting histories mentioned by Said and Benjamin in different ways?

Perhaps we can say there is a universalization at work in her formulation that seeks to establish inclusiveness for all human society, but posits no single defining principle for the humanity it assembles. This notion of plurality cannot be only *internally* differentiated, since that would raise the question of what bounds this plurality; since plurality cannot be exclusionary without losing its plural character, the idea of a given or established form for plurality would pose a problem for the claims of plurality. For Arendt, nonhuman life already constitutes part of that outside, thus denying from the start the animality of the human. Any present notion of the human will have to be differentiated on some basis from a future one. If plurality does not exclusively characterize a given and actual condition, but also always a potential one, then it has to be understood as a process, and we will need to shift from a static to a dynamic conception.

Following William Connolly, we could then speak of *pluralization*.¹⁶ Only then can the differentiation that characterizes a given plurality also mark those sets of differences that exceed its givenness. The task of affirming or even safeguarding plurality would then also imply making new modes of pluralization possible. When Arendt universalizes her claim (no one has the right to decide with whom to cohabit the earth; everyone has the right to cohabit the earth with equal degrees of protection), she does not assume that “everyone” is the same—at least not in the context of her discussion of plurality. One can surely see why there would be a Kantian reading of Arendt, one that concludes that plurality is a regulative ideal, that everyone has such rights, regardless of the cultural and linguistic differences by which anyone is characterized. And Arendt herself moves in this Kantian direction, though mainly through the extrapolation of Kant’s notion of aesthetic judgment rather than his moral philosophy.

The distinction between pluralization and universalization is important for thinking about unchosen cohabitation. Equal protection or, indeed, equality is not a principle that homogenizes those to whom it applies; rather, the commitment to equality is a commitment to the process of differentiation itself. One can surely see why there can be a communitarian reading of Arendt, since she herself elaborates

the right to belong and rights of belonging. But there is always a redoubling here that dislocates the claim from any specific community: *everyone* has the right of belonging. And this means there is a universalizing and a differentiating that takes place at once and without contradiction—and that this is the structure of pluralization. In other words, political rights are separated from the social ontology upon which they depend; political rights universalize, although they do so always in the context of a differentiated (and continually differentiating) population. And though Arendt refers to “nations” or sometimes communities of belonging as the component parts of this plurality, it is clear that the principle of pluralization applies as well to these parts, since they are not only internally differentiated (and differentiating), but they are themselves defined in relation to variable and shifting relations to the outside.

Indeed, this is one point I have been underscoring about the problem of Jewishness. It may be that the sense of belonging to this group entails taking up a relation to the non-Jew that requires departing from a communitarian basis for political judgment and responsibility alike. It is not that “one” (over here) approaches the “other” (over there), but that these two modes of existence are radically implicated in one another, for good and bad reasons.¹⁷ “Here” and “there” as well as “then” and “now” become internally complicated modalities of space and time that correspond to this notion of cohabitation.¹⁸ Moreover, if Jewishness mandates this departure from communitarian belonging, then “to belong” is to undergo a dispossession from the category of Jewishness, a formulation as promising as it is paradoxical. It also obligates the development of a politics that exceeds the claims of communitarian belonging. Although Arendt herself values the way exile can lead to action in the service of broader purposes, here we might read dispossession as an exilic moment, one that disposes us ethically. Paradoxically, it is only possible to struggle to alleviate the suffering of others if I am both motivated and dispossessed by my own suffering. It is this relation to the other that dispossesses me from any enclosed and self-referential notion of belonging; otherwise, we cannot understand those obligations that bind us when there is no obvious mode of belonging and where the convergence of temporalities becomes the condition for the memory of political dispossession as well as the resolve to bring such dispossession to a halt.

Can we now think about the transposition that happens from the past to the future? Precisely because there is *no* common denominator among the plural members of this stipulated humanity, except perhaps the ungrounded right to have rights, which includes a certain right to belonging and to place, we might only begin to understand this plurality by testing a set of analogies that will invariably

fail. In fact, precisely because one historical experience of dispossession is not the same as another, the right to have rights invariably emerges in different forms and through different vernaculars. If we start with the presumption that one group's suffering is *like* another group's, we have not only assembled the groups into provisional monoliths—and so falsified them—but we have launched into a form of analogy building that invariably fails. The specificity of the group is established at the expense of its temporal and spatial instability, its constitutive heterogeneity, and for the purpose of making it suitable for analogical reasoning. But analogy fails because specificities prove obdurate. The suffering of one people is not exactly like the suffering of another, and this is the condition of the specificity of the suffering for both. Indeed, we would have no analogy between them if the grounds for analogy were not already destroyed. If specificity qualifies each group for analogy, it also defeats the analogy from the start. And this means that another sort of relation must be formulated for the problem at hand, one that traverses the inevitable difficulties of translation.

The obstruction that thwarts analogy makes that specificity plain and becomes the condition for the process of pluralization. Through elaborating a series of such broken or exhausted analogies, the communitarian presumption that we might start with “groups” as our point of departure meets its limit, and then the internally and externally differentiating action of pluralization emerges as a clear alternative. We might try to overcome such “failures” by devising more perfect analogies, hoping that a common ground can be achieved in that way (“multicultural dialogue” with an aim of perfect consensus or intersectional analysis in which every factor is included in the final picture). But such procedures miss the point that plurality implies differentiations that cannot be (and should not be) overcome through ever more robust epistemological accounts or ever more refined analogies. At the same time, the elaboration of rights, especially the right of cohabitation on the earth, emerges as a universal that governs a social ontology that cannot be homogenized. Such a universalizing right has to break up into its nonuniversal conditions; otherwise it fails to be grounded in plurality.

Arendt seeks something other than principles to unify this plurality, and she clearly objects to any effort to divide this plurality, although it is, by definition, internally differentiated. The difference between division and differentiation is clear: it is one thing to *repudiate* some part of this plurality, to bar admission of that part into the plurality of the human, and to deny place to that portion of humanity. And

it is another to recognize the failed analogies by which we have to make our way politically. One suffering is never the same as another. At the same time, any and all suffering by virtue of forcible displacement and statelessness is equally unacceptable.

If, following Benjamin, we are to allow the memory of dispossession to crack the surface of historical amnesia and reorient us toward the unacceptable conditions of refugees across time and context, there must be transposition without analogy, the interruption of one time by another, which is the counternationalist impetus of the messianic in Benjamin's terms, what some would call a messianic secularism that relates clearly to his work on translation: how does another time break into this time, through what vessel, and through what transposition? One time breaks into another precisely when that former time is a history of oppression at risk of falling into oblivion. This is not the same as the operation of analogy, but neither is it precisely the same as the temporality of trauma. In trauma the past is never over; in historical amnesia the past never was, and that "never was" becomes the condition of the present. One can, of course, claim that unacknowledged histories of oppression can never be part of the past, but continue as spectral dimensions of present time. Of course, that is right. But though there are historical traumas that have this character, what is lost and what is gained by reducing a history of oppression to the discourse of trauma? Although the struggle for the history of the oppressed is surely assisted by the acknowledgment and working through of trauma, sometimes the history of the oppressed continues in the present forms of oppression—one need only consider the recurrent history of land confiscation by the State of Israel. In those cases, it is not just the trauma of the catastrophic displacement of Palestinians from their homes in 1948 that must be documented, but the ongoing practices of land confiscation that make it wrong to relegate such a practice to the past alone.

I have been arguing that the very possibility of ethical relation depends upon a certain condition of dispossession from national modes of belonging. We are outside ourselves, before ourselves, and only in such a mode is there a chance of being for another. In *Frames of War* I suggested that we are already in the hands of the other before we make any decision about with whom we choose to live. This way of being bound to one another is precisely *not* a social bond that is entered into through volition and deliberation; it precedes contract, is mired in interdependency, and is often effaced by those forms of social contract that presume and instate an ontology

of volitional individuals. Thus, it is even from the start to those who are not readily identifiable as part of “one’s community” that we are bound, the one, or the ones, we never knew, and never chose, whose names may be difficult to remember or pronounce, who live in different lexicons of the everyday. If we accept this sort of ontological condition, then to destroy the other is to destroy my life, that sense of my life that is invariably social life. And this does not mean that, if I destroy the other, the chances are increased that I myself will be destroyed (although this makes good sense as a calculation). The point is rather that this very selfhood is bound up with what we call the Other in ways that do not allow me to differentiate the value of my persistence from the value of the persistence of any others.¹⁹ This may be less our common condition, conceived existentially, than our convergent condition—one of proximity, adjacency, up-againstness, being interrupted and constituted by the memory of someone else’s longing and suffering, in spite of oneself—ways of being bound by spatial and temporal relations that articulate the present moment. The *co* of *cohabitation* cannot be thought simply as spatial neighborliness: there is no home without adjacency, without a line that demarcates and binds one territory to another and so no way to reside anywhere delimited without the outside defining the space of inhabitation. The *co* of *cohabitation* is also the nexus where convergent temporalities articulate present time, not a time in which one history of suffering negates another, but when it remains possible that one history of suffering provides the conditions of attunement to another such history and that whatever connections are made proceed through the difficulty of translation. In sum, cohabitation implies an affirmation that one finds the condition of one’s own life in the life of another where there is dependency and differentiation, proximity and violence; this is what we find in some explicit ways in the relation between territories, such as Israel and Palestine, since they are joined inextricably, without binding contract, without reciprocal agreement, and yet ineluctably. So the question emerges: what obligations are to be derived from this dependency, contiguity, and proximity that now defines each population, which exposes each to the fear of destruction, which, as we know, sometimes incites destructiveness? How are we to understand such bonds, without which neither population can live and survive, and to what postnational obligations do they lead?

Practically, I think none of these views can be dissociated from the critique of the ongoing and violent project of settler colonialism that constitutes political Zionism. To practice remembrance in the Benjaminian sense might lead to a new concept of citizenship, a new constitutional basis for that region, a rethinking of

binationalism in light of the racial and religious complexity of both Jewish and Palestinian populations, a radical reorganization of land partitions and illegal property allocations, and even minimally a concept of cultural heterogeneity that extends to the entire population and is protected rather than denied by rights of citizenship. Now one might argue against all these propositions that they are unsuitable to be spoken in public, that they carry too much risk, that equality would be bad for the Jews, that democracy would stoke anti-Semitism, and that cohabitation would threaten Jewish life with destruction. But perhaps such responses are only utterable on the condition that we fail to remember what Jewish means or that we have not thought carefully enough about all the possible permutations of “never again”; after all, remembrance does not restrict itself to my suffering or the suffering of my people alone. The limit on what can be remembered is enforced in the present through what can be said and what can be heard, the limits on the audible and the sensible that contingently constitute any public sphere. For remembrance to break through into that public sphere would be one way for religion, perhaps, to enter into public life. A politics, Jewish and not Jewish and, indeed, not restricted to that binary, indeed extending, as it must, to a field of open differentiation uncontained by the universalization that it supports. This politics might then emerge in the name of remembrance, both from and against dispossession, and in the direction of what may yet be called justice.

HANNAH ARENDT AND THE END OF THE NATION-STATE?

Hannah Arendt has never been easy to categorize and that probably has to do in part with her rather insistent critique of settled categories within her political writings of the 1930s and 1940s. There are a series of divisions that she sought to evade and reconceptualize in her early political thinking. They include, for instance, the ostensible differences between Zionism and assimilationism, Zionism and anti-Semitism, the nation-state and the rights of man, and even the polar positions of left and right within the political spectrum. She was engaged in a very particular kind of critical practice, one that sought to underscore the political paradoxes of the nation-state. For instance: if the nation-state secures the rights of citizens, then surely the nation-state is a necessity; but if the nation-state relies on nationalism and invariably produces massive numbers of stateless people, it clearly needs to be opposed. And: if the nation-state is opposed, then what, if anything, serves as its alternative? Arendt refers variously to modes of “belonging” and to conceptions of the “polity” that are not reducible to the idea of the nation-state. She even refers, in her early writings, to

the idea of a “nation” that might be delinked from both statehood and territory. As such we might ask: does she settle on an answer to the question of whether there is an end to the nation-state? Or does she only unsettle a number of assumptions about political life as she tries to approach and evade this problem?

Let us consider two quotations that bring us into a critical encounter with a certain kind of equivocation that marks her political thinking in this domain. She was once asked, are you a conservative? Are you a liberal? And she replied this way: “I don’t know. I really don’t know and I’ve never known. And I suppose I never had such a position. You know the left think that I am conservative, and the conservatives think I am left or I am a maverick or God knows what. And I must say that I couldn’t care less. I don’t think the real questions of this century will get any kind of illumination by this kind of thing.”²⁰

The second quotation makes clearer what is at stake in her refusal of a certain kind of positioning of political place and, indeed, with the spectrum of right and left that it is up against. It emerges in the course of a correspondence in 1963 with Gershom Scholem that I cited in chapter 1. It is fairly well-known, but in my view not extremely well understood. The background is that Arendt had taken at least two public positions that irked Scholem. One of them had to do with her critique of the founding of the State of Israel in the late forties and early fifties. But the other was the publication and defense of her book *Eichmann in Jerusalem* in 1963. Her phrase “the banality of evil” enraged many members of the Jewish community who thought that the description refused the exceptional evil at work in the camps and worried that her formulation risked banalizing our understanding of the catastrophic extermination of over six million Jews by the Nazi genocidal regime.

Scholem calls Arendt “heartless” for criticizing the Jewish politics at the time, suggesting that the criticism she leveled had to be read as evidence of a failure of love. Arendt’s text was controversial, of course, on a number of accounts. There were those who thought she misdescribed the relevant history for the trials, including the history of the Jewish resistance under fascism, and those who wanted her to name and analyze Eichmann himself as an emblem of evil. Her account of those trials, however, tries to debunk speculations on psychological motives as relevant to judgments that are in the service of justice. And, though she agreed with the final decision of the Israeli court that Eichmann was guilty and deserved the death penalty, she took issue with the proceedings and with the grounds on which that judgment was finally based. Some objected to her public criticism of the Israeli court, arguing that it was untimely or unseemly to criticize Israeli political institutions. Others

wanted her to take the occasion of the trial to level a stronger indictment of anti-Semitism. That she finds Eichmann careerist, confused, and unpredictably “elated” by various renditions of his own infamy failed to satisfy those who sought to find in his motivations the logical culmination of centuries of anti-Semitism reflected in the policies of the Final Solution that sought the full extermination of the Jews.

Arendt refused all these interpretations (including other psychological constructs like “collective guilt”) in order to establish (a) that “one cannot extract any diabolical or demonic profundity from Eichmann,” and if he is in this sense “banal,” he is not for that reason “commonplace” and (b) that accounts of his action on the basis of “deeper explanations” are debatable, but that “what is not debatable is that no judicial procedure would be possible on the basis of them” (EJ, 290).

As mentioned in chapter 1, Scholem continued his criticism by famously impugning Arendt’s own motives, accusing her of coming from the German left and not loving the Jewish people. She responded by remarking that her love was for persons, not people.

Arendt is notably devoid of a certain pathos in her reply, but why? Do we know what it means to say she was a Jew as a matter of course, beyond dispute or argument? Was she saying that she was only nominally a Jew: a matter of genetic inheritance or historical legacy or a mixture of the two? Was she saying that she was sociologically in the position of the Jew? In response to Scholem calling her a “daughter of the Jewish people,” Arendt writes, “I have never pretended to be anything else or to be in any way other than I am, and I have never felt tempted in that direction. It would have been like saying that I was a man and not a woman—that is to say, kind of insane” (JW, 466). She goes on to term “being Jewish” an “indisputable fact of my life” and adds: “there is such a thing as a basic gratitude for everything that is as it is; for what has been given and not made; for what is *physei* and not *nomos*” (JW, 466). What is remarkable here is that being a woman and a Jew are part of *physei* and, so, naturally constituted rather than part of any cultural order or cultural practice. But does she overstate the case?

In other words, are such categories given or made, and is there a “making” of what is “given” that complicates the apparent distinction between *physei* and *nomos*? One can, after all, refuse those categories, disown Jewishness or change gender, or one can affirm them in a mode of gratitude, as Arendt claims she does. But the very fact that one could be ungrateful or unhappy with either of those particular assigned categories suggests that how one comes to approach the category becomes central to its significance. As a result, an equivocation emerges between *physei* and

nomos, suggesting that it is not always possible to stabilize the distinction between the two. It matters that we understand she is defending herself not in a court of law but in a letter addressed to Scholem, who has, with his own accusation, appointed himself to represent “the Jewish people.” In elaborating the sense in which she is Jewish, Arendt invariably declares and constitutes her Jewishness in a specific way. We can read the letter as one such instance of discursive self-constitution, if you will. In this way, it seems important to consider that in the writing of this letter, as in her publications throughout the thirties and forties, Arendt is presenting herself as a Jew who can take such a stand. It would be difficult to read her response to Scholem as something other than an effort to make sense of, or give a particular construction to, the *physei* that she is. And if she is doing that, *physei* is subject to a cultural crafting.

Indeed, one can see in her *Jewish Writings* that, from the 1930s through the 1960s, Arendt is struggling with what it means to be Jewish without strong religious faith and why it might be important to distinguish, as she does, between the secular and the assimilated Jew. After all, she marks herself as a Jew, even expresses gratitude for that fact of her life and so takes distance from an assimilationist view. Not all forms of secular Jewishness are assimilationist. In an unfinished early piece on “Anti-Semitism” dated around 1939, Arendt argues that both Zionism and assimilationism emerge from a common dogmatism. Whereas assimilationists think that Jews belong to the nations that host them, Zionists think that the Jews must have a nation because every other nation is defined independently of its Jewish minorities. Arendt rebukes them both: “these are both the same shortcoming, and both arise out of a shared Jewish *fear of admitting that there are and always have been divergent interests between Jews and segments of the people with whom they live*” (JW, 51). For Arendt, the persistence of “divergent interests” does not constitute grounds for either absorption or separation. Both Zionists and assimilationists “retain the charge of foreignness” leveled against the Jews: the assimilationists point to this foreign status and seek to rectify it through gaining entrance into the host nation as full citizens, whereas the Zionists assume that there can be no permanent foreign host for the Jewish people, that anti-Semitism will visit them in any such arrangement, and that only the establishment of a specifically Jewish nation could provide protection and place. Both positions subscribe to a certain logic of the nation that Arendt starts to take apart, first in the 1930s in her investigations into anti-Semitism and the history of the Jews in Europe and then throughout the forties in her published writings in *Aufbau*, the German Jewish

newspaper, on Palestine and Israel, and in her trenchant critique of the nation-state and the production of stateless persons in *The Origins of Totalitarianism* in the early fifties.

Obviously, it would be an error to read her response to Scholem as an espousal of assimilationism. She was a secular Jew, but that secularity did not eclipse the Jewishness; secularism functioned, rather, as a way of historically specifying that Jewishness and even resisting assimilation. The Jewish form of secularism to which she subscribed is accordingly specific; in her own words, she lived in the wake of a certain lost faith (although in 1935 she praised Martin Buber for renewing Judaism's religious values). Her experience of German fascism, her own forced emigration to France in the thirties, her escape from the internment camp at Gurs and subsequent emigration to the U.S. in 1941 formed a historically specific perspective on refugees, the stateless, and the transfer and displacement of large numbers of peoples, a position that made her critical of nationalism and its pathos and gave rise to a set of vexed reflections on the status of the nation-state.

That she was not a nationalist does not mean that she was not a Jew: on the contrary, hers was a specific critique of nationalism that emerged, in part, from the historical situation of exile and displacement. For her, this was not exclusively a "Jewish" problem, but we can see that this conclusion emerges from the ability—even the political obligation—to analyze and oppose deportations, population transfers, and statelessness—in ways that refuse a nationalist ethos. On this basis, then, one can make sense of her critique of certain forms of both Zionism *and* assimilationism. With these considerations on the historical parameters of her Jewishness in mind, let me return to the apparent nominalism of her final remark to Scholem, that she neither "loves" the Jews nor "believes" in them, but merely "belongs" to them "as a matter of course and beyond dispute or argument." In this sentence, both "love" and "belief" are housed in quotation marks, but I wonder whether it is not also the generality, "the Jews," to which she objects. After all, she has said she can love no people, only persons (though she once wrote of "the love of the world" as both possible and obligatory). What is wrong with the notion of loving a people? In the late 1930s, Arendt argued that the efforts to "emancipate" the Jews in nineteenth-century Europe were invested less in the fate of "the Jews" than in a certain principle of progress, one requiring that the Jews be thought of as an abstraction: "liberation was to be extended not to Jews one might know or not know, not to the humble peddler or to the lender of large sums of money, but to 'the Jew in general'" (JW, 62).

Just as there were Jews considered to be exceptional, such as Moses Mendelsohn, who came to stand for “the Jews in general,” so the “Jew” came to stand for the progress of human rights. The abstract Jew required that a distinction be drawn and secured between the exceptional and ordinary Jew. This distinction, in turn, formed the basis of an anti-Semitism that would consistently cast the ordinary Jew as noxious. We might see here a certain formulation in which a progressive enlightenment opposition to anti-Semitism severed the principle from the persons, providing a certain schizoid formation of the anti-Semitic opposition to anti-Semitism. Arendt argued that “the classic form in which the Jewish question was posed in the Enlightenment provides classic anti-Semitism its theoretical basis” (JW, 64).

When Arendt refuses to love “the Jewish people,” she is refusing to form an attachment to an abstraction that has served questionable purposes. Generated by a historical logic that insistently separates the abstract principle, “the Jewish people,” from the living plurality of beings it claims to represent, this version of the Jewish people can only reinforce both anti-Semitism and its wrong-minded opponents. Presumably “the Jewish people” includes those who are lovable and those who are not, most of whom are not known well enough to decide the matter of their lovability. In any case, the idea that *love* could be sustained for an abstraction called “the Jewish people” presumes a logic that, for Arendt, belongs to the history of anti-Semitism, which is reason enough to refuse the formulation. It is this principle of abstraction that she refuses in refusing Scholem’s language, as well as his nationalism. Scholem’s rebuke is especially problematic here since he is writing from Israel in 1963 and objecting to Arendt’s quite merciless account of the Israeli court procedures at the Eichmann trial. So he is not only accusing her of *not* loving the Jewish people, but presuming as well that Israel and its courts—and perhaps also its strategies of demonization—legitimately “represent” those people. Effectively, he is excluding the diasporic or non-Zionist Jew—a rather large population that happens to include Arendt herself—from “the Jewish people” in whose name he writes.

Arendt herself is no less complicated. Although she claims in 1963 that being Jewish is simply something given and indisputable, she has earlier opposed those who “loftily declare themselves above ties to nations.” So is Jewishness a fact of existence or a national mode of belonging? She argued as well that if one is attacked as a Jew, one must fight back as a Jew (though she rejected the Sartrean formulation that held that anti-Semitism has produced the Jew). As a result, even if to be a Jew is a matter of *physei*, it does not sanction assimilation or individualism. But can it imply national belonging? Indeed, she describes the Jews as a nation throughout

her writings in the 1930s and '40s. For Arendt, the key was to think this mode of belonging in a way that refuses nationalism and escapes the bad dialectical logic that spawns abstract idealization, on the one hand, and particularist denigration, on the other, both of which support classical formulations of anti-Semitism. Could Arendt be speaking for the Jews as a nation even when she opposes certain forms of Zionism and nationalism and, eventually, even when she opposes the idea of a Jewish nation-state?

As for Jewish nationalism founded on secular presumptions, she is clearly opposed. This doesn't mean she wants a polity based on religious grounds either. Any polity considered to be just will have to extend equality to all citizens and to all nationalities: that is in many ways the lesson she learns from opposing German fascism and tracing the recurrent patterns of statelessness in the twentieth century. She worries openly about the devolution of Judaism from a set of religious beliefs into a national political identity. She writes, "those Jews who no longer believe in their God in a traditional way but continue to think of themselves as 'chosen' in some fashion or other, can mean by it nothing other than that by nature they are wiser or more rebellious or more salt of the earth. And that would be, twist and turn it as you like, nothing other than a version of racist superstition" (JW, 162). She claims at one point that "our national misery" followed from the "collapse of the Shabbetai Tzevi movement. Ever since then we have proclaimed our existence *per se*—without any national or usually any religious content—as a thing of value" (JW, 137).²² Although she clearly understands the struggle to survive as indispensable to the twentieth-century fate of the Jews, she finds unacceptable the notion that "survival itself" has trumped ideals of justice, equality, or freedom. A politics committed to these latter norms undercuts those national ties whose realization depends upon and exceeds the matter of survival.

If Arendt opposes assimilation and individualism alike, and voices skepticism toward those who understand themselves to be aloof from all notions of nation, how are we to understand, in her terms, in what sense the Jews are a nation and whether they can be a nation without nationalism and without a nation-state? In the late thirties and early forties Arendt thought that the Jews might become a nation among nations, part of a federated Europe; she imagined that all the European nations who were struggling against fascism could ally with one another and that the Jews might have their own army that would struggle against fascism in alliance with other European armies. She argued then for a nation *without territory* (typical of early cultural Zionist views) that only makes sense in a

federated form, a nation that would be defined by its constitutive plurality. This position would lead her to prefer the proposal of a federated Jewish-Arab state in the place of Israel as a state grounded in Jewish sovereignty. In her view of 1943, “Palestine can be saved as the national homeland of Jews only if it is integrated into a federation” (JW, 195).

In the struggle against German fascism, however, she thought that equality was to be found among the nations struggling for freedom and against fascism. Although this is a secular political solution, she states the rationale for such a political organization through recourse to a religious parable within Judaism. “As Jews,” she writes, “we want to fight for the freedom of the Jewish people because “‘if I am not for me—who is for me?’ As Europeans we want to fight for the freedom of Europe, because ‘If I am only for me—who am I?’” (JW, 142). This last question is, as I mentioned earlier, the famous question of Hillel, the Jewish commentator from the first century A.D. Interestingly, she does not use that citation when she writes to Scholem, but is it perhaps there, haunting the response? In countering Scholem, she refuses to offer a religious formulation of her own identity. But here and elsewhere, for instance in her discussion of forgiveness in *The Human Condition*, she draws upon the Jewish religious tradition to formulate political principles that organize the secular field of politics (this is something other than grounding a secular politics on religious principles). We can perhaps discern the ethical disposition that she finds in Hillel in the words she does use: *this “love of the Jews” would appear to me, since I am myself Jewish, as something rather suspect. I cannot love myself or anything which I know is part and parcel of my own person.* And then again, in “and now this people believes only in itself? What good can come out of that?” She cannot be only for herself, for then who would she be? But if she is not for herself, who will be? However important survival may be, it is not the end of an ethical life. One must be for something other than one’s own persistence, even though, we may assume, one cannot continue to be for anything (and so live ethically) without also persisting. And as a constitutive feature of that persistence, that which she cannot, or will not, deny, is her Jewishness. Hence, we might argue, as Jewish, she must be for something that is not the same as herself.

Arendt’s way of negotiating this site of belonging and obligation to others does not escape a paradoxical formulation. Her response to Scholem does not exactly establish her status as an assimilated Jew, but rather as one whose critical task is to oppose the abstraction of the Jewish people that has supported assimilationism, Zionist nationalism, and anti-Semitism alike. Moreover, she seeks recourse to a

sense of belonging to the world of the non-Jew, a belonging that is neither radical identification nor radical differentiation and so at once preserves Jewish difference and resists Jewish identitarianism. The preferred non-Jew she has in mind is, of course, the European, and though she will later make some efforts to think about what “belonging” might mean for Jews and Arabs who inhabit the same land, her views throughout this period are emphatically Eurocentric. “We enter this war as a European people” she insisted in the late 1930s. But this is, of course, to skew the history of Judaism, to marginalize the Sephardim, the Jews from Spain and North Africa, and to write out, once again, Mizrachim, the Jews from Arab countries, or Arab Jews, those who receive brief mention as “Oriental Jews” in *Eichmann in Jerusalem*.²³ Indeed, this presumption about the cultural superiority of Europe pervades much of her later writings and becomes most clear in her intemperate criticisms of Fanon, her debunking of the teaching of Swahili at Berkeley, and her dismissal of the black power movement in the 1960s.²⁴ But perhaps the most dramatic example of her European arrogance is found in a letter she wrote to Karl Jaspers in 1961 during the Eichmann trial; she developed a racist typology of what she saw:

My first impression. On top, the judges, the best of German Jewry. Below them, the persecuting attorneys, Galicians, but still Europeans. Everything is organized by a police force that gives me the creeps, speaks only Hebrew and looks Arabic. Some downright brutal types among them. They would follow any order. And outside, the oriental mob, as if one were in Istanbul or some other half-Asiatic country. In addition, and very visible in Jerusalem, the peies and caftan Jews, who make life impossible for all the reasonable people here.²⁵

Clearly, the “reasonable people” are neither religious nor Arab, and her reference to “the oriental mob” makes clear that some part of her objection to Israel has to do with the offensive thought that European Jews would be situated in the Middle East, intermixed with Arab and Sephardic Jews. Arendt’s sense of Jewishness was pervasively European, and though she argued that she could only love persons, not “people” of any kind, it would be interesting to know whether she could nevertheless hate “people”—collectivizing them as she did into “oriental mobs” and the like.²⁶ If European Jews had a purchase on “reasonableness” and those from Arab cultures would “follow any order,” then she unwittingly draws a parallel between Eichmann, whom she also accuses of following any order, and

the non-European Jews she encounters at a distance at the Jerusalem trial. Both are outside the presumptive culture of reason, and yet Eichmann is very clearly both German and European.

This possibly unconscious linking of the Arab Jew with Eichmann reveals a serious fault line in Arendt's thinking. There is a certain kind of Jew she does not like (Arab) and a certain kind of German she does not like (Nazi). If both fall outside the domain of reason and would follow any order out of blind obedience, then neither are properly thinking. Proper thinking appears to belong to that subset of Jew and European who is German Jewish, although probably not exclusively. Arendt's pervasive Eurocentrism (one that could, following Toqueville, make room for the exemplary character of the American Revolution) can be seen as a continuation of a German Jewish connection articulated most dramatically by Hermann Cohen. His essay, "Deutschtum and Judentum," published in 1915, made the case that Jews did not really need a homeland, since they belonged essentially to the definition of Europe.²⁷ Cohen's argument was directed against early versions of Zionism (the First Zionist Congress took place in Basel in 1897). But it also affirmed a faith he had in Europe as the proper, even the safest, place for Jews. Of course, Cohen's article has become increasingly painful to read over time, since he believed that Germany would protect Jews against anti-Semitism. His essay maintains a tenacious belief that Jewishness and Germanness are interlinked, and that it is not possible to think the one mode of belonging without the other. Obviously, Cohen denied the historical evidence for German anti-Semitism available at the time. But, for him, Europe was not the name for all the sociological phenomena that existed within its territories, but for an ideal, mainly Kantian, that he associated with German ethical philosophy. In fact, his ethical philosophy, associated with the Marburg school of neo-Kantianism, tried to reconcile certain notions of social justice, derived from Jewish theological resources, with principles of universality derived from Kant. Cohen argued explicitly for a marriage of German humanism and Jewish messianism, a coupling that he understood to yield "a religion of reason." Although he saw Germany close its doors to eastern European Jews during the First World War, and publicly opposed it, he continued to pledge allegiance to a culture that showed increasing signs that it would not only fail to protect the Jews but endanger them fundamentally. Cohen died in 1918, so what he actually witnessed was rising anti-Semitism in public discourse and increasingly strict immigration quotas. But it remains painful to consider the pledge he made and thought others should make as well.

Of course, it seems like Zionism wins the day, if we consider Cohen's tragic embrace of Germany as fatherland as the only alternative. Although that is not the path Arendt finally takes, these two thinkers remain cognate. They both maintain a faith in Europe, indeed a strange sort of Eurocentrism, and an identification of what is best in German culture with Kant's philosophy. In this context, it is interesting to note that during Hitler's regime, when Arendt was contributing war journalism in Germany and France (where she lived briefly before leaving for New York City and the New School in 1940), she argued in favor of a Jewish army. She called for a Jewish army that would join the fight against National Socialism, and she imagined that it would work in concert with other European armies—as part of a federated collective. Conceived as a nation, the Jews would fight alongside the noncollaborationist French, Dutch, and the antifascist Italians. On the one hand, it was remarkable that Arendt understood the Jewish people as a nation and, especially, a European nation. And on the other hand, it is interesting to note that even here, or perhaps beginning here, she is trying to elaborate a notion of international resistance and cooperation that was neither Marxist nor based on classically liberal notions of individualism.

One can clearly see how both Arendt and Cohen seek to restrict the idea of Jewishness to what is European, which becomes a way of denying the existence and importance of non-European Jewish traditions. But, most important, both look to Kant as a way of securing the European intellectual connection for a “reasonable” Jewish culture. This will turn out to be important in Arendt's *Eichmann in Jerusalem* when she objects to Eichmann allying himself with Kant's moral philosophy, a topic we will consider in the following chapter.

Scholem's difficulties with Arendt seem to have nothing to do, however, with her racist views about Jewish demographics in Israel. He is implicitly raising the question of whether her apparent lack of love for the Jewish people could account for her criticisms of the founding of Israel and her refusal to back its claims of Jewish sovereignty in the period 1944–48. The efforts to place her on “the left” may seem understandable in this regard, but whatever resonance there may be with the left is surely only a partial one. We would misunderstand the line she seeks to walk if we accepted that placement too easily. For instance, in the criticism of the nation-state that she supplied in *The Origins of Totalitarianism*, she is clear that the modern nation-state is bound up, by a kind of necessity, with the production of massive numbers of refugees or stateless persons. On the other hand, she is quick to criticize as useless and impotent those existing forms of international alliance that

seek to secure human rights for the stateless. She offers a long catalogue of failed international efforts to articulate, secure, and enforce human rights outside the framework of the nation-state (OT, 267–302). This has led many readers of Arendt to conclude that the nation-state is inevitable and that, if we care about rights, we will seek to establish, build, and protect nation-states that will articulate and secure the basic human rights of all their inhabitants.

Such views, however, fail to take seriously her proposals regarding federated polities, ones that she developed in relation to Europe and Palestine. Accordingly, one can see a highly ambivalent relationship to Zionism as a result. In the 1930s she maintains a significant paradox within her political thinking: she asserts that *national belonging* is an important value and she maintains that *nationalism* is a noxious and fatal political formation. In the early forties she supported the Jewish emigration from Europe to Palestine, but only on the condition that Jews also fought for recognition as a “nation” within Europe. In 1935 she praised Martin Buber and the socialist project of the kibbutzim, and another year later she warned against thinking that the Jewish occupation of Palestine could ever work as a permanent protection against anti-Semitism. In the early 1940s she wrote several editorials in which she asked that the idea of *nation* be separated from that of *territory*. It was on the basis of this view that she defended the proposal for a Jewish army and leveled a strong criticism of the British government’s “equivocal” relation to the Jews, as evidenced by the famous White Paper of 1939 that limited the number of Jewish refugees permitted into Palestine.²⁸ In the late 1930s, though, she also wrote that “the bankruptcy of the Zionist movement caused by the reality of Palestine is at the same time the bankruptcy of autonomous, isolated Jewish politics” (JW, 59). In 1943 she worried that the proposal for a binational state in Palestine could only be maintained by enhancing the reliance of Palestine on Britain and other major powers, including the United States. She sometimes actively worried as well that binationalism could only work to the advantage of the Arab population and to the disadvantage of the Jews. In 1944, in “Zionism Reconsidered,” she argued forcefully that the risks of founding a state on principles of Jewish sovereignty could only augment the problem of statelessness that had become increasingly acute in the wake of the First and Second World Wars (JW, 343–74). By the early 1950s Arendt openly argued that Israel was founded through colonial occupation and with the assistance of superpowers and on the basis of citizenship requirements that were pervasively antidemocratic. If, in the 1930s, she worried about the Jews becoming increasingly stateless, in the late 1940s and early ’50s she was

attuned to the displacement of Palestinians and developed a more comprehensive account of statelessness.

In “Zionism Reconsidered” Arendt offers an interesting historical account of the inception of Zionism and its changes in the mid-twentieth century. There she remarks that it is absurd that a Jewish state should be erected in what she calls a “sphere of interest” of the superpowers. Such a state suffers under the “delusion of nationhood,” and, she concludes, “only folly could dictate a policy which trusts a distant imperial power for protection, while alienating the good will of its neighbors” (JW, 372). On the one hand, she is clearly anxious to find ways for Israel/Palestine to survive and actively worries that the foundations for the polity can only lead to ruin. She writes, “if a Jewish commonwealth is obtained in the near future” (with the assistance of American Jews) and “proclaimed against the will of the Arabs and without the support of the Mediterranean peoples, not only financial help but political support will be necessary for a long time to come. And that may turn out to be very troublesome for Jews in this country, who after all have no power to direct the political destinies of the Near East” (JW, 373).

What Arendt objects to in the nation-state is nationalism and its consequence: the forced exile of those nationalities that are not recognized as the one nation expressed by the state. Given that modern states house increasing numbers of nationalities, the conceit of the nation-state can only be a dangerous one, since it seeks to align nation with state through the expulsion of those nationalities that do not conform to the idea of the nation that sanctions the state. In “The Decline of the Rights of Man and the End of the Nation-State” (1951), Arendt argues that the power of totalitarian denationalization could not be countered by a doctrine of human rights and that that doctrine finally functions as a weak instrument. As in her early writings, she finds most of these international accords to be useless. If there is to be a safeguard for rights, it will have to be found within the context of a polity. This polity would have to be something other than the nation-state. If the nation-state is built upon national assumptions that require the expulsion of national minorities, then it produces the acute vulnerability of stateless persons—understood as disenfranchised minorities—to exploitation and violence. Indeed, Arendt gives as the reason for the rise of European fascism the massive increase in stateless peoples after World War I. Nationalism overwhelms the rule of law, and minority populations become subject to denationalization, expulsion, and extermination.²⁹ The rule of law, understood as something that should apply to all people equally, became less important than the will of the nation; at the same time, the

nation, defined racially and ethnically, began to treat the stateless as a population to be managed and controlled. The state thus took on a function unregulated by the rule of law, and, in Arendt's terms, "denationalization became a powerful weapon of totalitarian politics" (OT, 269).

We might say that this is one of the rhetorical aims of denationalization, to show that depriving groups of their citizenship produces a picture of those deprived as essentially inhuman, and this picture of their inhumanness, their status as scum, conversely serves to justify the policy of denationalization. A stateless person is an "outlaw" by definition and so is not "deserving" of legal protection (OT, 283). Arendt is clear that statelessness was not an exclusively Jewish problem, and those who saw it this way failed to understand that the twentieth-century reduction of "German Jews to a nonrecognized minority in Germany," the subsequent expulsions of the Jews as "stateless people across the borders," and then the "gathering of them back from everywhere in order to ship them to extermination camps was an eloquent demonstration to the rest of the world how really to 'liquidate' all problems concerning minorities and the stateless" (OT, 290). Thus, she continues, bravely, I might add:

After the war it turned out that the Jewish question, which was considered the only insoluble one, was indeed solved—namely by means of a colonized and then conquered territory—but this solved neither the problems of the minorities nor the stateless. On the contrary, like virtually all other events of our century, the solution of the Jewish question merely produced a new category of refugees, the Arabs, thereby increasing the number of stateless and rightless by another 700,000 to 800,000 people. And what happened in Palestine within the smallest territory and in terms of hundreds of thousands was then repeated in India on a large scale involving millions of people.

(OT, 290)

Although at the time of the Naqba Arendt could not have known that the number of displaced Palestinians possibly exceeded 900,000 and that the population of displaced persons would increase to 3.5 million, she was clear that such expulsions were bound to happen when states were based on principles of national belonging. Thus Arendt controversially insisted that one has to think about this problem of refugees and the stateless as a repeated problem attached to states that are formed on the model of the nation-state. One might well ask what states are like that are

not the same as nation-states, whether nation-states can exist without producing the horrendous consequence of massive numbers of stateless minorities, whether the problem is structural or historical, or both.³⁰ After she conducts her searing critique of the nation-state, we are left with no sign of what the state or a polity might be that would be disjoined from the nation and what a nation might be that would be separated off from territory. And yet she offers us a few comments on “federations” that suggest she thought something might come of them. In 1944 Arendt presciently warned that “even a Jewish majority in Palestine—nay, even a transfer of all Palestine Arabs—would not substantially change a situation in which Jews must either ask for protection from an outside power against their neighbors or come to a working agreement with their neighbors.” The alternative, she writes, is that “Jewish interests will clash with those of all other Mediterranean peoples; so that, instead of one ‘tragic conflict’ we shall face tomorrow as many insoluble conflicts as there are Mediterranean nations” (JW, 345).

In 1943 Arendt wrote against the proposal for a binational state then defended by Judah Magnes and Martin Buber. She thought then that their use of the term *federation* named the nation-state in a different way. She wrote: “The use of the term ‘federation’ kills its new and creative meaning in the germ; it kills the idea that a federation is—in contrast to a nation—made up of different peoples with equal rights” (JW, 336). If she worried in ’43 that the Jews would be outnumbered and unprotected by their Arab coinhabitants, she revises this view only a year later in “Zionism Reconsidered.” There she offers an extended criticism of the forms of nationalism upon which Zionism draws and which it fortifies and extends. After acknowledging that Jews have little reason to be happy about the decline of the nation-state or of nationalism, she makes the following prediction: “The resurgent problem of how to organize politically will be solved by adopting either the forms of empire or the form of federations.” She continues: “only the latter [federations] would give the Jewish people, together with other small peoples, a reasonably fair chance for survival. The former may not be possible without arousing imperialist passions as a substitute for outdated nationalism, once the motor to set men into action. Heaven help us if that comes to pass” (JW, 371). In 1948, after the UN sanctioning of the State of Israel, Arendt predicts, “even if the Jews were to win the war, its end would find the . . . achievements of Zionism destroyed. . . . The ‘victorious’ Jews would live surrounded by an entirely hostile Arab population, secluded inside ever-threatened borders, absorbed with physical self-defense to a degree that would submerge all other interests and activities” (JW, 396). And, during this same year, she returns to Magnes’s position, remarking that partition cannot

work, that the best solution is a “federated state.” This trusteeship, she wrote, would be composed of “small local units composed of Jews and Arabs under the command of higher officers from countries that are members of the United Nations and could become an important school for future cooperative self-government” (JW, 400). Such a federation, in her view, “would have the advantage of preventing the establishment of sovereignty whose only sovereign right would be to commit suicide” (JW, 399).

The idea of federation is clearly an alternative to established ideas about sovereignty in relation to the nation-state. That latter concept relies upon a serious error when it yokes two concepts together: *the state*, which is supposed to preserve a rule of law that would protect anyone and everyone regardless of nationality, and *the nation*, understood as a mode of belonging that is based on nationality and so makes exclusions on the basis of those who belong and those who do not. For this reason, she opposed the idea that nation-states should have sovereignty, and she opposed as well those versions of federated power that would give each member nation its own sovereign power. The point was not to distribute sovereignty to multiple nations, but to undo sovereignty through a conception of a federated plurality in which law and policy would be made in common. Sovereignty was not to be distributed among smaller “nations” but dispersed into a plurality that would be irreducible to multiple nationalities. Such a federation undoes the notion of sovereignty as unified and ultimate power and requires a deindividualization of the nation, so that it becomes quite literally impossible to conceive of a nation or its actions outside the context of plural and concerted action. National interests are not the same, she claims, as *common* interests. A federation might constitute a plurality of nations, but no nation could have sovereignty within the context of that polity. In 1951 a nation is, for her, a sphere of belonging, but certainly not the legitimate basis of the state. As a result, Jews can be imagined as a “nation” within a federation (in Europe or in the Middle East), but they would be committed to a form of political life that would demand power sharing, concerted action, the dissolution of sovereignty into plural power, and a commitment to equality across national ties. In this way, Arendt could conceive of the Jews as a nation only as long as that national status did not give them sovereign power to decide with whom to govern the state, that is, a nation without a nation-state, a nation that could constitute a sphere of belonging within a polity structured as a federated plurality.

By the time she wrote *The Origins of Totalitarianism* in 1951, Arendt was still hammering away at the problem of statelessness, though both the European and the Palestinian version of the federation fell from her vocabulary. In its place emerges an

assertion of “common interest,” one that she formulates over and against a human rights framework that remains committed to an individualist ontology. She reviews a litany of failures that marked the history of international accords and human rights declarations, yet it seems clear that she is not altogether done with the Declaration of the Rights of Man. After all, such declarations were evidence of collective deliberations of humans, in the plural, who allocate to themselves these rights and so declare them, announce them, and, through the power of that declaration, institute them as human accomplishments. The idea was that to declare the rights of man was to establish some protection against despotic political regimes. Those declarations cannot be exercised effectively outside the context of a polity grounded in common interests, but are they, then, altogether useless? In the second part of “The Decline of the Nation-State and the Rights of Man,” Arendt outlines what she takes to be essential preconditions for the exercise of any rights at all. And these preconditions include *place* and *political belonging*. She writes, “the fundamental deprivation of human rights is manifested first and above all in the deprivation of a place in the world which makes opinions significant and actions effective” (OT, 296). It would follow that in and through this writing Arendt is seeking to rectify the *ineffective* rhetoric of human rights by laying out the conditions under which political rhetoric can become and remain effective. She is not only presenting the conditions for the exercise of effective discourse, but wielding discourse effectively—or at least trying to. And though she never says how her own rhetoric is linked to the critique of human rights discourse she offers, she effectively displaces that discourse with her own.

What this means for Arendt’s notion of the social meaning of the human is significant. After all, she is suggesting that our efficacy and the true exercise of our freedom does not follow from our individual personhood, but rather from social conditions such as place and political belonging. This is not a matter of finding the human dignity within each person, but of understanding the human as a social being, as one who requires place and community in order to be free, to exercise freedom of thought as opinion, to exercise political action that is efficacious. It also means understanding that the human becomes politically destitute when these conditions are not met. She certainly sounds like a partisan of a doctrine of human rights grounded in an emphatically social ontology (as well as a critic of the nation-state) when she writes, “the right to have rights, or the right of every individual to belong to humanity, should be guaranteed by humanity itself” (OT, 298). And yet, the question remains: by what means would humanity guarantee

such rights? She gives us no answer, though she does seek to supply the norm with which any answer would have to comply.

For Arendt, freedom is not an attribute of individuals, but an exercise and concerted action that is performed by a “we” and which, in the exercise and performance, institutes that “we” as the social condition of rights themselves. Thus, she writes, “our political life rests on the assumption that we can *produce* equality through organization, because man can *act in* and *change* and *build* a common world, together with his equals and *only* with his equals” (OT, 301). We would be making a mistake if we were to imagine a group of individuals amassing together as a collection of individual actors. None of those individuals are human unless and until concerted and collective action becomes possible. Indeed, to be human is a function, a feature of acting on terms of equality with other humans. One can hear the echoes of Heidegger’s *mitsein*, but also some faint resonance of a leftist collectivity that Scholem suspected in his caricature of her politics. If to be human is to be in a relation of equality with others, then no one can become human outside of relations of equality. Does Arendt not ask us to consider that “human being” is a function or effect of this egalitarianism? Indeed, if there is no equality, no one is human. If equality decides the human, than no human can be human alone, but only with others, and only under conditions that sustain a social plurality in equality.³¹

It is doubtless important to note that the idea of “belonging” that informs her writing on “the nation” in the thirties and forties seems to slip away by the time the Eichmann trial arrives and plays out on the public stage. The idea of plurality seems to replace the idea of a nation that belongs to no territory and no state and in its commitment to equality resists absorption into nationalism. The irreducible complexity of the Jews as a people makes it difficult to speak for very long about a “nation,” and Arendt turns her attention to forms of living in contestation and difference. If a notion of belonging still worked for her in the forties and early fifties, it seems already to have been displaced by a more antisolidaristic notion of political organization in *On Revolution* (1962), where she praises the “communal council system” in the French Revolution, understood as a spontaneously organized embrace of the federal principle. Similarly, Madison’s federalism, which retained but subordinated the power of constituent states, drew a legitimating power from the states, but undid their sovereignty through federated authority. In Arendt’s view, “the federal system was the sole alternative to the nation-state principle” in the American Revolution.³²

It is difficult to imagine the hopes that Arendt invested in federated power. It was a way to institutionalize an equality that not only undercut national sovereignty, but eventually led her to leave the idea of the “nation” behind. Equality underwrites not only the social ontology of the human, for Arendt, but the political possibility of a postnational federation or a new and more efficacious human rights framework. If the polity that would guarantee rights is not the nation-state, then it would either be a federation in which sovereignty is undone through a distribution of its power or a human rights framework that would be binding on those who collectively produced its terms. The federation is what she imagined, perhaps naively, for the Jews in Europe in the late 1930s—which is why a Jewish army could represent the “nation” of Jews without having either state or territory as the presupposition of nationhood. It was also what she came to imagine in 1948 for Jews and for Palestinians, in spite of the founding of the State of Israel on nationalist premises and claims of Jewish sovereignty. She might be faulted for her naïveté in both instances, but then we would have to account as well for the prescience of her predictions, dire as they were: the recurrence of statelessness and the persistence of violence. If she had no love for the Jewish people, as Scholem claimed, then perhaps it was because, as a Jewish refugee, she took seriously the history of displacement and exile, and it became the basis of her critical commitment to the difficult task of securing rights for the stateless without resurrecting the nation-state and its ritual expulsions. She writes as a Jew concerned with the claims of refuge, and, precisely because she is concerned with those claims, her analysis cannot be restricted to the Jew (“if I am not for myself, who will be? If I am only for myself, what am I?”). Rights and justice cannot be restricted to the Jew or to any particular religious or cultural mode of belonging—and this very argument is made on the basis of Jewish thought.

Her critique of German fascism and nationalism led her to a politics centered not on a Jewish homeland but on the rights of the stateless. If this is Jewish, it is diasporic, and though she does not articulate this position in relation to Scholem, perhaps we can nevertheless see it at work in what she wrote. If she argues for home and for belonging, it is not to build a polity on those established ties of fealty, since a polity, to be legitimate, would have to be based on equality. This last is the only safeguard she can see against recurrent statelessness and its sufferings. Although belonging is a requirement of human life, it can never serve as a legitimate basis for a polity. From this vexed paradox, Arendt develops a critical practice that enters and departs from the category of the “Jewish people” as she articulates the discordant

and convergent demands of belonging and universality. If she is a Jewish thinker who comes to oppose the disposessions that afflict any and every minority, then this is a different kind of Jewish pursuit of justice—different from the one that would of necessity find its representation in the Israeli courts. It would be a position that does not universalize the Jew, but makes use of the historical conditions of displacement to oppose the sufferings of statelessness in every circumstance.

Arendt offers a significantly different set of theoretical resources than those who begin their analysis of contemporary politics through recourse to the idea of sovereignty. Instead, Arendt takes statelessness as her point of departure, a condition that is not always formally or actually linked to the problem of sovereignty. Indeed, her federated vision for Palestine sought to overcome statelessness through a deconstitution of sovereign power. Although those proposals formulated in 1946–47 predated her work on the rights of the stateless in *The Origins of Totalitarianism*, she had already grasped that the repeated and devastating expulsion of populations from the nation-state produces a crisis that requires the rethinking of nationalism and the nation-state. Her insight implied as well that the refugees from Nazi Germany were part of a larger set of historical expulsions that needed to be understood in their specificity and structural similarity. By insisting that statelessness is the recurrent political disaster of the twentieth century (which now takes on new forms in the twenty-first that she could not have predicted), Arendt refuses to give a metaphysical cast to “bare life.” Those who have been dispossessed of rights are actively dispossessed: they are not jettisoned from the polis into an apolitical realm (that is to let the classical idea of the polis decide all political relations). The rightless and stateless are maintained in conditions of political destitution, especially by forms of military power. And, even when their lives are destroyed, those deaths remain political. Indeed, Arendt writes quite clearly in *The Origins of Totalitarianism* that the ostensible “state of nature” to which displaced and stateless people are reduced is not natural or metaphysical at all, but the name for a specifically political form of destitution.

6. Quandaries of the Plural

Cohabitation and Sovereignty in Arendt

I PROPOSE CONSIDERING the emergence of this notion of cohabitation in the Eichmann trial (although I do not contend that this is the first instance), since, in at least one moment in that text, Arendt voices an accusation against him, namely, that he and his superiors thought they could choose with whom to cohabit the earth. It is a controversial line since the voice in which she levels the accusation is and is not her own, but the implicit and firm conviction voiced here that none of us should be in the position of making such a choice, that with whom we cohabit the world is something that is given to us, prior to choice—and even prior to any social or political contract. As I hope to have clarified in the last chapter, for Eichmann the effort to choose with whom to cohabit the world was an effort to annihilate some part of that population and so the exercise of freedom upon which he insisted was genocide. If Arendt is right, then it is not only that we may not choose with whom to cohabit, but that we must actively preserve the unchosen character of inclusive and plural cohabitation: we not only live with those we never chose and to whom we may feel no social sense of belonging, but we are also obligated to preserve their lives and the plurality of which they form a part. In this sense, concrete political norms and ethical prescriptions emerge from the unchosen character of these modes of cohabitation.

I will return to this important concept later, but one can see already that, in opposition to the idea of the Jews as a “chosen” people who are supposed to bring enlightened values to the rest of the world, Arendt throws in her lot with the unchosen, arguing that this unchosenness is the basis of our cohabitation on earth. Her notion of cohabitation in some ways follows from a consideration of an exilic condition, and, more specifically, the exilic condition of Jewishness. Her refugee status was, oddly, used against her when Zionists did not like the reports she issued

from Jerusalem on the nation-building tactics of the trial. Indeed, she was, of course, accused of misunderstanding the importance of the Eichmann trial because she was a German Jew who had left Europe for New York, sacrificing membership in the Israeli state that would have ratified her position as a member of the community. As someone in the *galut* who had refused the ideal of the homeland for herself, she had no “right” to judge what happened in the Israeli courts. And yet, what if her diasporic condition was fundamental to the development of her politics and what she proposed was, in fact, a diasporic set of norms as the basis of a binational state in Israel? Such a proposal confounds the conventional understanding of “homeland” and “diaspora,” but this was, I think, precisely her point: it is not possible to have a homeland exclusively for the Jews on land with Palestinian inhabitants, and it is not just to do so, especially considering the expulsion of hundreds of thousands of Palestinians from their lands in 1948.

Arendt’s insistence on this point is consistent with her ongoing political concern with statelessness, which formed one of the most important bases for her critique of the nation-state. She was mindful not only that European Jews, whether annihilated in the Second World War or managing to survive, were rendered stateless under the Nazi regime and after the war, but that this situation had started earlier in the twentieth century and constituted a veritable ritual of expulsion performed time and again by the nation-state. As I hope to have made clear, Arendt thought the claims of the stateless should prevail in exposing the nonviability of the nation-state and should compel political formation on the model of federalism, and similar political forms, that would enfranchise the invariable plurality of the population. This was another instance in which plurality and cohabitation form the dominant norm in her understanding of how the state might be formed in ways that would reverse statelessness and accommodate the heterogeneity of its populations. And, though it is commonly thought that the end of the Nazi regime and the exposure of its atrocities necessitated the embrace of political Zionism as the only way for Jews to receive the protection they needed and deserved, Arendt thought that the clear mandate from the atrocious historical formation of state violence and genocide that was National Socialism was that no state should be formed on the basis of a single nationality or religion and that the rights of the stateless must remain forever paramount. An alternative slogan, then: statelessness—never again!

So far I have suggested a few ways in which Arendt’s implication in the historical and theological conditions of Jewishness were central to her embrace of binationalism and her critique of political Zionism. At this juncture, I hope to have covered

the following points: (1) a conception of cohabitation that emerges in part from a condition of exile; (2) an affinity with that Benjaminian version of the messianic that offered a distinct alternative to progressive and unfolding historical development (Scholem's ultimate position) by giving priority to the "wandering" and "scattered" character of Jewish life (resonant with Rosenzweig as well) and to the centrality of remembrance; (3) as scattered and diasporic, Jewish life becomes concerned with the ethical relation to the non-Jew and considers cohabitation to be not only a historical exigency, but a fundamental task of Jewish ethics; (4) a relation between Jewish ethics and Kant profoundly influenced by the work of Hermann Cohen and the Marburg school of neo-Kantianism. It was not only the particular relationship between Judaism and German philosophical thought that Cohen affirmed and that Arendt took up in new ways, but the Kantian notion of reflective judgment, which depended on no external authority for its legitimation and was futural in its orientation. The idea of considering the standpoint of others (which Eichmann was accused of not being able to do) was not only implied by some versions of the categorical imperative but also resonated with the ethical demand to negotiate a relationship with alterity, the signature piece of a certain Jewish cosmopolitanism as well. Finally, (5) the historical condition of the refugee, which was Arendt's own condition along with countless other German Jews, established a critical perspective on the nation-state. The structural relation between the nation-state and the reproduction of statelessness led her to oppose any state formation that sought to reduce or refuse the heterogeneity of its population, including the founding of Israel on principles of Jewish sovereignty.

In the following, I propose to address Arendt's consideration of the Eichmann trial, a matter that has been combed over by many scholars of various persuasions.² My aim will be to show how, for Arendt, the very process of thinking commits us in advance to a certain understanding of cohabitation. Eichmann's inability to think, linked with the inability to exercise independent judgment, is crucial to her account of how he could devise and implement genocidal policy. The links are in no sense obvious from the start, and she herself makes matters worse by sometimes overdrawn the line between thinking and action. And, though it is not all that she argues, it is one strain of argumentation she pursues. This chapter will consider this relation between thinking and cohabitation to understand the tensions between Arendt's views on plurality and sovereignty, but also to elaborate on the philosophical and political importance of plurality in her view. Although Arendt opposes sovereign conceptions of nation and state, she seems to reserve a place for sovereignty in her

account of judgment. Hence, the question arises, what would a more thorough and consistent account of plurality imply, especially if one were to contest judging as a radically unconditioned and sovereign exercise of freedom? This last is no small matter, but it has, in my view, direct political implications for reconsidering the life of the body that is not distinct from the life of the mind.

CONTRA EICHMANN: ARENDT'S VOICE
AND THE CHALLENGE OF PLURALITY

Thinking is a difficult topic to pursue in relation to Arendt's work, since the work is surely an example of thinking, even an example of a certain splitting of the self without which thinking is impossible. But the failure to think is precisely the name of the crime that Eichmann commits. We might believe at first that this is a scandalous way to describe his crime, but I hope to show that for Arendt the consequence of nonthinking is genocidal, or certainly can be. Of course, the first reaction to such an apparently naive claim may be that Arendt overestimates the power of thinking or that she holds to a highly normative account of thinking that does not correspond to the various modes of reflection, self-muttering, and silent chatter that go by that name. I hope to consider this problem in what follows, especially in light of her conception of the self and of sociality. For now, I want to underscore, however, the centrality of *Eichmann in Jerusalem*, originally a series that she wrote for the *New Yorker* in 1963,³ for many of the most important philosophical questions that preoccupied her in the subsequent years: what is thinking, what is judgment, and, even, what is action? But even more fundamentally, perhaps, who am I, and who are we?

As I indicated earlier, Arendt agreed with the final verdict of the trial, namely, that Eichmann should be condemned to death, but she quarreled with the reasoning put forward at the trial as well as the spectacle of the trial itself. She thought the trial needed to focus on the acts that he committed, acts that included the making of a genocidal policy. Like Yosel Rogat before her, she did not think the history of anti-Semitism or even the specificity of anti-Semitism in Germany could be tried.⁴ She objected to Eichmann's treatment as a scapegoat; she criticized some of the ways in which Israel used the trial to establish and legitimate its own legal authority and national aspirations. She thought the trial failed to understand the man and his deeds. The man was either made to stand for all of Nazism and for every Nazi, or he was considered the ultimate pathological individual. It seemed not to matter to the prosecutors that these two interpretations were basically in conflict. She thought that the trial necessitated a critique of the idea of collective guilt, but also

a broader reflection on the historically specific challenges of moral responsibility under dictatorship. Indeed, what she faulted Eichmann for was his failure to be critical of positive law, that is, a failure to take distance from the requirements that law and policy imposed upon him; in other words, she faults him for his obedience, his lack of critical distance, or his failure to think. But, more than this, she faults him as well for failing to realize that thinking implicates the subject in a sociality or plurality that cannot be divided or destroyed through genocidal aims. In her view, no thinking being can plot or commit genocide. Of course, they can have such thoughts, formulate and implement genocidal policy, as Eichmann clearly did, but such calculations cannot be called thinking, in her view. How, we might ask, does thinking implicate each thinking “I” as part of a “we” such that to destroy some part of the plurality of human life is to destroy not only one’s self, understood as linked essentially to that plurality, but the very conditions of thinking itself? Questions abound: is thinking to be understood as a psychological process or, indeed, something that can be properly described, or is thinking in Arendt’s sense always an exercise of judgment of some kind and so implicated in a normative practice? If the “I” who thinks is part of a “we,” and if the “I” who thinks is committed to sustaining that “we,” how do we understand the relation between “I” and “we,” and what specific implications does thinking imply for the norms that govern politics and, especially, the critical relation to positive law?

Arendt is not only taking issue with the way the Israeli courts arrived at the decision to sentence Eichmann to death. Her book finds fault with every existing legal code brought to bear upon the scene. And she is critical of Eichmann himself for formulating and obeying a noxious set of laws. So it is at some distance from positive law that she writes, exemplifying something of the prelegal, moral perspective that prefigures her later work on judgment. One rhetorical feature of her book on Eichmann is that she is, time and again, breaking out into quarrel with the man himself. For the most part, she reports on the trial and the man in the third person, but there are moments in which she addresses him directly, not at the trial, but in her text. One such moment occurred when Eichmann claimed that, in implementing the Final Solution, he was acting out of obedience and that he had derived this particular moral precept from his reading of Kant.

We can imagine how doubly scandalous such a moment was for Arendt. It was surely bad enough that he formulated and executed orders for the Final Solution, but to say, as he did, that his whole life was lived according to Kantian precepts, including his obedience to Nazi authority, was too much. He invoked “duty” in an

effort to explain his own version of Kantianism. Arendt writes, “This was outrageous, on the face of it, and also incomprehensible, since Kant’s moral philosophy is so closely bound up with man’s faculty of judgment, which rules out blind obedience” (EJ, 135–36). Eichmann contradicts himself as he explains his Kantian commitments. On the one hand, he clarifies, “I meant by my remark about Kant that the principle of my will must always be such that it can become the principle of general laws” (EJ, 136). And yet he also acknowledges that once he was charged with the task of carrying out the Final Solution he ceased to live by Kantian principles. Arendt relays his self-description: “he no longer ‘was master of his own deeds,’ and . . . he ‘was unable to change anything.’” (EJ, 136). When, in the midst of his muddled explanation, Eichmann reformulates the categorical imperative such that one ought to act in such a way that the *Führer* would approve, or would himself so act, Arendt offers a swift rejoinder, as if she were delivering a direct vocal challenge to him: “Kant, to be sure, had never intended to say anything of the sort; on the contrary, to him every man was a legislator the moment he started to act; by using his ‘practical reason’ man found the principles that could and should be the principles of law” (EJ, 136).

Arendt makes this distinction between practical reason and obedience in *Eichmann in Jerusalem* in 1963 and seven years later she began her influential set of lectures on Kant’s political philosophy at the New School for Social Research in New York City. In a way, we can understand much of Arendt’s later work, including her work on willing, judgment, and responsibility, as an extended debate with Eichmann on the proper reading of Kant, an avid effort to reclaim Kant from the Nazi interpretation and to mobilize the resources of his text precisely against the conceptions of obedience that uncritically supported a criminal legal code and fascist regime. As an aside, it is probably worth pointing out that Arendt’s defense of Kant would have to be contrasted with Lacan’s “Kant avec Sade” where a certain sadism is understood to be wielded by the categorical imperative itself.⁵ And yet, interestingly, Arendt seeks recourse not to the categorical imperative but rather to aesthetic judgment (reflective judgment, in particular) and argues that it is this form that is most useful for the postwar reformulation of politics. At the same time, it would be important to underscore again Arendt’s alliance with Kant as continuing the fidelity of Hermann Cohen to Kant and to the enduring possibility of German Jewish thought.⁶

Eichmann in Jerusalem is populated with many characters and voices, and Arendt herself occupies many positions, not all of them consistent with one another. Her single propositions have been taken out of context in the history of that text’s reception, but if one follows the rhythm of the text, its internal antagonism, then

one sees that Arendt is trying to formulate a position of considerable complexity and ambivalence. For instance, she accepts the legitimacy of the Israeli courts to decide the fate of Eichmann, noting that it is the first time since 70 A.D. in which Jews were actually in a position to judge those who have persecuted them (EJ, 271). And yet she openly wonders whether the victims, who are the plaintiffs as well, can also function fairly as judges. If Nazi atrocities were to be understood as “crimes against humanity,” then it would seem that impartial international tribunals should judge the case.

In the end, Arendt considers that the Jerusalem court failed to come to grips with three main issues: “the problem of impaired justice in the court of the victors; a valid definition of ‘the crime against humanity’; and a clear recognition of the new criminal who commits this crime” (EJ, 274). It is interesting, maybe even odd, that Arendt thinks the court failed to understand the person, the criminal, since she is everywhere reminding us that deeds can be deemed criminal, but not persons (whose characters are not on trial) and not peoples (who, as a collective, cannot be held guilty for the explicit deeds committed by individual persons). She considers whether the legal convention that holds that the doer of the misdeed must have a clear “intention” to conduct the misdeed is relevant to the case of Eichmann. Can it be said that Eichmann had “intentions”? If he had no conception of a misdeed, can he be said to have intentionally committed one? It seems one cannot seek recourse to his intentions or, indeed, to any psychological feature of this person, not only because the intentional fallacy has some continued validity (we cannot trace what his actions mean or do solely to his explicit motivations), but because he appears to belong to a new kind of person who can implement mass death without explicit intentions. In other words, it is now possible that some persons have become, historically, instruments of implementation and that they have lost the capacity for what she calls thinking. In a way, the problem is for her both historical and philosophical: how did it come to be that persons are now formed in a way such that thinking, understood as the normative exercise of judgment, is no longer possible for or by them? She rejects the psychological explanation: he is neither perverted nor sadistic, in her view, but simply acted without judgment, formulating and executing a brutal law that had become normal and normalized. What was his crime, finally, according to Arendt? He failed to think; he failed to judge; indeed, he failed to make use of “practical reason” in the precise sense in which Kant described and prescribed. In effect, Eichmann failed to be Kantian, much as he claimed he was.

In the final section of this highly charged text, there is a curious set of passages in which Arendt addresses Eichmann in the second person and gives voice to a final verdict. The verdict she delivers is one she claims the judges in Jerusalem would have given, had they agreed to make visible or manifest “the justice of what was done in Jerusalem” (EJ, 277). Even the phrase suggests that she thinks, in fact, that justice was done, but that justice has not been properly shown or displayed so that the reasoning behind the judgment was not made publicly clear. She begins the paragraph right before her own voicing of the verdict by making the point that where it is not possible to establish intentions (which she thinks to be the case with Eichmann), it still must be possible to understand that a crime has been done. And in punishing the crime, she refuses the option of vengeance, maintaining that “we refuse, and consider as barbaric, the propositions ‘that a great crime offends nature, so that the very earth cries out for vengeance; that evil violates a natural harmony which only retribution can restore; that a wronged collectivity owes a duty to the moral order to punish the criminal’” (EJ, 277). These last views are cited from Yosal Rogat’s extended essay, *The Eichmann Trial and the Rule of Law* published in 1961 (22).⁷ In that text, Rogat makes clear that such attitudes belong to an “older outlook” and constitute “portentous tribal relic” (20); they “antedate all modern patterns of thought” and “stress traditional authority and commandments against individual conscience; group bonds against personal commitments; social duties rather than individual rights” (20). In Rogat’s view, “Israel undertakes an aggressive defense” of the idea that group membership establishes the meaning and claims of the self. Rogat speculates that perhaps the Jews accepted persecution because it was part of “what it meant to be Jewish” (21). Conversely, the right to punish Eichmann seemed to follow from a collective sense of identity grounded in tradition.

Rogat remarks that within the framework of this “older outlook” even his own questions about the rule of law and the appropriateness of the trial would have been impossible to ask, since the propositions on the rights of the collective, of nature, and of vengeance, subsequently cited by Arendt, would have held sway. He notes in 1961 that the world is still asking the fundamental questions posed by Aeschylus’s *Oresteia*, whether cycles of vengeance can only be stopped “with the establishment of a dispassionate tribunal” (44). He writes, “the Western world has never ceased to be preoccupied with the central problem of the *Oresteia*. It has characteristically reacted to a deep moral disorder by attempting to impose a legal order upon it. Today, we have no alternative” (44).

Arendt seems largely to be in agreement with Rogat.⁸ Her claim that the trial is a show rather than a law-governed proceeding, her objection to Eichmann's illegal extradition from Argentina, and her insistence that Eichmann's crime is a crime against humanity, and not only the Jews, are all found in Rogat's calm and perspicacious essay of 1961. Rogat thought that individual biases and interests could be partially circumvented by making sure legal deliberations were shown. In that light, he wrote, "This endeavour is a part of the meaning of the maxim, 'Justice must not only be done but must be seen to be done,' in which is expressed the importance not only of public scrutiny but also of public confidence" (34). Instead of seeking recourse, though, to the rule of law, Arendt asks how judgment is to take place when the law has never yet conceived of a crime of this magnitude and specificity. It would seem that she is thinking along with Rogat at this moment, but departing from him in order to insist upon the necessity of legal innovation, something that demands the exercise of judgment when existing legal precedents cannot fathom the crime.

At this juncture, the established conventions regarding "intention" cannot be used (Eichmann did not think, in her view), and, when "vengeance" is barbaric and inadmissible, on what grounds, then, does one sentence Eichmann? One expects perhaps that the verdict she herself will voice will be the one she would have liked to see, but that conclusion is not unequivocally supported by what comes next. Echoing Rogat, she makes the claim that "these long forgotten propositions," which belong to vengeance, retribution, and natural moral orders, were, in fact, both the reason he was brought to trial and the "supreme justification for the death penalty" (EJ, 277). It would seem these are precisely the justifications she rejects, although she adds "and yet" these were the reasons in operation during the trial and the final judgment. She then adds her own sentence: "Because he had been implicated and had played a central role in an enterprise whose open purpose was to eliminate certain 'races' from the surface of the earth, he had to be eliminated." She then continues, citing, like Rogat, the maxim that "justice must not only be done, but must be seen to be done" and faults the Jerusalem courts for failing to make apparent (and to bring into the domain of appearance) the "justice" of their actions (EJ, 277). So at this point it seems clear that she thought their actions, including the meting out of the death penalty, were just, but that they had failed to give good public reasons for that verdict and the sentencing.

Right before launching into her own voicing of the verdict, she writes that the "justice" of their actions "would have emerged to be seen by all if the judges had

dared to address their defendant in something like the following terms" (EJ, 277). The direct address that follows is obviously one intended as courageous, compensating for the nondaring of the Jerusalem judges. But is she actually disagreeing with them? Or is she supplying a rationale that they should have used? It is difficult to determine, since she could simply be presenting their rationale in a more courageous way while disagreeing with that rationale (after all, it is the long-forgotten propositions of vengeance that led them, in her view, to their final verdict). But this voicing may be a way to participate in that final judgment and thus to accept the contemporary form that such long-forgotten propositions now take. It would be odd, if not impossible, for Arendt to champion barbarism, since she has explicitly rejected it. And yet if she is voicing what the judges should have said, and referring also to the "justice" of their decision, perhaps she is also simply making apparent a rationale with which she nevertheless disagrees.

What seems more likely, however, is that she starts off trying to reenact what they did mean, only to begin to voice what they should have meant, and the two modalities become intertwined—the second modality fails to substitute fully for the first. She ends this direct address with "you must hang"—an archaic formulation of the death penalty, to be sure, that positions her rhetorically as a sovereign making a fatal declarative, and one that some might consider barbaric indeed. So let us follow this passage and see what can possibly be meant by this outbreak into direct address when Arendt sentences Eichmann to death again.

Arendt enters into active dialogue with Eichmann, though since he is there only by virtue of her invocation, she obviously does most of the talking. She deploys a direct address: "You . . . said your role in the Final Solution was an accident and that almost anybody could have taken your place, so that potentially almost all Germans are equally guilty. What you meant to say was that where all, or almost all, are guilty, nobody is" (EJ, 278). Then she invokes the plural "we" to wage the counterargument: "this is indeed a common conclusion, but one we are not willing to grant you." Later, she adds, "even if eighty million Germans had done as you did, this would not have been an excuse for you" (EJ, 278).

In the final paragraph Arendt takes on the voice of the judge, offering a judgment as the textual equivalent of a manifest action. Interestingly, the judgment takes the form of a counterfactual: if the historical conditions had been otherwise, and if the judges had acted otherwise, the verdict would have sounded or looked like this. After she writes that "the justice of what was done in Jerusalem would have emerged to be seen by all if the judges had dared to address their defendant

in something like the following terms” (EJ, 277), a new paragraph commences, and a voice emerges: is it Arendt’s voice, or the conjectured voice of justice itself? Where is she in this paragraph? The quotation marks that inaugurate this “citation” induce the image of how justice must appear. What “appears” is a “voice”—and its staging is visual, textual and so not the spectacle of the trial or the stage. Something is being written and displayed in a book. The book of justice is being written and shown in Arendt’s own text.

Indeed, what begins as a kind of rejoinder to Eichmann’s testimony (in which she allies herself first with the position of the prosecutor) ends with the performative utterances of the judge. Of course, some of the sentences uttered by this voice sound like Arendt, but others mark a departure from both her tone and argument. Arendt claimed that Eichmann’s base motives and intentions could not be established, but the verdict-voice seems also to entertain a contrary view: “you never acted from base motives . . . you never hated Jews . . . we find this difficult, but not impossible to believe” (EJ, 278). There follows a moment in which the voice (elaborated by an Arendt who seems to know either what the judges meant or should have meant, even when they themselves seemed not to know) conjectures what Eichmann himself meant to say (a veritable *mise en abyme* in which Arendt reconstructs the implicit reasoning of the verdict as well as the judge’s reconstruction of the implicit reasoning in Eichmann’s own speech): “what you meant to say is that where all, or almost all, are guilty, nobody is” (EJ, 278). In both cases the conjectured voice establishes a position for a judgment that relies upon a reconstruction and attribution of intention to those who either will not or cannot supply the principles that guide their action—yet another shadow of sovereign action. The point is less to prescribe what the intentions should have been, but to show that certain kinds of norms are already operative in both crime and judgment even if judge and criminal do not know what these are. These are, importantly, not “intentions” in any psychological sense, but forms of moral reasoning that emerge within the vernaculars of testimony, indictment, and the delivery of final verdict. Yet she wants Eichmann to pay attention to a biblical story and so, when she ends the paragraph by maintaining that guilt and innocence before the law are objective matters, this seems to imply that God acted to punish the inhabitants of Sodom and Gomorrah according to the nature of their crimes and in an objective fashion. In the end, though, it is clear that, no matter who else is guilty, none of it excuses the crimes he himself committed, so his individual guilt—tied to his specific acts—seems to emerge as the most important point, one that is reprised in the following paragraph where she proffers a final judgment:

QUANDARIES OF THE PLURAL

It does not matter how what you have done compares with what others would have done: there is an “abyss” there between the potential and the actual deed. It does not matter whether your intentions were criminal or, indeed, what the state of your inner life might be or what social conditions may have led you down this path. The final judgment is firm: “there still remains the fact that you have carried out, and therefore actively supported, a policy of mass murder.”

(EJ, 279)

Eichmann’s final crime, though, the one for which he must hang, is that he, suddenly addressed now as a plural subject, “you and your superiors,” took as their own right the decision with whom to share the earth. Eichmann thought, and he represented those who thought, that they could determine that they did not need to “share the earth” with the Jewish people and people of other nations, and insofar as they decided that they did not need to share the earth with any specific population, no one, no member of the human race, as she puts it, “can be expected to share the earth with you.” And it was for this crime, the crime of not sharing, that she concludes: “this is the reason, and the only reason, you must hang” (EJ, 279).

So what, then, is the final reason the verdict-voice offers for why Eichmann must die? Is it that you cannot be expected to live with those who want you dead or who have conspired to kill you and your kind? Or is that you cannot be expected to live with those who not only want you dead but who will also take your life or have taken the lives of those like you? If he is no longer an active threat to anyone’s life behind bars, is it then just a matter of “not wanting” him to live, since he himself did not want whole populations to live and implemented a final solution to satisfy that murderous desire? Is the final verdict that Arendt delivers something other than vengeance?

According to what law, norm, or principle is the decision in favor of capital punishment justified in this case? We have seen that Arendt considers as barbaric, and rejects, any recourse to vengeance, ideas of a violated natural order, or the rights of violated collectivities (EJ, 277). She has been arguing all along in favor of judgment and justice, and that argument continues in the postscript that follows the epilogue. What is peculiar, however, is her remark that these long-forgotten or archaic notions of justice were not only responsible for bringing Eichmann to trial but also for the death penalty. This causes some confusion, since if she is referring here to those reasons that are barbaric and unacceptable, then she rejects both the

reasons why Eichmann was brought to trial as well as the death penalty against him. But is she perhaps saying that there is a certain wisdom—a nascent norm—operating in that barbarism (in the same way that there may be latent principles—the same latent principles—in the final verdict of the Jerusalem judges that they themselves do not make manifest)? The explicit verdict Arendt offers for why Eichmann has to be eliminated is that he sought to expunge certain so-called races (sometimes “nations”) from the face of the earth. There would seem to be a principle here, but it is not directly elaborated. Instead, the voice concludes, without a middle premise, that this is the reason why no one can be expected to *want* to live with him.

We read in earlier pages that the extradition of Eichmann from Argentina was neither given a legal justification nor enacted through legal means (indeed that Eichmann himself was unacceptably “stateless” and lacked all rights of due process). In this regard, Arendt cites Jaspers, who warned that those who follow the dictates of vengeance do not stop to reflect on what the right punishment should be, which authority should be entitled to decide the matter, and according to which code of law. Everything we read in Arendt seems to favor the idea of justice over vengeance; in other words, there has to be a justice that depends on judgment, and, in this case, it would be a judgment that lives up to the demand to judge an unprecedented crime. This crime is not an ordinary murder but what she calls an “administrative massacre”—this is a new crime, one that depends less on establishing psychological intentions than on politically organized modes of uncritical obedience. In this sense, Eichmann himself is a new kind of person or an unprecedented sort of criminal, and so the mechanisms and terms of justice have to be rethought and remade to address this new situation. Interestingly enough, although Arendt disputes the idea that we might adequately recover psychological motives and intentions in such a case, she nevertheless attributes a certain kind of intention to both Eichmann and the judges: the convention of attributing to both “what they would have said,” had they dared to make plain the norms operating in their conduct, presupposes a set of normative attitudes and even modes of reasoning that can only be reconstructed *ex post facto* from a counterfactual position. Had they been thinking and speaking well, or had they been *showing* justice, they would have provided the principles of their conduct, but, since neither did that well, Arendt offers it for them. The point remains not to reconstruct the psychological person but, rather, the implicit normative scheme operative in a mode of conduct. And though Arendt appears to succeed in recasting “intention” as a less than conscious operation of moral reasoning, it is difficult to see how this opaque and disowned region of ratiocination does not itself

rely on a certain psychological topography, a mechanism of disavowal countered by a certain aggressive therapeutic intervention to excavate and exhibit the moral commitments implicit in mute or mangled speech.

Although Arendt appears to know better than both Eichmann and the judges what they meant to say, and even should have said, she does not remain the omniscient philosophical archaeologist at every turn. Something happens in this direct address to Eichmann that unleashes a greater emotional identification with those Jerusalem judges than her searing criticism of them would appear to allow. Her voice becomes entangled with theirs, nearly knotted up in that plurality. After all, the voice is and is not her own: it is the voice that the judges would have used had they dared, so what she writes here is the courageous version of the verdict. As such, she seems to own it. But, as a voicing that is attributed to the judges, it seems to mark a departure from her own voice.

Let us return briefly to the paragraph that leads up to this verdict in quotation marks. When she writes that “then the justice of what was done in Jerusalem would have emerged to be seen by all if the judges had dared to address their defendant in something like the following terms . . .” (EJ, 277), it seems at first she is accepting that verdict as just. Elsewhere she has dismissed its pageantry and pervasive vengeance. It could be that Arendt is simply remarking that we would have all seen that vengeance was operating in Jerusalem if only the judges had explicitly given voice to their version of justice. So is it their version of justice, or the version of justice that Arendt affirms?

We have then to distinguish two interpretations about what is happening. According to the first interpretation, Arendt is saying what the judges should have said if the judges were to have judged in a truly just way. She may even be affirming that the judges came to the right decision (something she has explicitly noted), but that they did not arrive at it in the right way and did not justify it in the right way. It may also be that there is an implicit rationale in the judgment the judges made and the hermeneutic task left to her is to make that reasoning explicit and so to “show” the right justification.

The second interpretation is that Arendt is, yes, giving voice to what the judges would have said had they made available the true justification of their actions, but that she disagrees with their justification. According to this reading, Arendt indicts the judges, disputing that what they call justice is actually justice. But what concerns her most is that this operation of vengeance could not be seen, could not be heard, and that a certain administrative noise covered over the actual operation of this archaic and barbaric form of sentencing Eichmann to death.

If we were to accept the second interpretation of this text, then we still have a problem understanding who is actually speaking at the end of the epilogue and what the aim and effect of this voicing within the text might be: a voice emerges in the text in the mode of direct address, and it articulates the figure of the judge. In a text in which the burden of the word is to “show” the world what is happening, the figure works to produce an image through the voice of direct address.

Perhaps some version of each interpretation I have offered has to be accepted. A voice is conjectured by Arendt that is not her own (and thus partially disowned), but so also are there identifiable features of her own voice, and that doubling is there for us to see. So where is Arendt in this voice? Is she perhaps distributed among its views? She voices what she believes, but there is, bound up with this voice, another voicing of the view with which she disagrees as well. Is this a voice split into agonistic struggle with itself? It is interesting that, in the middle of this direct address, the voice of the judge repeats Arendt’s own subjunctive ventriloquism: the conjectured judge says to the conjectured Eichmann, “what you meant to say was that where all, or almost all, are guilty, nobody is.” The judges refer to Sodom and Gomorrah, but they do so in the context of telling Eichmann that, in the archaic biblical story, the cities were destroyed because all of the people were guilty. The judges finally reject this view in the next line, since they claim that the “you” that is Eichmann is not interchangeable with all Nazis or all supporters of the German Reich. The conjectured judges dismiss the idea of collective guilt in a voice and tenor that sounds a lot like Arendt herself. Indeed, the distinction between actual and potential guilt sounds like Arendt as well, as does the focus not on Eichmann’s inner life or his motives but on his deeds.

At this point in the text I start to doubt that she is voicing the very rationale of vengeance she finds barbaric and unjust. Although within the conjectured voice she explains why people “want” him dead, Arendt has made clear that wanting someone dead is not a good enough reason for sentencing someone to death. Elsewhere she offers a less emotive argument: genocide is unacceptable because it constitutes an attack on the plurality of humanity itself. Perhaps giving voice to what the more courageous judges would have said is actually giving voice to what a more emotional Hannah Arendt would have loved to say and even does say, but within unattributed quotation marks that allow her to speak the death sentence without exactly meaning it—something that is made possible by the fictive conjecture in the text.

This strangely liberated voice—indirect speech couched in direct address—actually interrupts itself at one point, suggesting that both views emanate from this voiced figure of the plural judge. The language of wanting him dead seems to

decide the penultimate sentence. In the final accusation the conjectured judges underscore Eichmann's wanting not to share the earth "with the Jewish people and the people of a number of other nations"; they conclude that the members of the human race do not want to share the earth with him. But then a certain principle emerges within dashes, which suggests the decision is based not on desire alone but on a principle, even a norm, that ought to be invoked to decide cases of genocide: "—as though you and your superiors had any right to determine who should and should not inhabit the world" (EJ, 279).

It is noteworthy that such an important principle emerges as an aside, even qualified by the "as though" which holds back on a full attribution of the thought. And yet here as elsewhere the counterfactual makes plain that a right is being implicitly articulated by a mode of conduct and a specific kind of policy, even if it is not explicitly codified as such. The unattributed "we" allows Arendt's own voice to cohabit with those of the Jerusalem judges in this voiced reconstruction of a decision with more courage and illustrative power. Even within the dashes she enters into the same procedure as before, voicing what others would have said had they language and courage enough publicly to give principle to their action. At the moment in which this voice attributes to Nazi policy the right to choose with whom to inhabit, it also displays something the judges probably did not have the language or courage to articulate and oppose that Arendt clearly does.

The philosophical and political point of her voiced rejoinder to Eichmann (and to the judges) is that one must make clear that there is no right to choose with whom to cohabit the earth or world (Arendt equivocates about this Heideggerian distinction throughout, thereby suggesting that there is no earth without its inhabitants).⁹ Cohabitation with others we never choose is, in effect, an abiding characteristic of the human condition. To exercise a right to decide with whom to cohabit this earth is to invoke a genocidal prerogative; it is only for those who have implemented genocide that the death penalty is apparently justified. We do not receive in these pages a justification for why that penalty is appropriate rather than some other form of punishment, although we do know that the appropriateness of the death penalty was debated at the time (with Buber and others opposing it).¹⁰ Perhaps we are being asked to remember that just as the crime of murder is not the same as the crime of genocide, so the death penalty, meted out by the state, is not the same as random murder performed by individuals. If such an analogy is operative, and if Arendt had fully displayed the principles of her reasoning, it may be that she seeks recourse to a moral typology of modes of

death dealing that would justify the death penalty (state-induced killing under certain legal conditions) while rejecting any form of genocidal death dealing, whether state-sponsored or not.¹¹ This justification is, however, not offered in this passage.¹² Instead there is a remarkable ellipsis in the reasoning. If such an argument is anywhere, it is implicit, since the voice that has charged itself with the task of making visible the version of justice that took place in Jerusalem seems to hold back at this very moment. Without understanding the difference between murder as a crime and genocide as a crime against humanity, we cannot understand why the sentencing of Eichmann to death is anything other than taking the life of someone who has taken a life. How would such reciprocity distinguish itself from vengeance or the principle of an eye for an eye (“because you wanted . . . everyone now wants . . .”)? But just as the conjectured voice here does not consistently embrace the rationale of vengeance, neither does it fully elaborate an alternative principle. Perhaps the lability of this voice, its very duality, consists in a coupling of angry and vengeful accusation with a more dispassionate elaboration of a norm that is required to decide matters of genocide; is this strange coupling what we are meant to hear and to see? Does the voice position Arendt on the bench with the other judges, and is it populated by that diverse set of views? Does the voice lose track of its own ventriloquism and start to cohabit (despite itself) in ways that signal an uncertain authorial control or, perhaps, a dispersion of authorial effect? Or is this Arendt finding the rhetorical form that allows a certain emotional license, a final telling off, a conjectured death sentence, at the same time that it inserts the principle of its own action in a more temperate and embedded aside? How else do we understand this strange staging? This ending of the epilogue is textual theater, the production of a hybrid figure through a voice whose speaker never quite announces itself.

Although Arendt opposed the trial as a kind of spectacle, it would seem that she allows herself to enter the theater of the trial in this striking epilogue, if only to make sure that her version of justice must not only be done, but seen to be done. Through the rhetorical use of direct address, synesthetic effect, and the equivocal doubling of a nameless voice, she produces the textual image and sound of the judge who should have been but was not. This happens not without absorbing those Jerusalem judges into her own voice in a display that not only corrects them, but joins rank with them; she gives them the principle she thinks they need and gives herself a certain license to enter the angry fray, sentencing Eichmann to death again—an act apparently no less satisfying for being redundant.

THE PLURAL “WE”

Arendt presents herself as the one who apparently knows what the judges should have said; she speaks in her own voice; and yet, in speaking as a plural subject, a “we,” she also seems to fade into the background as a singular author. Can we finally separate these two strands, or are they in some ways implicated in one another, suggesting that judgment is not simply an individual act, but an implicit or explicit enactment of plurality itself?³³ If so, what kind of plurality is this? Can we take our cues from her own use of the plural “we” in this final sentencing to understand the philosophical and political importance of this plural pronoun?

The “we” she invokes at once breaks with any “we” circumscribed by the laws of the nation-state, any “we” that belongs restrictively to the nation. And yet it does not exactly describe some other “we” except to conjecture its ideal parameters: such a “we” will be plural, that is, internally differentiated; this internally differentiated population will serve as the basis of judgment, but also as the voice through which legitimate judgment takes place. Moreover, this aspirational invocation of plurality seems to engage judgment—practical judgment in the Kantian sense—not as a way of subordinating an example to an existing rule, but as a spontaneous and even creative act. She asks us to consider human judgment not as bound by existing law, “not bound by standards and rules under which particular cases are subsumed, but on the contrary, [as that which] produces its own principles by virtue of the judging activity itself: only under this assumption can we risk ourselves on this very slippery moral ground with some hope of finding some firm footing” (EJ, 27).

So this plurality that Arendt invokes is a voice (a textual mode of address) speaking to Eichmann, to the judges, but also displaying itself to everyone and anyone who can read and, through reading, “see” what is being shown. It is a voice that speaks as a “we” that is by definition divided up into many; it moves in sudden and fugitive shifts between an “I” and a “we.” This same “we” serves as a slippery ground on which no sure footing is to be found. In some sense it is the pronominal vehicle for hope: the less than ideal judge whose conjectured voice ends this text is precisely one she wishes were true, but whose fallibility, oddly, she preserves. So, though one might expect Arendt, armed with philosophical perspicacity, to triumph over the judges, a strange scene of cohabitation emerges. She takes on the voice of the judge, or she releases herself into such a voice; but no judge is there, only an operation of judgment. It is less the station of the judge than the operation of judgment that is at issue. And in this case, we see that the operation is a plural one, populated by discordant views, emotional and divisive. In a sense, the text does not deliver an ideal of a judge, but exercises judgment as a plural undertaking.

It does not precisely exemplify a set of ideals, but operates in a mode that can be called “critical” precisely because it is dependent on no existing law to ground its legitimacy. Since positive law can be wrong, and often is, there has to be a basis for decision making that is not dependent on an existing codification.

Although one might expect Arendt to turn to natural law as a way to ground the legitimacy of positive law, she turns instead to a prelegal understanding of responsibility or practical reason. She not only makes the case for the priority of moral philosophy to legal institutions, but invests moral philosophy with a fictive, performative, spontaneous, and aspirational character that runs contrary to its usual modalities. After all, Arendt’s final direct address is not exactly argumentative: it enacts a judgment in the name of a conjectured plurality. In this sense, it is practical and performative, grounded less in existing legal code than in the nonexistence of an ideal of justice—one that I think might better be described as a recognition of equality that follows from her conception of human plurality.

Importantly, Arendt obeys no law when she fictively sentences Eichmann to death. Just as she faults him for following existing law, rather than questioning its legitimacy, she bases her judgment against him on no existing law, but only on an independent judgment of what law should be. In this way, she not only makes philosophical thinking more primary than legal reasoning but also distinguishes responsibility from obedience, as critical thinking is separate from the uncritical acceptance of dogma or dictate. One’s responsibility cannot be understood as an uncritical allegiance to law, since law itself may turn out to be criminal (as we saw in Nazi Germany), in which case we have a responsibility to oppose bad law, even a responsibility that would, under those conditions, be defined as disobedience. Indeed, sometimes disobedience is precisely our responsibility. And this is what Eichmann failed to grasp.

In Arendt the dialogue that is thinking has a performative and allocutory dimension that underscores the centrality of free self-constitution in her view. If free self-constitution is an action, however, it must be done on the basis of some set of prior social relations. No one constitutes him or herself in a social vacuum. Although this precept is sometimes strained by what Arendt occasionally says about the solitary character of thinking, sometimes it is not, especially when thinking is understood as speaking and speaking is a performative act of some kind. To think is not necessarily to think about oneself, but rather to think with oneself (invoking oneself as company and so using the plural “we”) and to sustain a dialogue with oneself (maintaining a mode of address and, implicitly, addressability).¹⁴ To act as an individual is to enter into concerted action without fully sacrificing one’s singular-

ity and to act in such a way that dialogue with oneself can be continued; in other words, the maxim according to which I live is that any action I take should support rather than destroy my capacity to keep company with myself (should support the receptivity and audibility of that internal dialogue). To the extent that thought is dialogic, it is a linguistic exercise, and this proves important to my capacity to continue to compose myself as one who can and does keep company with myself. Although dialogue implies being addressed by others (or addressing myself as an other) and so requires receptivity, Arendt casts the dialogic encounter within the self as an active and performative dimension of self-making. "In this process of thought in which I actualize the specifically human difference of speech, I explicitly constitute myself a person, and I shall remain one to the extent that I am capable of such constitution ever again and anew." For Arendt, those who fail to relate to themselves, to constitute themselves, as one does in thinking and judging, fail to actualize as persons. A certain kind of speech is necessary for this actualization of the person to take place; interestingly, it is a silent speech, solitary, but not, for that reason, without addressee. Someone is addressing someone else, and this structure of address provides the rhetorical and linguistic condition of thinking and conscience alike. According to Arendt's reading of Eichmann, he failed to call upon himself. To be called upon, someone must be home. And Arendt concluded that, with Eichmann, no one was at home. In fact, Arendt in her reflections on evil elsewhere makes this quite stunning remark: "in rootless evil there is no person left whom one could ever forgive."¹⁵

Such remarks leave two key issues unaddressed. The first is whether Arendt thought that Eichmann was not at home, was no person, from the start, or whether the conditions for personhood had been decimated along the way. If such conditions were decimated, were they decimated by him alone? And did he then effectively deconstitute his own personhood? If he did not actively deconstitute himself, was it that he passively failed to constitute himself? Does it matter under what conditions that deconstitution of personhood takes place, or do we need only to know that he failed to exercise the requisite freedom to make himself into a person? It might at first seem like there is lots of pulling up of bootstraps here, but one can see that, just as she does not want Eichmann's crime to be excused by virtue of the social conditions in which he lived, Arendt refuses to consider the social conditions under which either the constitution of personhood or the exercise of judgment might become possible. The second implication of her view follows from the first: she was willing to chime in on the death penalty because

she concluded that there was no person left there, that his actions (or inactions) had effectively destroyed the preconditions of his own personhood.

Arendt seems to be subscribing to a moral norm that distinguishes persons from nonpersons, which seems to imply that those who fail to constitute themselves in such a way that their actions safeguard the plurality of human existence, and actively oppose its destruction, have effectively practiced genocide and forfeited all claims of protection against state-sponsored death. Does this mean that to put such a nonperson to death is nothing more than a kind of redundancy? If the person already decimated his own personhood, does the death penalty merely ratify the prior deed? We might justifiably pause here and wonder about Arendt's view: whether it is finally acceptable, whether she has actually offered sufficient reasons to accept the death penalty at all.

Eichmann failed to call himself up, responding, as it were, to a rival recruitment and so acted irresponsibly. Moreover, Arendt produces the textual occasion when she pays him a call, addressing him directly, bringing into relief, we might say, the addressability of this subject who failed to address himself. If Eichmann is beyond reach, so Arendt's direct address is finally without recipient, unless, of course, we accept that she is not actually addressing him, but us, "the world" of readers who function as the *de facto* jurors in the trial (and its report).

And yet, does Arendt not indirectly constitute Eichmann as a potential interlocutor by addressing him directly? And would this act not be in tension with her conclusion that no one is home? In effect, she places him within the sphere of interlocution and hence constitutes him as a person of some kind. At the moment that she addresses him, some disposition of language binds them both together; she is part of a human plurality with him—indeed, with the likes of him. And yet the effect of her address to him is to exclude him from that very domain of plurality. The death sentence is one of the paradigmatic instances of the perlocutionary performative, a speech act that under certain conditions can lead to the result that it bespeaks. In this way, the final sentences of that epilogue (in both senses) figure an operation of discourse as action.

But because Arendt is not a judge, though she exercises judgment, her writing underscores the difference between the conjectural domain of philosophy and that of actual law and politics. The conjecture, the counterfactual, is significant because it articulates a nonlegal norm according to which legal reasoning ought to proceed, and, in that way, her impossible conjecture—indeed, her fiction—is part of her effort to ground law in practical thinking, itself a critical exercise of thought.

PLURAL COHABITATION

We began this consideration of Arendt's work by asking whether there are dimensions of thinking that commit us in advance to the safeguarding of human plurality. This is made more difficult when we consider that Arendt herself distinguishes between thinking, as belonging to the contained sphere of the self, and acting, which requires the domain of human plurality. In order to make good on her claim that Eichmann's crime was that he failed to think, she has to link nonthinking with genocide, which means that thinking must be integrally related to the affirmation of plural cohabitation.

Luckily, Arendt undoes her distinction time and again. When Arendt thinks, she theorizes thinking; and in thinking takes the form of judgment, and judgment is a kind of action. It emerges as the performative action of judging Eichmann himself at the end of that text. When she explicitly theorizes thinking, she notes that it involves keeping company with oneself, but also notes that it involves constituting that self, time and again. Yet in explicitly distinguishing between thought and action, she suggests that, even as thought involves this internal capacity to keep company with oneself, action involves keeping company (acting in concert) with others, that generalized plurality Eichmann sought to destroy, a plurality voiced as the "we" in whose name Arendt condemns him to death. Arendt makes this distinction explicitly here, but she cannot maintain it consistently throughout her work. Note how she states the distinction when she tries to make it firm: "The main distinction, politically, between Thought and Action lies in that I am only with my own self or the self of another when I am thinking, whereas I am in the company of the many the moment I start to act." She continues, "Power for human beings who are not omnipotent can only reside in one of the many forms of human plurality, whereas every mode of human singularity is impotent by definition" (EJ, 106). If we take this typology seriously, then we think by ourselves or in dyadic relations, in actual dialogues between this self and another. But only when we are engaged with the many, a plurality that exceeds dyadic relations, do we become capable of action, understood as the exercise of power. I am wondering whether this is true and whether it is, actually, thinkable. After all, the "I" is said to constitute itself through language, and that is already a performative act and so a version of action. Arendt judges Eichmann, and that seems, at least on the surface, to be a dyadic relation, indeed no less dyadic for being imaginary and strange. Both forms of thinking have assumed linguistic shape, and in both instances the language does not merely describe a reality, but

brings one into being (self-constitution is illocutionary; judging is perlocutionary). In this sense, the language is a kind of action, a constituting or performative one. And hasn't she already told us that plurality is germinal in thinking? Would that not immediately imply that action is germinal in thought? Can we even have thought that is not in some way related to action or, put more boldly, already incipient action in some mode or another?

Although it sometimes seems that she is separating two different modes of plurality, the one that is the self and the one that is the self with others, she also lets us know that the distinction is not absolute. She has already told us that solitary thinking carries the trace of social company. But there is a stronger claim to be made here, one I wish she had made. Indeed, in my view, without that animating trace of social company, there can be no self-reference, which means that sociality precedes and enables what is called thinking. One becomes capable of having a dialogue with oneself only on the condition that one has already been engaged in dialogue by others. Being addressed precedes and conditions the capacity for address. Ethically considered, one becomes capable of responding to others only on the condition that one has been first addressed, constituted by others, as one who might be prompted to respond to that interpellation with self-reflection or, indeed, thinking. Only as someone brought into language through others do I become someone who can respond to their call, and who can interiorize that dialogic encounter as part of my own thinking, at which point sociality becomes an animating trace in any and all thinking any one of us might do. Thus the dialogue that I am is not finally separable from the plurality that makes me possible. Although the dialogue that I am is not fully reducible to that plurality, there is a necessary overlap, or chiasmus, between the two spheres. Is there not a social formation of thinking in Arendt's sense, even if the normative form that thinking takes is radically solitary? And is solitariness not also, in some sense, a social relation?

As we have seen, Arendt does something interesting and disturbing by invoking the voice of the judge to condemn Eichmann to death after he has already been so condemned. On the one hand, she summons and produces a figure of sovereign authority outside of all law; on the other hand, she performatively introduces a norm that might distinguish just from unjust law on radically egalitarian grounds. It may well be, for reasons both she and Benjamin, in "A Critique of Violence," suggest, that we must oppose law, act against it, even engage in provisional anarchism when law becomes unjust. But there is no reason to think that the only way to oppose or suspend law is through recourse to an extralegal sovereignty. That brings Arendt

closer to Schmitt than I would like, and it goes against the radical egalitarian consequences of her theory of social plurality.

What would happen if, instead of turning to the sovereign voice as the way to oppose legal violence, she were to have rethought the social, that field of plurality, not only as a site of belonging, but as a site of struggle? In other words, does the chiasmic relation between the “I” and the “we” also expose a fault at the heart of sovereignty, a noncoincidence that makes the voice vacillate between modes, that keeps the ground more slippery? This apparent recourse to sovereignty at the heart of judgment seems to be in tension with the social ontology she has laid out for us. Indeed, it may be that plurality disrupts sovereignty, time and again, federating its remains, dispersing sovereignty into federal forms. If to think, or at least to think well, involves thinking in such a way that we seek to preserve the heterogeneity of human life, then when we are thinking we are thinking heterogeneity. But here we are compelled to note that this heterogeneity is only thought within an anthropocentric horizon. After all, the life that is worth preserving, even when considered exclusively human, is connected to nonhuman life in essential ways; this follows from the idea of the human animal. Thus, if we are thinking well, and our thinking commits us to the preservation of life in some form, then the life to be preserved has bodily form. In turn, this means that the life of the body—its hunger, its need for shelter and protection from violence—would all become major issues of politics.

This produces a problem for the Arendt of *The Human Condition*, who, consequentially and mistakenly, separates the sphere of the public from the sphere of the private.¹⁶ In the sphere of the private we find the question of needs, the reproduction of the material conditions of life, the problem of transience of reproduction and death alike—everything that pertains to precarious life. The possibility of whole populations being annihilated either through genocidal policies or systemic negligence follows *not only* from the fact that there are those who believe they can decide among whom they will inhabit the earth, but because such thinking presupposes a disavowal of an irreducible fact of politics: that vulnerability to destruction by others follows from all modes of political and social interdependency and constitutes a demand on all political forms.

A different social ontology would have to start from this shared condition of precarity in order to refute those normative operations, pervasively racist, that decide in advance who counts as human and who does not. The point is not to rehabilitate humanism, but rather to accept human animality and shared precarity. Perhaps this feature of our lives can become the basis for the rights to protection against deliberate

genocide and fatal forms of international and state negligence and abandonment of precarious populations. After all, our interdependency constitutes us as more than thinking beings, indeed as social and embodied, vulnerable and passionate; our thinking gets nowhere without the presupposition of that very interdependency. Our thinking relies on a bodily life that can never be fully sequestered in any private sphere—indeed, for thinking to become political, there must be a body that, even in Arendt’s own term, “appears.” Arendt clearly thought that thinking might bind us to others and so give us a way to think the social bond to which we are already committed when we begin to think.

If Arendt is only figuring sovereign decision here, showing what good decision is, or performatively enacting good decision on the model of the just sovereign, she has certainly taken distance from the notions of equality and the processes of pluralization and universalization that characterize both her social ontology and the benefits of her theory for democratic politics. My point is neither that she subscribes to a notion of sovereign action at the expense of collective making nor that she subscribes to social forms of deliberation at the expense of sovereign action and decision. Rather, I am saying that she vacillates between the two and that this tension seems to form a recurring and irresolvable dimension of her thought.

Consider this quotation from “Personal Responsibility Under Dictatorship”: “the rather optimistic view of human nature, which speaks so clearly from the verdict not only of the judges in the Jerusalem trial but of all postwar trials, presupposes an independent human faculty, unsupported by law and public opinion, that judges in full spontaneity every deed and intent anew whenever the occasion arises.” She goes on to speculate, “perhaps we do possess such a faculty and are lawgivers, each single one of us, whenever we act.” But then she uses this standard that she has just articulated through her conjecture to judge the judges as inadequate: “Despite all the rhetoric, they meant hardly more than that a *feeling* for such things has been inbred in us for so many centuries that it could not have been lost.”¹⁷ In “Some Questions in Moral Philosophy,” Arendt makes clear that at least this part of Kant has to be safeguarded and opposed to Nazi obedience. Again, she offers her norm through a conjecture: “If, however, I can be said at all to obey the categorical imperative, it means that I am obeying my own reason. . . . I am the legislator, sin or crime can no longer be defined as disobedience to somebody else’s law, but on the contrary as refusal to act my part as legislator of the world.”¹⁸

How would such a sovereign legislator dwell in the domain of plurality? Perhaps only by splitting up its voice and dispersing its sovereignty. It may be that sovereignty

is not finally compatible with plurality or, indeed, with federal forms of government. But this conclusion depends in part on how we come to understand the sovereign and plural dimensions of action.

Although I am not prepared to make a full argument in favor of this conception, I propose that it might be useful to return to the distinction we considered in the previous chapter, the one Arendt introduces in response to Scholem's accusation that she has no love for the Jewish people. The "facts" that she is Jewish and that she is a woman are both understood to be part of her *physei*. When Arendt refers to Jewishness as something given, as *physei*, and likens that to being a woman, we are faced with a strange analogy, but also a challenge for any kind of active appropriation of those terms. In *The Human Condition* she writes, "the human sense of reality demands that men actualize the sheer passive givenness of their being, not in order to change it but in order to make it articulate and call into full existence what otherwise they would suffer passively anyhow" (208).

So what does this mean? It means, to begin with, that we are up against others we never chose and that this proximity is a source of a great range of emotional consequences from desire to hostility or, indeed, some combination of the two. Arendt emphasizes time and again how freedom requires acting in concert, but what she seems not to consider at any great length is the unfreedom that conditions cohabitation and how we think about that unfreedom in relation to the freedom that is, for her, the basis of politics.

But if we take seriously the inability to choose with whom we cohabit the earth, then there is a limit to choice, a kind of constitutive unfreedom that defines who we are and even, normatively, who we must be. It is true we cohabit with others we do not choose, but that certainly establishes a certain amount of aggression and hostility in the midst of that cohabitation. Indeed, is there not a kind of agonism, if not antagonism, we need to consider in the midst of that plurality? If we think of cohabitation only as a political goal, but not as a condition of social existence, then we fail to understand not just the agonism implied by unchosen cohabitation, but the longing, the dependency, the constraint, the possibilities for encroachment, impingement and displacement. If this is a cohabitation of living beings, then we have to think about life as it crosses the human and nonhuman divide. And, as embodied creatures, we would have to think about questions of need, hunger, and shelter as crucial to this plurality; in other words, plurality would have to be thought as a certain kind of material interdependency such that being able to live and being exposed to death are also, in part, at stake in this social condition. We find the idea of

precarious life here, where being a body at the mercy of another body can produce a great source of pleasure and/or a terrifying fear of death.

About the Nazi genocide, Arendt wrote that our usual moral standards were upended and rendered anachronistic. “At the time the horror itself, in its naked monstrosity, seemed not only to me but to many others to transcend all moral categories and to explode all standards of jurisdiction; it was something men could neither punish adequately nor forgive.” Later, she adds, “We had to learn everything from scratch, in the raw, as it were—that is, without the help of categories and general rules under which to subsume our experience.”¹⁹

It was this last demand that returned her to Kant not only to retrieve him from Eichmann’s appropriation but also to develop a mode of responsibility made necessary by the historical situation in which existing moral and legal frameworks had been proven inadequate. It is not a matter of subsuming the particular moral dictum under the general rule, especially if only the particular can be given for which the general must be found. She writes, “the standard cannot be borrowed from experience and cannot be derived from outside.”²⁰ One has to probe, to experiment, even to rely on the imagination when it comes to forming judgments of this time and in the name of shared human life that remains irreducible to individualism and to collectivism alike. Arendt positions herself precisely there, in between, as the “I” and as the “we” at once, elaborating the norms by which we might judge by conjecturing the tribunal in which she is the judge through a process that is vexed, antagonistic, and ambivalent.

It is for this reason that I think the recourse to the sovereign mind, its faculty of judgment, its individual exercise of freedom, is in some quite strong tension with the idea of cohabitation that seems to follow both from Arendt’s accusation against Eichmann and her own explicit reflections on plurality. This last notion provides a precedent for international law, one that is not based exclusively on the rights of citizens, but extends to members of all populations, regardless of their legal status. Indeed, in the Goldstone Report (“The United Nations Fact-Finding Commission on the Gaza Conflict”), published in September of 2009, Goldstone himself remarks that international law and justice require that “no state or armed group should be above the law.” In saying so, he posits a law that overrides whatever laws and policies govern a particular state or armed group. Although Goldstone more recently rescinded his position in an op-ed article (with no legal status), we can still countenance his arguments, regardless of his failure to resist pressure to forfeit his own words.

Although Goldstone sought recourse to international legal precedent throughout this report, there is still a tension between the way in which the report asserts or even makes law and the way that precedent constrains the judgments it makes. I think in some ways this mirrors the tension between sovereignty and cohabitation in Arendt. Does judgment presuppose a sovereign action, or is it the result of a historically forged consensus, an action on the part of a plurality? I think we see something of this tension in the public reception and adjudication of the Goldstone Report, which called on both the State of Israel and the Hamas authority in Gaza to conduct criminal investigations into possible war crimes. At stake in one part of the report and its findings is whether civilians were targeted or, indeed, whether civilians were used as human shields. Not only has the State of Israel called into question the fairness or evenhandedness of this approach, but it claims that Goldstone has exercised inappropriate authority, framing the conflict in a one-sided way, and Israel made clear that it will not honor the legitimacy of the final recommendations of the report to inquire into war crimes and crimes against humanity. We can see that there is a question of whether Goldstone speaks or whether international law speaks when Goldstone speaks. Is this a sovereign decision on his part, taking as an individual a moral and legal authority that he ought not to have, or is he entitled by international law to make the judgments he does (it is, of course, a commission that judges, but the judgment is formulated under his name)? Both sides of the conflict disputed the legitimacy of the demand, especially Hamas, which understands that the civilian population of Gaza was disproportionately affected by the assault of December 2008 that ended in January 2009. The Palestinian authority, incredibly yet predictably, failed to support the report. And the investigations that the Israelis have agreed to conduct are emphatically *not* independent criminal investigations and have yet to result in convictions. As reported by Adalah: The Legal Center for Arab Minority Rights in Israel:

According to the Israeli military, the focus of these investigations is any “misconduct” by Israeli soldiers as individuals outside the scope of any official instructions and orders received, and not the policies and strategies of the Israeli military operations, their implementation, the size and type of weapons used, etc. Thus far, these investigations seem primarily intended to ease international pressure on the Israeli government and to relieve the army and its command of the charges leveled against them, and to preclude deliberation of these crimes in international fora.

In other words, the investigations taken up in response to the Goldstone injunction to investigate crimes of war and crimes against humanity have effectively decriminalized the charges. The risk, of course, is that the report is taken merely to be bad public relations that may be countered by rival commissions and findings, at which point the findings of tribunals are bad press, but have no other legal standing and no moral claim.

Of course, Goldstone is himself a Jew and a Zionist. Richard Falk, a prominent Jewish political scientist, also the special rapporteur for the United Nations on Palestinian Human Rights, was detained in an Israeli cell prior to being given limited rights of mobility within the Occupied Territories. Are these figures not echoing and extending a certain Arendtian politics? Can we say that an alternative memory prompts the moral embrace of international law over and against nationalism or the claims of the nation-state for both Goldstone and Falk? The division we see between these two supporters of international law and the explicit claims made by Israeli authorities about the skewed and unreliable nature of international law reveal certain tensions between universalizing claims of justice and the sovereign claims of the nation-state. In the Israeli context this devolves into a question of whether the nation-state of Israel not only has the right to defend its citizens against attack by so-called terrorist groups but also, implicitly, whether the State of Israel must defend the Jewish populations against an internationalism that is suspected to be, fundamentally, anti-Semitic. It is on the basis of this last claim that both Goldstone and Falk have been called self-hating Jews within the Israeli press. But could it be said that, in fact, they represent a different trajectory of postwar, and even prewar, ethical thinking that takes cohabitation to be fundamental to social and political life and understands international law to have the obligation to protect not only citizens of existing nation-states, but all populations, including refugees or colonized peoples whose citizenship is either nonexistent or in the process of emerging? In effect, I understood Goldstone at the time to be continuing an Arendtian tradition within Jewish thought, which is to say that it is thought, a normative framework, that binds the fate of the Jew with the non-Jew. This ethical value of cohabitation is doubtless the result of a diasporic condition, one that includes dispossession, persecution, and exile. But can we understand it as well as a way of calling for international law that would apply to all refugees? And can we also think about binationalism, in this regard, as basing itself on an ethos of international law that does not discriminate among the claims of the refugee, whether contained under conditions of occupation or decontained in exile?

QUANDARIES OF THE PLURAL

The question of minorities and the stateless thus emerges from a particular history of the nation-state and its implication in racist politics. We might understand this as a collective memory, but not the collective memory of the nation. On the contrary, it is the collective memory of nonnationals, the ones who do not belong, who had to flee, or who fled into containment and who did not know whether there might still be legal protection for them in the midst of such loss and fear. One question then is whether international law is linked with binationalism and whether their combination might lead to a conception of rights that is not finally “national”—since, as Arendt tells us, though everyone has a right to belong somewhere, our modes of belonging can never serve as the basis of our rights or obligations. This nonchosen adjacency, this living up against and with one another, may well become the basis for a binationalism that seeks to undo nationalism, even to relieve international law of its tacit commitments to the nation-state. This would be a cohabitation guided by the memory and by the call to justice that emerges from dispossession, exile, and forced containment, not just for two peoples, but for all peoples. It may not be what anyone would have chosen, and it will be rife with antagonism and hostility, both necessary and obligatory.

7. Primo Levi for the Present

Even the most rigorously objective and determinedly “clear” and literal language cannot do justice to the Holocaust without recourse to myth, poetry, and “literary” writing.

—Hayden White

PRIMO LEVI'S TASK was to render the reality of the Nazi concentration camps through a fiction that was faithful to that historical reality. Especially in Levi's later works, there is some tension between memory, which he calls a fallacious instrument, and the demands of a story or a narrative. He was well aware that the history of that period would be told time and again and that the stories might well take the place of memories and, eventually, would have to take their place, once there were no more living survivors. In his last years, he gave a set of interviews including some in which he was asked about his relationship to Jewishness, to Israel, and to the abiding ethical and political implications of the Shoah for thinking through politics in the early eighties. But, toward the end of his life, he asked not to speak about this topic in interviews anymore. How do we understand Levi's relationship to what can be spoken about, and what not, and how does that which seems unspeakable or irretrievable come to be conveyed through the language he uses?

Let's assume that not only in the cases of historical trauma that beset an author like Primo Levi but in life more generally there are gaps or fissures in the accounts we give and we have no account to give of why that part of life cannot be recalled or given in narrative form. This becomes especially acute when we demand that others, or ourselves, give an account of a set of actions in order to locate or assign responsibility for injurious consequences. In such cases we depend upon the capacity of another to give an account in order to determine responsibility and, when and where that capacity breaks down, we may turn to other kinds of evidence to determine the agency of the action at issue. This surely happens in legal contexts, and in courts of law such a juridical notion of responsibility is operative, and clearly must be, as we saw with the Eichmann case. But are we right to import such a model of responsibility into nonjuridical domains of human relationality? For Levi, the very

possibility of telling a story was necessary to refuse the revisionists, but the trauma that inflects and interrupts every story and even the modes of forgetfulness that allowed him to live as long as he did seem to work against this important historical and juridical demand to give a clear account of what happened.

A narrative invariably proceeds by way of figures, and these might include irony and ellipsis. The moment of ellipsis is precisely one in which something is not told, a moment of withdrawal or lapse within the narrative, but also part of narrative, a formal feature of its possible trajectory. Hence, if traumatic events make giving an account difficult or impossible, or if they produce elision or ellipsis within a narrative, then it would seem that precisely what is not spoken is nevertheless conveyed through that figure. What is unspoken is nevertheless relayed or conveyed in some way, suggesting that the narrative has to be understood as well as a mode of address, one that makes a bid for our understanding. Views that claim that narrating the self is one way of bringing the self into being presuppose the "I" to be the inaugural moment of a sequence of acts situated at the center of the action in question. But what is the status of such a narrative when a series of circumstances and actors are acting upon the scene at once, all of which are acted upon by other circumstances and actors, the history of which cannot be fully known or narrated at the time, if ever? The "I" is neither the first and foremost "cause" in a sequence of events nor the fully passive "effect" of such a sequence, which led Hayden White, in his vexed and interesting essay "Figural Realism in Witness Literature," to wonder whether it might not be possible to reanimate the middle voice to enunciate the fully equivocal status of a subject acted upon and acting at once.¹

I would add that there might be some humility to be valued in recognizing that one's actions do not always completely and utterly originate with the "I" that one is and that, correspondingly, there is some forgiveness, if you will, correlated with this acknowledgment that giving a full account of oneself in this sense is impossible. The impossibility follows not only from an inability to secure the subject as the first cause of a historical sequence of events but also because language falters when it is charged with the task of elaborating that sequence in terms of its content alone. Giving an account is thus, for this latter reason, not so much a matter of disclosing or concealing the truth of what has happened (elaborating a content in and by language); the ideal of full disclosure leads to certain failure, and not necessarily or only because the narrator is deceitful. The impossibility of the ideal of full disclosure exposes a fallibility at the heart of narrative itself, and this fallibility is elaborated through those figures that do something other than convey a positive content, understood as the delineation of "what happened."

I want to suggest provisionally a link between such figures and fallibility that might assist us in separating the question of the “what” that is conveyed, and the mode of address that may well seek an audience, even when, or precisely when, it may not be possible to give a seamless narrative account. Something is still nevertheless said, and it is said to someone (even if that someone is only figured anonymously through apostrophe). That narrative reconstruction falters is a sign that there is such a mode of address; indeed, there can be no reach without that fallibility and faltering. Although the emphasis on the scene of address implied by this account of narrative suggests that testimony has to be something other than securing a verifiable sequence of events, it is bound up with the communication of a reality. Indeed, the task of communicating such a reality, as Hayden White points out, involves making use of the rhetorical features of language to convey *the emotional reality* that runs counter to the positivist demand that language act only and always transparently to convey the facts.

There are at least two points to be made here from the outset. The first is that the suturing of a sequence of events is only one way to communicate a reality. The second is that the reality communicated consists not only in “what happened” but also *that* it happened, and the *that* requires language to assert its reality and its force. There is a task at work in testimony that is different from the transmission and preservation of a sequence of events. For the account to communicate a reality, it needs to relay the meaning of the events in question, even when, precisely when, the events produce a crisis for meaning-making activity. The communication does not take place if the mode of relaying events seeks to separate the happening of those events from their affective and psychic dimensions. Theoretically, this means that the demands of evidence require figuration and that we cannot usefully separate content from form. White argues that such accounts rely on figures precisely to relay an affective reality: “The most vivid scenes of the horrors of life in the camps produced by Levi consist less in the delineation of ‘facts’ as conventionally conceived than of the sequences of figures he creates by which to endow the facts with passion, his own feelings about and the value he therefore attaches to them” (FR, 119). If White is right, then a sequence of figures may sometimes be more important than a sequence of facts. Indeed, it may well be that no communication of the facts can take place without a linguistic assertion of those facts that relies to some extent on figuration. As will be seen, sometimes the figures are required to convey an emotional reality, and other times Levi invokes them precisely to mark a certain distance between the story of what happened and the memory of the emotional reality.

One figure that recurs in Primo Levi's work is crystallization. It marks a problem that emerges when the linguistic effort to convey what happened is reiterated over time. It comes up for him most prominently when, in trying to refute the revisionists by offering a definitive account of what happened, he finds that he must *recount* the events and that this recounting actively affects his memory. As White points out, Levi tries to void his account of figures, only to produce an account for which no such evacuation is possible (FR, 115). On the one hand, Levi seeks a clear and transparent language, one that might rise to the level of scientific rigor in order to refute those revisionists who are ready to claim that the reports on the Shoah are "just stories." On the other hand, he is aware of how the stories of memory congeal and "crystallize" over time, which suggests they are anchored in something other than memory. How does he broker this crystallization effect? Does the Shoah assume a linguistic life that unanchors it from memory and historical reality? Can such an effect be countered? And what consequences does it have for us, in the present, as we consider the discursive life that the Shoah has assumed?

The linguistic form in which Levi preserves and conveys the historical experience of the camps produces at least two different kinds of difficulties, and these, in turn, constitute two different political problems. On the one hand, there are the revisionists who must be refused through a reconstitution of the historical and experiential record; on the other hand, there are those who "use" the Shoah to justify excessive Israeli militarism, an exploitation of that history that Levi also openly opposed. What is it in language that gives rise to both the denial and the exploitation of the Shoah in such instances? How can these forms of effacement and deployment be averted, and is there something in language that resists these two political trajectories, both of which Levi finds unacceptable? At stake is not only a political position, but a way to position himself morally in relation to the experience he has undergone. He needs to tell the story to preserve its historical status against those who would deny it, but he also needs to tell the story in order to come to terms with his own accountability. The first task seems to require that language be transparent, and the second demands that a sequence be secured for the events in question in order to negotiate the status of his own agency and complicity.

In at least two of Levi's books, *Survival in Auschwitz* and *The Drowned and the Saved*, he focuses on the need to preserve and convey through language the lives and deaths of those in the camps with him, but also to determine his moral position in that context.² Although there are times when he simply maintains that there were victims and executioners, there are also times when he points to what is called the "grey zone"

where lines of accountability are more difficult to ascertain. Describing that zone, he points to the actions that prisoners took under constraint, indeed, under the threat of death, and seeks to show that, though they participated in activities that could be said to maintain the death and labor camps, their actions were in large part coerced. He portrays yet other prisoners, though, who became the notorious kapos, and identifies in them an overreaching, zealous if not sadistic, entry into the lower ranks of the SS and so into a collaborationist practice that he finds morally repugnant. Levi vacillates between holding himself accountable for surviving, seeing his survival as evidence of a certain guilt, and insisting that the responsibility for the destruction of human lives in the camps resides with the SS and the explicit collaborators.

At one point Levi claims that inmates made the assumption that, if they were arrested and imprisoned, they must be guilty of something, and so lived their days in an effort to expiate a guilt that was nameless and without any basis in reality (DS, 76). It was only after the camps were liberated that suicide rates increased for former prisoners. He elaborates the tragic form of psychic reasoning that leads to this conclusion:

Suicide is born from a feeling of guilt that no punishment has attenuated; now, the harshness of imprisonment was perceived as punishment, and the feeling of guilt (if there is punishment, there must have been guilt) was relegated to the background, only to re-emerge after the Liberation. In other words, there was no need to punish oneself because of a (true or presumed) guilt: one was already expiating it by one's daily suffering.

(DS, 76)

Levi clearly sees that the guilt is induced unjustly, that establishing the self as the "cause" follows from a need to find a reason for the internment. And, though he can outline this faulty line of reasoning, Levi sometimes succumbs to its terms. He clearly understands it is by accident that he himself survived. For instance, he relays how he came down with an illness that landed him in an infirmary at the time when the rest of his barracks was taken out for a death march in the late spring of 1944, leading to his inadvertent survival and rescue. He writes with clarity: "I do know that I was a guiltless victim and that I was not a murderer" (DS, 48). At other times, though, it would appear that Levi thought that he survived at the expense of someone else, that his own action or inaction was accountable for the deaths of others, and that it was unbearable that he should survive when another could

not. He understands, it would seem, that he survived in the place of another and so experienced his survival as an illegitimate usurpation of another person's place in life. Thus, he writes, "It is no more than a supposition, indeed the shadow of a suspicion: that each man is his brother's Cain, that each one of us (but this time I say 'us' in a much vaster, indeed, universal sense) has usurped his neighbor's place and lived in his stead. It is a supposition, but it gnaws at us; it has nestled deeply like a woodworm; although unseen from the outside, it gnaws and rasps" (DS, 82).

Usurp is clearly an active verb and fortifies the conviction that one's survival is the cause of another's death. If, according to this economy, one takes life at the expense of another, then to give up one's life is to let the other live. One might well come to wish for one's own death as a way of reanimating the other's life. If Levi's portraits of various characters in the camp were efforts to "bring back to life" those who were killed, we might consider that this "reanimating" function of literary portraiture prefigures suicide. In suicide the insupportable logic of usurpation is reversed: one does not live at the expense of the other, but one gives one's life so that the other may live. Such a logic of guilt inflates the power of the subject to decide matters of life and death, installing the cause of the other's death in the surviving subject. This can only be read as a painful displacement of the machinery of mass death onto and into the causal agency of the self, effectively refiguring the self, an incarcerated victim, as the machinery of mass death.

In the time that he did survive, however, Levi tried to tell the stories of Auschwitz again and again, not only to keep the historical record straight and perhaps come to terms with his own position in the camps but also to make sure that such a phenomenon could not recur in history. His reflections on politics are profoundly informed by this extraordinary experience of suffering and his enormous commitment to witnessing, even as he understood himself as someone who could not give a full or adequate testimony to what happened there. As he took stands on political issues, he was alert to the threat and excesses of fascism, to the persistence of anti-Semitism, but also to the way in which the Shoah itself could be used to justify a politics he thought no survivor could or should condone.

This text began with the conundrum that to offer a criticism of the State of Israel could be construed as anti-Semitic or, indeed, as aiding and abetting a new destruction of the Jewish people. Primo Levi understood it as his public responsibility as a Jew and as a survivor to make clear his opposition to the bombing of Beirut and the massacres at Sabra and Shatilla in 1982. Although he clearly valued the founding of Israel as a refuge for Jews from the Nazi destruction, and even as a place where Jews

might maintain a right of return, he sought to distinguish between an argument that valued Israel's existence as permanent refuge for the Jews from then contemporary Israeli state policies. As a result, he became critical of both Begin and Sharon in the early eighties and called for their resignations after the massacres at Sabra and Shatilla.³ In interviews he insisted on a distinction between Jewish values and the State of Israel, rested his hope in the left demonstrations against the state within Israel, and remarked that the "blood spilled" in that region pained him, not just the Jewish blood, but the blood of everyone.⁴ After he called for the resignation of Begin and Sharon in *La Repubblica*, he received letters from Israelis criticizing him for taking a public stand against Israel (though in actuality he was taking a public stand against some Israeli military actions, not Israel as such).

Levi opposed the bombings of Beirut, which devastated much of southern Lebanon and killed thousands of Arabs living there. And he opposed the building of settlements in the occupied territories. And, months later, he decried the killing of defenseless Palestinians in Sabra and Shatilla, attacks reported to have included gruesome killings, hacking people into pieces and disemboweling pregnant women. Such actions, Levi maintained, caused him "shame and anguish," and yet he held out for the possibility that conditions could change. In a 1982 interview with Giampaolo Pansa, "Primo Levi: Begin Should Go," he writes, "I am not such a pessimist as to think that Israel will always be like this."⁵ And when asked by his interlocutor how he responds to the letters from Israel, from those who ask him whether or not he can see "all the Jewish blood spilled in all these years," he replies:

I reply that the blood spilled pains me just as much as the blood spilled by all other human beings. But there are still harrowing letters. And I am tormented by them, because I know that Israel was founded by people like me, only less fortunate than me. Men with a number from Auschwitz tattooed on their arms, with no home nor homeland, escaping from the horrors of the Second World War who found in Israel a home and a homeland. I know all this. But I also know that this is Begin's favorite defense. And I deny any validity to this defense.⁶

In denying any validity to this defense, Levi maintains that it will not do to call upon the Shoah as a way of legitimating arbitrary and lethal Israeli violence against civilian populations. It is a moment in which Levi, though tormented by the letters he received from Israelis rebuking him for his public criticism, clearly

does not fall prey to a sense of guilt that would lead him to retract his public views. Instead, he asserts the authority of the “I” to deny validity to this defense. And he surely knows that this “I” is not any “I” but the first-person declaration of the most articulate and influential of European survivors of the Shoah. It would seem that the torment might have silenced him. In the place of that silence, however, he reasserts the “I” that would not instrumentalize the historical memory of the Shoah to rationalize contemporary military violence against Palestinians. At the same time, it is important to note that Levi refused the identification of Israel with Nazi Germany, and he decried the upsurge of anti-Semitism that became public in Italy after 1982. He worried that Israel itself might be responsible for fostering anti-Semitism, but he also was very clear that neither the Israeli state violence of the time nor anti-Semitism would ever be acceptable to him.

I mean to point out at least two dimensions of the Shoah that seem to be at work not only for Levi, but more broadly in the available discourses we have on this topic even now. On the one hand, the Shoah is what traumatizes and what disrupts or deforms the possibility of giving an account of himself. It is a set of memories that cannot always be maintained or sustained, and it makes very difficult any full or comprehensible accounting, even, at times, for Levi, any exhaustive understanding of accountability in light of the “grey zone” in which the agency of the prisoner is afflicted by coercion and the threat of death. On the other hand, it is clear that the Shoah can be used to rationalize state violence, and to this Levi delivers a clear and unequivocal moral and political objection. Can we then think about the relationship between a discourse interrupted and confounded by trauma, on the one hand, and available to political instrumentalization, on the other?⁷ As traumatic, the Shoah makes use of Levi’s language, the language of those who survive and those who continue to live in the aftermath of that horrific destruction of human life. As instrumentalized, the Shoah becomes a way of silencing critique, rationalizing state violence and lending legitimacy to Israeli practices that ought properly to be objected to and refused, as Levi clearly did.

But perhaps we have gotten ahead of ourselves. After all, Levi has two predominant problems that follow from a certain seizure of memory by discourse. He has to solve these problems somehow in order to refuse both revisionism and the political exploitation of memory. Let us then recount how these problems emerge for him in order to understand how these discursive formations produce both the possibility and liability of communication. If what I am calling here “discursive seizure” and what White specifies as a “sequence of figurations” are not to be understood as mere

“constructions” that abandon the reality they are meant to communicate, then it seems we have to understand in what sense these discursive seizures are modes of referentiality. White makes clear, for instance, that a series of portraits Levi provides of camp interns constitutes a “sequence of figurations [that] is fully and explicitly referential” (FR, 122). The fact that Levi’s description “expresses the moral charge which inspires its form” (FR, 122) is not a reason to debunk the referentiality of the form. Rather, it is a reason to understand the moral charge as part of the objective reality being transmitted. How precisely that is done, and with what effect, remains for us to explore in the latter part of this essay.

Primo Levi starts his book *The Drowned and the Saved* by letting his readers know that the Nazis sought not only to destroy lives, but to eradicate the evidence of their destruction. The Third Reich, he writes, “waged a war against memory” (DS, 31). Thus, the narrative voice in Levi’s text not only relays this fact, but, in its very existence, constitutes a kind of evidence. Insofar as Levi gives us a text that, in its telling, proves that this one was not fully destroyed and so, in this way, foils the plot the Nazis devised to eradicate any evidentiary trace of their exterminations. That there is still a speaking subject is itself refutation of that attempted effacement. If the Nazis thought, as Elie Wiesel surmised, that no one would believe such a thing (that is, they understood themselves to be enacting the unbelievable) or that no one would survive to testify, then Levi, in testifying, disrupts their plan and sabotages their ongoing machinery, since they sought not only to act during the war years, but to continue to act upon any future in which a history might be told about what they did. Levi’s telling, his story, proves that their machinery broke down. He will be a surviving witness, provide evidence and so confirm what they would deny.

As soon as Levi begins this task of establishing evidence, he is beset by problems, since he is writing forty years later, and he must inquire about the veracity of his memory, an inquiry that for him raises the relationship of memory to trauma or, at least, to what resists remembering, as well as the relationship between memory and story. Can he still tell the story? And does his story confirm his memory? Did the Nazis perchance succeed in making the event untellable, unnarratable? If the narration proves not to be fully tellable, would that be a Nazi success story? Or can we safeguard the fallibility in and of narrative for another purpose? Is there a way to consider the fallibility of narrative, its very breakdown, as the evidentiary trace of trauma itself?

Although the book starts with a strong claim about the Nazis seeking to destroy memory, to render the future witness impossible, it turns within a few pages to

the problems that obstruct a simple reconstruction of memory. Calling memory a “suspect source” (DS, 34), especially the memory of suffering, he notes first that the memory of suffering has a way of “crystallizing” as story. This crystallized story then takes on a life of its own. And further, the memory, in being told and crystallized in this way in turn begins to restructure memory itself. Indeed, the telling of the story performs a crystallization of that memory of suffering that transforms memory such that some of the original memory is lost. Thus the story takes on a life that comes at the expense of the memory itself. Paradoxically and painfully, the story can actually become the means by which the original suffering becomes lost to memory. Here is Levi’s language: “a memory invoked too often, and expressed in the form of a story, tends to become fixed in stereotype, in a form tested by experience crystallized, perfected, adorned, installing itself in the place of the raw memory and growing at its expense” (DS, 24).

The idea is, of course, frightening that the more such a story is told, the more it crystallizes, the more we lose the memory of suffering that prompts the story. And though Levi resists the consequences of this insight, he is truthful enough to articulate it anyway. We might consider that what Levi fears, and also what he knows to be partially true, is that there can be a loss of the loss itself and that this can be the result of the story we tell. Of course, the story is told in order to make sure that the Nazi project does not achieve the goal of destroying evidence, and it is told precisely against the revisionists who would question the very facts of the extermination camps. The story is there to establish evidence, to acknowledge that there was an enormous, if not unfathomable, loss of life, and to provide the explicit recognition of loss that mourning requires. But if the story makes more remote the memory of suffering and loss, then the story might be said to institute a kind of melancholia in which the suffering and loss are denied. The story threatens to substitute for the events it relays, and crystallization is the means of that substitution. The substitution comes at the cost of the event, and so it would seem that a certain strict accountability applies: the story is purchased at the expense of the event itself, just as the life of the survivor is understood to come at the expense of the dead.

That crystallization, however, is not strictly responsible for the loss of the referent. The unbearable of loss and guilt gnaws at the referential capacity of language. But it would also have to be said, along with White, that the “moral charge that inspires the form” is part of the objective reality to be relayed (FR, 122). If referentiality is still troubled, this has to do with the difficulty of remembering or recalling that suffering, a difficulty that afflicts the very capacity to retain a form

for memory. Levi points out that “many survivors of wars or other complex and traumatic experiences tend unconsciously to filter their memory. . . . They dwell on moments of respite. . . . The most painful episodes . . . lose their contours” (DS, 32). He refers earlier to this loss of contour in the context of those who recite their memories, substituting descriptions for memories and moving from bad faith to good faith. Of those who seek to substitute a description for a memory, he writes that “the distinction between true and false progressively loses its contours, and man ends up fully believing the story he has told so many times and continues to tell” (DS, 27). This situation starts as a moral failure, although it becomes a form of self-deception sustained by no explicit intention to falsify. But then, in the next paragraph, he suggests that this capacity of the story to substitute for memory may well happen as “events fade into the past.” Under such conditions, “the construction of convenient truth grows and is perfected” (DS, 27). It is only pages later that he returns to this problem to suggest that it may well be the painfulness of the memory itself that prompts the story form that ends up taking its place. At this point, the story emerges briefly, no longer as a sign of moral failure, but rather one of trauma.

The trauma works to undo the painful memory as a bounded event, and, in crystallizing the memory, the story offers relief from precisely this traumatic encounter. It seems worth considering that the story works in tandem with a certain forgetfulness, a forgetfulness that is actually needed for survival. The story, which seeks to establish evidence of suffering on the basis of memory, crystallizes suffering, inducing a forgetfulness that helps the teller survive. It would seem that the requirements of survival sometimes work against the requirements to provide evidence. The story does not return to the original memory, but helps to vanquish it, and though Levi believes that the original memory, preserved, will lend veracity to his telling, his telling is also in the service of his surviving and so must act upon that memory, alleviate its traumatic effect, and even take its place. What is communicated as a result is the effect that trauma has on storytelling, and this written reflection that worries whether the story will be rooted in reality communicates precisely this reality of a trauma that unsettles the conventional function of the story. Although Levi’s writing contains stories and portraits, vignettes, historical forays, and speculations, they do not settle on a single form. Something is to be communicated here that makes form into a problem that registers in the forms Levi provides. It is in this sense that we can continue to maintain the referentiality of his writing, despite his own doubts, for the reasons that White supplies: the moral charge inspires the form and so, too, we might add, does the fear of moral

failure. Further, one writes not only in relation to the event but also in relation to the audience, and Levi had to struggle to make the story believable. That struggle also registers at the level of form.

Levi's struggle with truth and narrative is not uniquely his own. Charlotte Delbo, for example, writes in the forward to *Auschwitz and After*, "When I talk to you about Auschwitz, it is not from deep memory (sense memory), but from *memoire externe* (external memory), memory linked with thinking."⁸ This last is a memory that precisely does not relive the event in order to tell it. If she were reliving it, she would not be able to tell it. Indeed, in her own work that narrative capacity occasionally breaks down as sense memory interrupts external memory. This suggests that "telling" is always at some remove from reliving, and must be. At one point, she relates a story about standing in the roll call at Auschwitz, in the early hours of the morning in freezing weather, and claims that as she stood there she thought to herself, one day I will tell the story of standing here at roll call. In the next sentence, she says, that is actually not true at all. I was thinking nothing. I could not think at all. And that this is why it is not reasonable to think that anyone who underwent this experience would be able to give an account of it. They are not. This does not mean, though, that therefore no account should be given. On the contrary: to paraphrase Derrida, precisely because one *cannot* give an account, one *must* give an account. The capacity for narration suspended or debilitated by the trauma is precisely what emerges as the sign and evidence of a capacity to live on and survive. And Delbo, when she reflects upon the veracity of her own account, concludes that she does not know whether it is true, but she knows that it is *truthful*.⁹

So, given the complex relations among memory, story, and trauma at work here, it makes sense to ground an evidentiary refutation of revisionists on something other than the claim of memory to veracity. Of course, the archives of survivor stories are based on memory, but let us be clear that the story can only aspire to truthfulness and perhaps not to truth. Testimony acts in ways that memories cannot, and memories depend on stories to be transmitted and to endure.

Language does not only record, preserve, and transmit, though on occasion it does all those things. Language also invariably works upon the material it records, preserves, and transmits. Hayden White, for instance, argues that for Levi testimony "produces the referent," and we have to be careful here to understand what he means. This production of the referent has to be distinguished from the view that says there is no referent, only language, that is, the point of view that language nullifies referentiality as such. White's view is that if those events are to be transmitted to an

audience, they must be relayed in rhetorical terms that produce or orchestrate the referent for us, that bring it into legibility and endow it with sense. At one point, White argues, figures are needed in order to “grasp . . . a real situation” (FR, 116). In the same essay, he remarks as well that Levi’s turn away from realist representation, when it happens, “has the effect of actually producing the referent rather than merely pointing to it—and much more vividly than any kind of impersonal registration of the ‘facts’ could ever have done” (FR, 119).

If, against the revisionists, one wants language to preserve the referentiality of events, to act archivally, as it were, it may be that the means by which they are both preserved and transmitted are the very means by which language acts upon the referent. There seems to be no way around this, and we might even speculate that the psychoanalytic notion of “working through” depends precisely on this possibility of language acting upon past events. But there are at least two even stronger points. First, to preserve the referent, one *must* act upon it, and to act upon it is to transform it in some way; without acting on the referent, the archive cannot be preserved. Second, for the reality to be communicated—which means that conditions of incredulity must be overcome—language must act on the facts to produce them as a graspable reality. This last is no easy task, since it means coming up with forms that will communicate this reality, a task at once rhetorical and referential.

Stories, of course, are not the only discursive means by which memories are acted upon and displaced. It may be that when we refer to trauma, we are indexing that which is not quite on the order of a memory, although it constitutes a past; it is distinguished as a past that does not stop happening. The trauma continues, but not seamlessly; it must repeat, and its repetition invariably takes a certain syntactical form. Moreover, to be known or communicated, the retelling must be, to some extent, a reliving; otherwise, to read or, indeed, to listen to what is said will not lead to a comprehensive account of what White calls the “emotional reality” of the narrative sequence of events (FR, 123). To say that certain narrative retellings are traumatic is to maintain that the means, the syntax, of that retelling is not precisely decided but, rather, compelled. But then we are in a complex situation, indeed, in which a crystallization of events that is meant to preserve and transmit the reality of those events not only acts upon those events to achieve those purposes, but takes on new discursive effects that exceed the purposes for which the narrative crystallization was devised. Something makes use of the story that is not the choice of the narrator, and we can see this not only in the quasi-independence of the crystallization effect (is that my story, another’s story, the story I have told

so often that I no longer know precisely what is the narrative account, and what the referent?). Crystallization names a certain operation of discursive seizure, one that is necessary and unavoidable.

To say there is a repetition of storytelling that belongs to a traumatic compulsion to repeat is already to say we cannot fully control the discursive uses of the story that is told. If there is no retelling and reliving of the narrative without acting upon it, then this acting upon is crucial to the relaying of the story and forms one of its necessary rhetorical dimensions. But those who receive the story also retell it, and, though the traumatic effect is transmitted—along with the crisis of volition that comes with that trauma—it can become unmoored from its original aims. This seems to me to be the invariable risk of crystallization.

Crystallization thus seems to be both the condition and risk of the archive and hence the precondition for refuting revisionism. But as we have seen, this very process of crystallization is linked with an acute sense of accountability. It is this latter, I would suggest, that is at work in the political exploitation of the Shoah. The primary aim of that exploitation is to heighten a sense of accountability of a certain kind and to mobilize this accusation as a way of rendering an opposing political viewpoint morally reprehensible. The rhetorical invocation reanimates the trauma in the service of an accusation that works to render the contemporary enemy into an “effective Nazi,” and so legitimate any and every violence against that enemy.

In such political contexts the reanimation of the trauma does not preserve a referential history, even when its slogan is “never again!” Rather, it intervenes with a discursive weapon in the field of contemporary politics. Can we understand this as another permutation of crystallization? In this case, discourse substitutes for memory not simply to establish a distance from unbearable suffering and guilt for the subject, but to level an accusation in which guilt is fully (and infinitely) externalized, and the other is constituted as fully accountable for one’s continued suffering. *The accusation reanimates the suffering to support the accusation, and the accusation, in turn, seeks to alleviate a baseless guilt through identifying its “cause” as the contemporary other, thus continuing that traumatic temporality in which the past does not cease being past, eclipsing the historical distance between then and now.* The transferability of the affect, the transmissibility of the trauma, is essential to this historical transposition from one political reality to another. I am not sure how to locate agency in this process, since, as I have suggested, the traumatic aspect confounds usual recourse to volition. And yet, we can see, on both sides of the political debates on Israel, a certain strategic use or exploitation of this nexus of trauma and language to wage

an accusation of paralyzing proportions. The discursive means by which the Holocaust is reinvoked is precisely a way of calling upon the pain of its repetition and mobilizing that repetition and pain for other means. The question is whether it is mobilized for political purposes with the consequence of displacing the pain (and closing the historical gap between present and past) and losing the referent itself.

This can and does happen on various sides of the political issue. Those who are willing to engage in a peace process have been criticized for sending the Jews to the gas ovens again, and those who criticize the state have been accused of making the Jews vulnerable to another Holocaust.¹⁰ But the allegation happens by Israelis against Israelis, by critics of Israel against Israelis, by Israelis against Jews in the diaspora.¹¹ Tom Paulin's reference to the "Zionist SS" is one case in point.¹² The speculation that the Israeli state now traumatically mimics the Nazi regime is a presumptively satisfying claim for some who are critical of Israel. So it would seem that those who defend the state and those who oppose it, or, at least, some of its policies and practices, are both subject to the accusation of being Nazis in different ways.¹³

If Levi is right that the story of the Holocaust or Shoah can grow at the expense of the memory of suffering, the story of the Holocaust can also grow at the expense of apprehending human suffering. And this can happen in at least two ways: first, by denying the Shoah and its continuing traumatic significance; second, by exploiting its traumatic significance in order to justify all military aggression as a necessary self-defense. It is unacceptable to claim, as some do, that the Holocaust is "nothing but an ideological smokescreen" and an emotionally laden way of stigmatizing opposition. Some go so far as to claim that the Holocaust is a fictive phenomenon, contrived to provide a false legitimation for Israel. On the other side, and no more acceptably, the enemy can sometimes be figured as the resurgent Nazi, and those Jews who are critical of Israeli policy toward the Palestinians are figured as self-hating or collaborationist. The Holocaust is invoked in order to debunk its historical reality or significance or to reanimate its moral horror for the purposes of justifying new military aggression. Both tactics fail to consider what kind of ethical and political framework might usefully be derived from the Holocaust for the present. To ask this question is to consider, first, that it may not be the most useful paradigm for thinking about the present. But it is also to consider that some historical translations have to be made that allow the Holocaust to become history rather than the kind of trauma that knows no historical distinction between then and now.¹⁴

The historian Idith Zertal points out that references to the Holocaust were infrequent during the founding of Israel in the late 1940s and throughout the 1950s.

Israel sought to counter the image of the abased concentration camp intern and to establish a new norm of masculine aggression. She points to some key historical moments in which the discourse on the Holocaust was most poignantly animated within Israeli politics: the Eichmann trials (and hence the dismissal of Hannah Arendt's critical perspective); the 1967 war, in which the state built a common consensus that nothing less than the destruction of the Jewish people was once again at stake (IH, 91–127). What distinguishes Zertal's analysis, however, is that, though she underscores the tactical deployment of the Holocaust for political purposes, she objects to this deployment on the grounds that it demeans and devalues the suffering of those who survived the camps. She writes:

According to circumstances of time and place, the Holocaust victims were brought to life again and again and became a central function in Israeli political deliberation, particularly in the context of Israeli-Arab conflict, and especially at moments of crisis and conflagration, namely, in wartime. There has not been a war in Israel from 1948 to the present ongoing outburst of violence which began in October 2000, that has not been perceived, defined, and conceptualized in terms of the Holocaust. This move which, initially goal-restricted and relatively purposeful, aimed at constructing Israeli power and consciousness of power out of the total Jewish powerlessness, became in due course, as the Israeli situation was further removed in time and circumstances from the Holocaust, a rather devalued cliché. Auschwitz—as the embodiment of the total, ultimate evil—was, and still is, summoned up for military and security issues and political dilemmas which Israel has refused to confront, resolve, and pay the price for, thus transmuting Israel into an ahistorical and apolitical twilight zone, where Auschwitz is not a past event but a threatening present and constant option.

(IH, 4)

Zertal's book offers a nuanced and capacious effort to trace the way that the Holocaust was remembered and forgotten in the first decade of Israeli statehood, the Eichmann trial, and the expansion and justification of the Israeli armed forces. What is for me remarkable about this book, and even qualifies this book as the political inheritor of Primo Levi's own complexity and honesty on this issue, is the insistence, on the one hand, of the enormously traumatic effect of the Holocaust or Shoah on the Jewish people and the warning, on the other hand, against the exploitation of

this suffering to authorize further unnecessary violence. She reconstructs various episodes from Israel state formation in order “to examine the discrepancy between the historical dimension of events and the national memory molded upon them” (IH, 5). Here we can see that Zertal suggests Levi’s formulation needs to be revised. It is not only that memory is acted upon by story and discourse and becomes transformed as a result, but that story and discourse can produce a national memory that is significantly separate from the course of historical events.

Zertal cites Levi at length, especially his claims about the difficulty that survivors faced in being able to give an account of their suffering. For Levi, those who would be true witnesses were rendered mute by the brutality of what they underwent. Those who survived to tell often lost the memories they needed, because of trauma, or could only reiterate stories without finally knowing the extent to which they had become unanchored from memory itself. According to Elie Wiesel—and also Jean-François Lyotard—one of the founding aims of the Israeli state was to provide a place and a framework for that telling. Levi comes to form his own view on the founding aims of the Israeli state: “The State of Israel was supposed to change the history of the Jewish people, but in a very precise sense: it was supposed to be a life raft, the sanctuary to which Jews threatened in other countries would be able to run. That was the idea of the founding fathers, and it preceded the Nazi tragedy; the Nazi tragedy multiplied it a thousandfold. Jews could no longer do without that country of salvation. Nobody stopped to think that there were Arabs in that country.”¹⁵ In 1976, though, he tells an interviewer: “I must admit that after 1950 this image of the Jewish homeland gradually faded in me.”¹⁶ Indeed, there were more than seventy-five hundred thousand Palestinians who were forcibly dispossessed of their lands and their homes through the establishment of Israel in 1948, and surely the Israeli army did have those Arab populations in mind when it seized those lands. And in 1950–53 the laws that justified the transfer of those properties to Israelis were put into place in defiance of UN resolutions for reparation and return.

It would doubtless be a mistake to say that the answer to this problem is to forget the Holocaust and live in the present. That imperative cannot work, only because of the profound way that history itself changed for the Jews after the Nazi concentration camps. The challenge, rather, is to ask in what way history has changed. And it would seem to me that writers like Levi and Zertal both ask whether the Shoah and its suffering might contribute to an ethical and political framework for the present that speaks up against state-sanctioned violence that serves no aim but to control, intimidate, and demean a population that is for the most part living in conditions

of unacceptable restriction, political disenfranchisement, and poverty. Arendt also would have to be included here, since her primary objection to political Zionism articulated in 1944 is that it would fortify the nationalism of the nation-state and produce statelessness for a massive population for an indefinitely long time.

In *The Holocaust Is Over, We Must Rise from Its Ashes*, Avraham Burg argues that in Israel “the Shoah is woven, to varying degrees, into almost all of Israel’s political arguments. Unlike other events of the past, the Shoah does not recede but is coming closer all the time. It is a past that is present, maintained, monitored, heard, and represented.” His point is twofold: on one hand, he writes, “Because of the Shoah, Israel has become the voice of the dead, speaking in the name of those who are no longer, more than in the name of those who are still alive.” On the other hand, the daily references to the Shoah rationalize war, maintain Israel in a defensive and victimized position, and keep Israel from generalizing the political lesson of the Nazi genocide against the Jew: such racism, such deportation, such murder should never happen again to anyone, ever. He laments the loss of optimism, the cooperative spirit, and affirmative ethics that he finds in contemporary Israeli life. He writes, “The Shoah is our life, and we will not forget it and will not let anyone forget us. We have pulled the Shoah out of its historic context and turned it into a plea and a generator for every deed. All is compared to the Shoah, dwarfed by the Shoah, and therefore all is allowed—be it fences, sieges, crowns, curfews, food and water deprivation, or unexplained killings.”¹⁷

In the midst of this political analysis, Burg offers an anecdote that suggests that there are those who have effectively adopted the Shoah as a personal history and trauma even when they have no “direct” historical connection with the event. It is supposed to be a humorous and ironic moment, but it inadvertently raises the question of how trauma is communicated transgenerationally or, indeed, extragenerationally. Burg notes that the mass immigration of Sephardim and Mizrachim (Jews originally derived from the Spain and Arab Jews) produced a problem for the historiography of Israel. Often such immigrants arrived in conditions of poverty, destitution, political exile, on unstable boats, with traumatic experiences of displacement of their own. Burg notes that “a silent dialogue must have taken place among all carriers of trauma. Nothing was said explicitly and no formal policy was written, but when unspoken traumas were compared, the Ashkenazi overpowered the Sephardic. . . . The obsession with the Shoah shoved aside any discussion on other Israeli suffering.”¹⁸ Burg tells the story of Mr. D., an Israeli who went on a trip

to Poland, expecting to be away there for a few weeks, only to return abruptly after a few days. Burg asks Mr. D. why he cut his visit short. Mr. D. replies,

“I couldn’t bear it anymore. . . . Everything came back to me. I landed in Warsaw and it was cold and snowy. The same day we traveled into the Polish hinterland to check on a few opportunities. . . . The snowy plains blinded me. It was cold to the bone and all we saw were birch forests and shrubbery. We spent the night there and then continued on a night train. The train traveled for many hours. The wheels and the cars shook and the ticket conductor was aggressive. Then a sudden ticket control. I just couldn’t bear it anymore. Polish trains are too much for me. The following day, I hopped on a plane and came back home.” The next day, Burg calls the man and says, “Tell me . . . where are your parents from?” And Mr. D. answers, “from Iraq.”¹⁹

OK, so we get the joke, or it would seem that we do, since the man has borrowed a history that is not his, even relives a trauma that is not passed on through the historical ties of family. The anecdote is only humorous on the condition that we accept that trauma is passed down through generations framed within familial logics. Burg concludes that the story shows “that Middle Eastern Jews were embracing Israel’s survivor narrative. The Shoah made us all one and the same.”²⁰ But is this the necessary conclusion? Did this man embrace a history that was not his, or did he find that history entering him by virtue of living within proximity to others who bear this history more proximately? Was it his identification with the nation that led him to take on or absorb this other history? Or is there another way trauma is transmitted that does not get examined in this analysis? For instance, can trauma be transmitted laterally as well as generationally, or do “generations” emerge within certain national frameworks that gather people together under dominant narratives that diverge from their biographical histories?

Although Burg’s story is an important one for showing how a dominant narrative recruits those who have no historical basis to identify with the narrative, it succeeds less well in explaining why people come to identify as they do. Are we to conclude that the problem is that Mr. D. has embraced a survivor narrative that does not belong to him precisely because the survivor narrative has become a discursive condition, registered at elemental affective levels, for national belonging in Israel? On the one hand, I take Burg’s point that this has become the case, and that

the political imaginary of Israel is severely affected by this precondition. I would argue further that when persecution and survival become the only coordinates for political self-understanding on the part of a powerful nation-state that continues a decades-long policy of violent occupation, then it is no wonder that every act of aggression on the part of that state is renamed as self-defense. On the other hand, I want to keep the question open: is there an explanation of how and why this man would have to leave Poland in the early part of the twenty-first century, even though his family emigrated from Iraq? In other words, does trauma sometimes relay in ways that are lateral and dispersive, defying the notion of generation that tracks only along biological kinship and reproductive ties? Following the discussion of the uses of Benjamin for theorizing the trauma of the Naqba, can we use this example to underscore the ways in which one historical trauma resonates with another or how vocabularies articulated to relay one set of traumatic events enable the articulation of another? How do we take account of the spatial and temporal relay of some historical traumas at the same time that the transmission of other forms of historical trauma are systematically thwarted? Of course, Burg's example is supposed to alert us to the appropriation of trauma for the purposes of legitimating cultural belonging. And he is right to do so. But, if we were to rest with his conclusion, we would fail to distinguish firmly enough between (a) the need to remember and oppose any form of historical revisionism that would consign to oblivion the destruction and forcible displacement of any people (a task that assumes a crucial connection between memory and critical opposition) and (b) the absolute need to reject all instrumentalizations of historical traumas, such as the Shoah, for the purposes of legitimating an illegitimate regime.

Primo Levi was mindful of both imperatives. In some ways, this dual track of trauma follows from its repetitive character. Trauma breaks into the present and reabsorbs the very possibility of the present into the past, maintaining those who are traumatized in an uncertain historical time in which the agents who inflict traumatic suffering repopulate one's world and foreclose the possibility of opening to a different future. There was a symptomatic moment in 1982 when Begin, after encircling Beirut with armed forces, announced, "I feel as though I have sent an army to Berlin to wipe out Hitler in the bunker."²¹ Can we read in that transposition something like the work of trauma to reabsorb every present circumstance into the recurrent and ravenous pain of the past? What would it mean to awake to a present that would learn from the Holocaust the necessity of opposing fascism, racism, state violence, and forcible detention? It would mean that we have to understand that

those kinds of actions can and do recur, in different historical circumstances, that they are not always the same, but that they are to be opposed, vocally and insistently, wherever and whenever they do recur. It would also mean that no one is exempt, by historical fiat, from occupying the position of the oppressor or the perpetrator, and this Levi already knew when he considered the actions of the Jewish collaborators. There is no innocence that pertains to Jews or Palestinians as such. There is only the historical demand to produce a political practice and mode of engagement that respects and institutionalizes protection for the precariousness of life itself.

There is a difference between a politics that is animated by trauma and seeks, tactically, to reanimate trauma for its own uses and a politics that reflects on what political conditions would be necessary to foreclose crimes against humanity such as these. This latter is surely an ethical and political framework derived from the Holocaust or the Nazi genocide. But it is one that must derive principles from a past for the purposes of living in and negotiating a present. That transposition or translation can only work if there is an apprehension of the difference between “then” and “now,” but it cannot work if the “then” replaces and absorbs the “now,” since that can only produce a blindness toward and in the present. Indeed, paradoxically, only by allowing the Shoah to become past can we begin to derive those principles of justice and equality and respect for life and land on the basis of that experience. It would be a different way *never* to forget, because it would not install the past as the present, but rather consult the past in order to conduct the comparative and reflective work that would allow us to derive principles of human conduct that would make good on the promise not to reiterate in any way the crimes of that historical time.

Trauma does not in itself legitimate a political claim, except perhaps the claim that conditions that ameliorate trauma are imperative for every conceivable person regardless of ethnicity, religion, or race. Trauma does not produce entitlement, though it can lead us to reflect upon how best to institutionalize entitlements such that trauma is ameliorated and foreclosed for every possible human. In a reactive relation to trauma, the trauma determines us unilaterally, even as we operate within its horizon and by way of its internal logic. The refusal of the present and of what we might call the concrete other is the consequence of this kind of hermeticism, which is why waking from trauma is the only way to forestall its endless reiteration. Indeed, in this way we might say that trauma presents us with a specific responsibility precisely because it threatens to render us as pure victims who, by definition, cannot take responsibility for the conditions we impose on others. Although trauma cannot be willed away, it can be worked through to the extent that we become mindful of the

way it threatens to absorb the present into the past or, rather, reenact the past as the present, and so bypassing the experience of historical distance, the interval needed to reflect upon and consider how best to make a history now in light of such a past.

Levi's own reflections led him over time to consider that a "diasporic" condition for the Jewish people was the better alternative, a position that brought him closer to the political views of Hannah Arendt. In 1984, three years before his death, Levi spoke again about Israel after a self-imposed period of censorship: "I have thought about this a great deal: the center is in the Diaspora, it is coming back to the Diaspora. . . . I would prefer the center of gravity of Judaism to stay outside Israel." And then again: "I would say that the best of Jewish culture is bound to the fact of being dispersed, polycentric." And: "The history of the Diaspora has been a history of persecution but also of interethnic exchange and relations, in other words, a school for tolerance."²²

A Holocaust survivor living in Leiden wrote to the Israeli newspaper *Haaretz* to say that she was offended that the Gaza settlers who returned to Israel analogized their situation to those who were forced into trains and conveyed to concentration camps. She worked with all sorts of historical details to argue that the two situations were empirically distinct. It was, in my mind, a laudable gesture, given that she thought, by virtue of her standing as a living witness, that she might debunk the power of this most exploitative, insulting, and paralyzing use of the Holocaust. She wanted to debunk it as traumatic metaphor and restore it to an empirical reality. But can one speak reason to this traumatic discourse? Her words are good and true, but is the issue any longer one of evidence? Or has the discourse now taken on a life of its own, one that grows at the expense of the memory itself, one that is no longer in the service of furnishing evidence to counter the Nazi war on memory, but rather of constructing political legitimation for land seizure and increased military aggression?

Levi understood the Holocaust to provide a moral framework for his own criticisms of Israel, and he would not listen to those who said that, in his position, he ought to remain silent. On the eve of his departure to revisit Auschwitz in 1982, he signed the open letter in *La Repubblica* calling for the withdrawal of Israeli troops from Lebanon. He refused to understand the Israeli army as representing a persecuted minority. The discourse of persecution should not be used for such a purpose. Over and against those who would revive the images of the camps to authorize Israeli aggression, he wrote provocatively in *Il Manifesto*: "Everybody is somebody's Jew. And today the Palestinians are the Jews of the Israelis."²³ Of course,

that is a controversial claim, and we are surely right to reject it as unwise. After all, if Levi says that the Palestinians are the Jews of the Israelis, he is transposing the victimized position of the “Jews” under the Nazis to the victimized position of the Palestinians under the Israelis. We might think that this, too, is a crude and cynical use of a Holocaustal resonance, but consider that he is saying that just as the Jew was persecuted under the Nazis, so others can be in the position of being persecuted, and if we equate the Jew with the persecuted, then today others can be Jews, including Palestinians. Further, Israelis—understood as the Israeli government—are not the same as Jews. When asked later about his controversial formulation, he made clear that he did not think that Begin and Sharon were Nazis.²⁴ And in response to an interviewer from *La Repubblica* who asked, “Are the Palestinians in the same position as the Jews under the Nazis?” he replied that he does not accept such simplistic analogies and that “there is no policy to exterminate the Palestinians.”²⁵

After he joined publicly with other Italian and Jewish intellectuals to ask both Begin and Sharon to resign, he was also horrified by the anti-Semitic slogans that appeared on the walls of his town equating Jews with Nazis. This was a radically untenable situation, and it produced a conflict: could he continue to elaborate those principles derived from his experience of Auschwitz to condemn state violence without contributing to an anti-Semitic seizure of the event? This was the issue he had to negotiate. Within a few months, Levi fell silent on this issue, and even descended into a serious depression, one that doubtless had several causes, but could not have been helped by the impasse that was before him. His political predicament is not far from our own, since to speak at all against Israeli policies can excite those who would condemn not only Israel but Jews more generally in the spirit of anti-Semitism. Is this a reason not to speak, or does it mean that when and if we speak we must speak against that anti-Semitism at the same time that we articulate moral and political objections to wanton state violence? Similarly, if we say that the Holocaust is deployed for the purposes of justifying brutal state and military actions, we must also say that the Holocaust is not reducible to this deployment, that it devalues and effaces the specific suffering and political challenge of the Holocaust to make such a reduction.

It is crucial, as White has done, to show that the rhetorical means through which the Holocaust is relayed can be a way of trying to “grasp” the reality, to register its moral force in the form by which it is conveyed. It is equally crucial to understand that the “moral charge” of the story can be transposed and displaced and that this happens in ways that are open to debate. The problem is not rhetoric versus refer-

ence, but which rhetoric, for what purposes, and with what obligation to tell the story in a manner that attempts to do it justice. If Levi considered one quandary when he wrote *The Drowned and the Saved*, he found himself in the midst of another toward the end of his life. His effort to refute the revisionists continued in his efforts both to counter the anti-Semites as well as those who would mobilize that history for the purposes of legitimating brutal state power. The discursive seizure of the Holocaust was inevitable, even necessary, to rebut those who would deny it. But it brought along new risks, which seemed to imply nearly full muteness for Levi in relation to contemporary politics.

Levi spoke out in 1982, and then softened his remarks, often then saying he would only give interviews on the condition that questioners not bring up Israel. Something traumatic had to be set aside, and neither Levi nor any other individual could remake the political lexicon within which he was compelled to live and speak. But we know that muteness is no answer. His situation bids us not to follow him there. But a few political principles emerged from the impasse he faced. When asked whether he hated Germans, Levi said that he did not believe one should or could categorize an entire people on the basis of their national character. When asked about his alleged insensitivity to the loss of Jewish blood, he responded that Jewish blood ought not to be privileged over any other, and then his final word on the topic: we must not allow the sufferings of the Holocaust to justify everything.²⁶

And if this simple sentence cannot be uttered, then we are doubtless learning the wrong lesson from the atrocities of World War II, namely, the lesson that we must not speak, that muteness is the only alternative to accusations of this kind. To separate that historical suffering from contemporary political exploitations of any kind is part of what must be done if we are to follow Levi's lead to do justice to history and to struggle for justice in the present.

8. “What Shall We Do Without Exile?”

Said and Darwish Address the Future

*where identity is open onto plurality,
not a fort or a trench*

—Mahmoud Darwish

AMONG EDWARD SAID'S FINAL REFLECTIONS were a set of speculations that, in my view, seemed to imply that binationalism could be the undoing of nationalism. Of course, one has to pause at the very start of such a consideration, since it makes sense to be opposed to Zionist forms of nationalism, but do we want to oppose the nationalism of those who have yet to see a state, of the Palestinians who are still seeking to gather a nation, to establish a nation-state for the first time and without firm international support? To this most urgent question I want to suggest that we try to think for a moment not only about whether all nationalisms are the same (they surely are not), but what we might mean by “nation.” For one of the very first assumptions we make is that a nation gathers people in place and time, establishes boundaries and borders that can and must be secured through military means, and develops modes of democratic self-governance and sovereign territory and right. And, though surely few things could be more important for Palestine than laying claim to the lands that rightfully are its own, that right does not immediately imply a specific form of the nation-state. Indeed, one could formulate the right in light of international law or on the basis of moral and political arguments that may or may not be framed within a specific version of the nation-state. The right to lay claim to the land may well be based on a historical analysis of a set of illegal practices of land confiscation that have become essential to the founding and self-legitimizing practices of the Israeli nation-state. Israel has been built on a series of land confiscations that preceded 1948, continued through 1967, and continue now with the extension of settlements, the building and rebuilding of the wall, and the strategic ways in which the borders are constantly expanding when checkpoints are arbitrarily relocated. But even if we start with the presumption that the State of Israel does not exist without the practice of illegal land acquisition and confis-

cation, as I think we must, we are still brought back to two facts that compel us to ask how we are to understand the nation of Palestine and what ways that nation can and must be specified.

The first issue is that the Palestinians of 1948 who lost lands and homes and who were forced from the territory are diasporic, and for the most part they remain scattered in various locations—outside the land that constitutes historic Palestine. Indeed, the history of Palestinian diaspora effectively begins with the events of 1948.¹ The right of return for those who were dispossessed of land and work and who have joined the Palestinian diaspora remains crucial to any understanding of the Palestinian nation.² In this sense, the nation is partially scattered, and any notion of the nation would have to consider the rights of those who have been forcibly expelled from their own homes and lands. Historically considered, then, the nation of Palestine is not bound by any existing or negotiated borders, which means not only that rights and obligations extend beyond existing boundaries, but that existing boundaries are the effect of illegal land appropriations. Thus to accept those boundaries as the borders of the nation-state is to ratify and confirm that illegality as the acceptable foundation of the nation, an illegality that not only marks the origin of the nation-state but continues still as its mode of self-reproduction. To accept the current borders (whatever they happen to be at a given time) is effectively to agree to set aside both land confiscations and forcible expulsions as issues for any emergent Palestinian nation. Any nation built on these presuppositions depends on the disavowal of 1948, furthers that disavowal, and blinds itself to the continuing condition of expulsion for diasporic Palestinians.

The right of return for Palestinians can take many forms. Some have suggested resettlement plans (the Israelis are very good at building settlements, so perhaps some of that talent can be used to build new housing for Palestinians on their rightful lands).³ Some have considered modes of financial compensation, and yet others have considered modes of public and international acknowledgment. At a time when even the work of Zochrot to name and commemorate the decimation of Palestinian villages in 1948 is legally barred on what is called Israeli Independence Day, and those who engage in the activity of commemoration are now actively accused of treason, the question of publicly acknowledging the destruction and dispossession of Palestinians in 1948 is no merely symbolic matter; if anything, it is powerfully symbolic.⁴ Moreover, the right of return is supported by UN resolutions and remains consistent with an entire international body of law that is meant to secure the rights of refugees who were forcibly driven from their homes. Given

that the right to return has various meanings (some of which have been explored paradoxically by contemporary Jews who were driven from their homes under the Spanish Inquisition more than five hundred years ago), it makes no sense to say that one cannot afford to affirm or dispute such a right until one understands, at least, which version of the right is under discussion and whether the right under consideration is legitimate. If one waves this topic away, saying it is simply impossible or too complex, unthinkable, or too costly, perhaps this “waving away” remains the contemporary gestic form that the disavowal of coercive expulsion now takes, a trace within everyday discourse that has uncannily taken up a place within common sense.

For instance, it might seem like a reasonable way to address the unsolved problem of refugees and the stateless to convene an international conference on the right of return and to establish as a priority a careful consideration of the various formulations of that right and various modes of redress. The task would be to move toward a consensus (a fraught consensus is still a consensus) on what that right means and how it might be honored, and in that way, how the fulfillment of an international law and obligation might finally take place—a set of civic and legal moves that would seek to address continuing injustice and whose solution might pave the way for a less violent cohabitation between peoples in the region.

But, all too often, one finds in mainstream public opinion a reflex dismissal of this right (a waving of the hand, a look to the floor, a sign of exasperation), as if such a solution could only mean that Palestinians will suddenly and forcibly enter the homes of Israeli Jews and dispossess them of their kitchenware and property. So any approach to this problem means setting aside such dismissive gestures and projective phantasies (whose homes were, in fact, taken over, and who had to flee?). The right of return has to be both complex and effective, which means that it has to be grounded in the rights of refugees, the illegitimacy of dispossession, and a new conception of the redistribution of lands. While this may seem ideal or impossible or suggest that the region would have to be leveled and start over from scratch, I would point out that the Israelis are redistributing land all the time; these processes and techniques are already in place. So the question would be: how to intervene upon and reverse this process of land redistribution so that it now honors the rights of refugees and the legitimate demands for acknowledgment and compensation by those forcibly dispossessed of their property and lands? This would mean moving forward with a clear acknowledgment of history, to be sure. This process is made all the more complex by the fact that this particular history is constantly vanishing—Abu Mazen time and again offers to set it aside—always at risk of effacement,

and is, in effect, still struggling to become understood as part of history. What does it mean, under current circumstances, to move forward when the historical past has not yet been established?

Any advance into the future will surely not be helpful if it fails to resist this constant threat of historical effacement. And yet so many of the putatively practical approaches to the question of Palestine depend on this effacement. Of course, a set of events can only emerge as historical if they are not effaced, and it is only once they come to be historical that we can begin to think meaningfully and publicly about what new possibilities there may be for the future. Otherwise, the Naqba continues to happen, is indistinguishable from the present and so precludes any other temporal movement. Hence the struggle against the effacement of the Naqba is essential to any possibility of moving forward, which means that the same set of strokes establish the historical record and allow the future to take place. In this way the oblivion into which the Naqba is always threatening to fall not only requires an intervention of the Benjaminian kind but recalls as well the importance of Primo Levi's twofold task: the refusal of revisionism and the uses of forgetfulness for aesthetic production and existential survival. In the second section of this chapter I will try to understand from Mahmoud Darwish what kind of future is addressed by Said, especially in his final reflections on binationalism. It is important to note that for Said and for my own argument here, binationalism leads not to a two-state solution, but to a single state, one that would eradicate all forms of discrimination on the basis of ethnicity, race, and religion. So let us move patiently between the ideas of population, nation, and state.

But first I want to suggest that since the rights of diasporic Palestinians are at stake in any consideration of the Palestinian nation, we are under some obligation to rethink the idea of the nation of Palestine as one that “includes” the diasporic, or what is most often referred to as *al-manfa* or exile.⁵ This was surely Said's point, and he made it time and again.⁶ And here the right of return does not imply converting every diasporic status into a national one, but, rather, deriving from the diasporic, understood as a scattering of the population, *al shattat*, a set of precepts for any possible future polity. As I understand it, *manfa* implies forced exile, either involuntarily or voluntarily in response to hard conditions. *Shattat* is diaspora in the senses of scattering, also for the most part coerced, but not always. Are there political principles that are derived from the diasporic condition that must also, as it were, be brought home, that pertain centrally to refugee status and to dispossession? If we think of the right of return as canceling the diasporic status in

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favor of the national, is there still something of the diasporic that remains within the national or must so remain, presenting itself as an internal criticism of the national, if not a set of qualifications and safeguards that inhere in any possible nation? In other words, if the condition of diaspora provides certain perspectives on the status of the refugee, modes of living across temporal and spatial distance, practices of mourning, cultural transmission, including literature, music, film and the arts, modes of commemoration and alliance that take place within conditions of scattering and containment, then we may well ask, how do the political claims that emerge from the condition of diaspora continue to inform and disrupt ideas of the nation and the national?

What would the articulation of the national look like that begins with the primary rights of refugees? And, moreover, given the Israeli interpretation of that right, in its own Law of Return and in its establishment of the State of Israel as a sanctuary for all Jews who conform to the contemporary rabbinic and legal definitions, it is all the more imperative to establish an understanding of the rights of refugees that cannot become the justification for a right to dispossess a people of their lands. Indeed, one of the most massive and consequential contradictions committed by the founding of the State of Israel was to establish the state on the basis of the right of refugees to seek sanctuary from their forcible expulsion from Europe, which, in turn, and without recourse to that selfsame principle, led to the forcible expulsion of Palestinians from their lands. Hence the question we might ask of any invocation of the rights of refugees is simply this: how might the rights of refugees be formulated in relation to rights *against* forcible dispossession and expulsion, rights that are especially important to minorities? Indeed, these are rights that belong to minorities precisely as they lose their minority status and become stateless. A legal and political imaginary that demands the coupling of both rights is necessary not only to describe and evaluate the injustice of the Naqba, but to make sure that no formulation for honoring the rights of refugees requires the production of a new stateless class. Until a solution based on this principle is achieved in Israel/Palestine, it is clearly necessary to impose an indefinite moratorium on the Law of Return. Indeed, under conditions in which the Law of Return is instrumentalized time and again to secure the demographic advantage of the Jewish population, it is patently discriminatory and antidemocratic.

We might then conclude the following: until a law of return is coupled with the right to return, there should be no Law of Return. Or we might say, since the existing Law of Return is designed to foreclose the right of return, the Law of

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Return is still and again engaged in the production of a stateless class, thereby canceling the principle of its own legitimation. And though it appears to be based on the rights of refugees, it works to abrogate those very rights, which means that the Law of Return, which is supposed to support the rights of refugees, actively denies the rights of refugees. Hannah Arendt surely saw this when, in opposing the creation of Israel as a nation-state for the Jewish people, she predicted that it could only be accomplished by creating a new stateless population and, as a result, decades of conflict.⁷

So it follows that any right of refugees would have to be exercised in such a way that the rights of refugees are not denied. The political question raised here is not completely settled by the establishment of legal status and claims for diasporic Palestinians from 1948 or, indeed, 1967 or, indeed, those who were forced out of Beirut in 1982 or further dispossessed by Oslo in 1993 or for all those who live still, sometimes after several decades, in refugee camps throughout the region. By the right of return is meant modes of legal restitution and acknowledgment as well as rights of resettlement. I understand that this last word, *resettlement*, registers acoustically to many people like *one-state solution*, even though the vowels and consonants are distinctly different. In fact, there are one-state and two-state versions of the right of return. The opposition is based upon a great fear among those who worry that Jews will lose their demographic majority in Israel and that a de facto binationalism will follow. The presupposition here is that a Jewish state can only be preserved through demographic advantage, even though one might rightly wager that there are forms of Judaism or Jewishness that would oppose all forms of domination of this kind; those versions of Judaism would be doubtless dismissed as anti-Israel, and it is true that they are not Zionist. But that is less important for this argument than there other responses. The first is normative: no democratic polity has the right to secure demographic advantage for any particular ethnic or religious group; the second is strategic: the loss of demographic advantage for the Jewish population in Israel would surely improve prospects for democracy in that region. My third rejoinder is, oddly enough, descriptive: there are *already* forms of de facto binationalism that have taken shape, and they are distinctively *wretched* (just as there are ongoing processes of land distribution underway, and they are patently unjust). We see the wretched forms of binationalism in the militarized streets in East Jerusalem where Palestinians have to defend their homes against repossession by right-wing Israelis who invoke the rights of Jews to property held by Palestinians, in some

cases for more than one hundred years, and whose efforts are for the most part backed by Israeli courts and secured by Israeli police.⁸

We find wretched forms of binationalism as well in the perverse economic dependencies that have emerged between the settlements in the West Bank and Palestinian workers who, barred from travel to other workplaces, provide goods and services to the settlements. It is profoundly ironic to think about this exchange between Palestinians and Israelis as a form of binationalism, since these are hardly those chosen and semideliberate forms of alliances that one finds sporadically in Budrus and Bil'in and other towns along the separation wall where Israeli anarchists and Palestinians resist Israeli military force. Such nonwretched alliances are clearly more marginal to the main forms of wretched binationalism. A third form of wretched binationalism exists for Palestinians who are nominal or partial citizens of the State of Israel, but whose prospects of employment, housing, education, and mobility are increasingly restricted by legal and social policy.⁹ As Samera Esmeir has argued, Israel has *never* been a Jewish state; it has always included, through subjugation, non-Jews, Christian and Muslim Palestinians, Druze, and Bedouins—and in Jerusalem, a wide number of people from various faiths who have good reasons to lay claim to that city and its multivalent history and land. Indeed, the struggle to achieve demographic advantage for Jews is one way of confessing that the majority status is already precarious and that a military, political, and cultural struggle has always to be waged in order to keep that political imbalance that disproportionately favors the Jewish populations over all others—favors Jews of European origin over Arab Jews and Jews of Spanish descent, that is, both Mizrachim and Sephardim.

The fact remains that Israel defines itself as a Jewish nation founded on principles of Jewish sovereignty, which means that it is committed to maintaining Palestinians as a permanent minority (and, when they become too numerous within the borders, to manage the population through further disenfranchisement, expulsion, and containment). On occasion, Israeli politicians openly debate a full expulsion of the Palestinian population, but let us note that even such a move, were it to be realized, would commit Israel to a permanent war at the border and so a permanent embroilment with those whom it not only expels, but must *keep expelled* from their own lands. Thus Israeli claims to sovereignty depend upon permanent strategies of expulsion and containment, and this is a way of maintaining a permanent relation to the Palestinians. Nothing about the strategy of full expulsion overcomes the condition of unwilling proximity and permanent engagement; it simply continues in another form what Darwish described as “the self and enemy . . . entangled and

embroiled, trapped in a land with too much history and too many prophets.”¹⁰ We see here as well how describing Palestinians as a “minority” only works under the condition that we restrict the reference to those who live with documentation within whatever borders of Israel are currently established (where that border is always lurching in the direction of Israel’s expansion). On the one hand, one has to make a case against demographic advantage as a racist and antidemocratic principle, and even defend the rights of minorities, without identifying Palestinians exclusively in terms of their status as documented minorities within Israel. On the other hand, that very struggle against permanent minority status must be linked to the opposition to the occupation and the rights of refugees, whether scattered or contained in camps or immobilized within militarized zones.

Given the shifting demographics of the region, the only way that the project of demographic advantage, the hallmark of contemporary Zionism, can continue is by claiming more land, dispossessing, and expelling more people of non-Jewish descent, mainly Palestinians and Bedouins. Interestingly, in 1999, Said predicted that demographic advantage for Jews would be lost by 2010.¹¹ What he did not calculate was how the Law of Return would be invoked to increase Jewish immigration and how both new land confiscations and new boundaries would alter demography. Consequently, it is only one part of this large constellation to examine the relation of a domestic minority without full rights of citizenship to a polity that grants full rights and entitlements only to a specific ethnic or religious majority whose majoritarian status is mandated through state policy. The subject who lives under colonial subjugation under occupation and/or in refugee camps, subjugated either through strategies of containment or expulsion, is never stable; indeed, in southern Lebanon the refugee camps are efforts to contain the expelled, and it surely could be argued that containment is a continuation of the strategy of expulsion itself, a continuous mechanism for invalidating the right of return and foreclosing its exercise.

Moreover, repeated conversion of the quasi-citizen with rights to land into the person living under occupation reveals the structural link between the two categories; moreover, the person living under occupation is expelled in one sense, but not in the sense that we usually identify with the diasporic. And yet the expulsion of the quasi citizen and the confiscation of land show that the relation between the quasi citizen, the subject of colonial occupation, and the exile are internally linked and that mechanisms exist for the conversion into ever more extreme forms of dispossession. Some appear to be internal to borders, and others are occupied under controlled but externalized borders, and yet others are outside both those borders

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and, in that sense, diasporic. Still, we would probably be wrong to save the word *diasporic* exclusively for that last condition, since we can see that the push into the diaspora operates all along as the force and aim of this process by which status is converted. Indeed, without the idea of diaspora we would not be able to grasp the convertibility of status and its systematic movement in the unilateral direction of dispossession. At the same time, it is crucial to remember that dispossession also takes place in situ, without movement, but only through a change of status, loss of land, or further deprivation of rights, including their arbitrary regulation. And since diasporic Palestinian populations obviously do often achieve citizenship elsewhere, the movement does not always end with permanent disenfranchisement. But the disenfranchisement of rights of belonging to *Palestine* is not overcome by the achievement of rights and citizenship for Palestinians elsewhere. It persists, haunting that newer sense of belonging; remaining unredressed as a global injustice, both historic and contemporary, that is, as an ongoing catastrophe.

At this juncture, I am simply trying to make the relatively simple point that we cannot simply refer to minorities, the occupied, and the expelled as if they were stable categories, since there is no timeless way of distinguishing one from another, and there certainly are a set of mechanisms for converting one into the other, in the direction of further dispossession. Zionism depends on several contradictory presuppositions, but one of them can be formulated this way: (a) Israel is governed by principles of Jewish sovereignty and is itself a Jewish state and (b) Israel, precisely because it is not a fully Jewish state, must struggle to maintain its demographic advantage over non-Jewish minorities. To maintain demographic advantage, it requires three processes pertaining to the Palestinian people: minoritization, occupation, and expulsion. At the same time, it must continually seek to cover over the gap that exists permanently between its claim to be a Jewish state and its struggle to maintain demographic advantage because it is *not* a Jewish state. My point here is that this last struggle accounts in many ways for the convertibility process I have just described. The project of maintaining Jewish demographic advantage not only *presupposes* active processes of minoritization and dispossession, including land confiscation, but *requires* these continuing practices of settler colonialism for its very existence. It must multiply and extend those strategies and remain committed to them for what we might call a political eternity. In other words, we might understand these colonizing practices as *binding* Israel to its colonized for all time and so constituting within the very terms of colonialism another, perhaps most fundamental, form of wretched binationalism.

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Indeed, what would Israel do without its subjugated and expelled populations, without its mechanisms of dispossession? In fact, Israel in its present form cannot do without its mechanisms of dispossession without destroying itself as Israel. In this sense, the threat to Israel is a consequence of its fundamental dependency on dispossession and expulsion for its existence. So it is not a question of cleaning up the act of present-day Israel or implementing reforms, but of overcoming a fundamental and ongoing structure of colonial subjugation that is essential to its existence. So in asking, what would Israel be without its subjugation of the Palestinians, we pose a question that underscores that Israel as we know it is unthinkable without that subjugation. Without that subjugation, something other than Israel emerges—but is that thinkable? Whatever it is, it is not the destruction of the Jewish people, but rather the dismantling of the structure of Jewish sovereignty and demographic advantage. (Another argument could clearly show that this would be better for the Jews and for all inhabitants of the land and so would lead neither to the destruction of the Jewish people nor the Palestinian people, nor any other people). What would Israel do or be without the ongoing dispossession of Palestinians? What happens when we pair this question with the one posed by the title of Mahmoud Darwish’s poem, “Who am I, without exile?” as well as the recurring refrain, “what shall we do without exile?” The questions seek to open up a future under the conditions in which the future has been foreclosed or in which the future can only be thought as repeated subjugation.

To approach what it means to “address the future,” I return to some of Edward Said’s final political reflections. The first can be found in his reasons for moving from a two-state to a one-state solution in the late 1990s. The second can be found in his explicit effort to think Palestinian and Jewish history together, calling attention to the diasporic character of their different histories. In relation to this last problematic, he elaborates on how both identities are constituted by their relation to alterity, a condition of having been scattered, having lived among those to whom one does not clearly belong, often in modes of unwilled proximity; these are modes of life derived from culturally heterogeneous sources. Obviously, he is not saying that both predicaments are the same or that the histories are strictly analogous; neither is he returning to the cultural holism of Martin Buber’s *A Land of Two Peoples*.¹²

Said seems to be actively wondering whether there are historical resources for thinking about the status of the refugee that can be derived from these divergent and convergent histories of exile.¹³ He reminds the Jewish people of their status as exiles, wanderers, and refugees and asks that they extrapolate from that specific-

ity into more general principles that would protect the rights of minorities and refugees from forcible expulsion and containment. For Said, diasporic existence is constituted in the midst of cultural heterogeneity, negotiating difference, indeed affirming difference or plurality as a condition of its own existence. When he raises this question in his small volume *Freud and the Non-European*, he makes much of the notion that Moses is an Egyptian and, hence, a certain figure for the Jew who comes from and dwells within Arab lands and is himself an Arab Jew.¹⁴ But it is not the Moses who leads the people out of the wilderness who is most important here, but rather the one who *wanders*, a motif that is affirmed time and again by Jewish philosophers, Franz Rosenzweig among them, who resist the Zionist resolution for Jewish life and cast doubt on whether political territory in Palestine should be the goal for Jewish politics. Said takes an interesting turn within scholarship on Moses by casting him among the refugees, invoking the “diasporic, unhoused character” of Jewish life. Further, Said underscores the alliance of this diasporic version of Jewishness “in our age of vast population transfers, of refugees, exiles, expatriates, and immigrants” (FNE, 53).

As if calling for a Jewish approach to binationalism that would shed its commitments to Zionist forms of settler colonialism in favor of a polity that would commence with an understanding of the rights of refugees, Said continues, “the strength of this thought is that it can be articulated in and speak to other besieged identities as well . . . as a troubling, disabling, destabilizing secular wound” (FNE, 54). “Articulated in” and “speak to” constitute two modalities of alliance that emerge from convergent diasporas that are not quite the same and cannot be. Said asks whether we might continue to think this thought of two diasporic peoples living together, where the diasporic limits the conditions of attaining identity to this situation of living with and among the other, a potential basis for a less than wretched binationalism. The one is articulated within the other, and in this sense they speak to, address one another, cannot be thought outside this mode of address.

To move toward less wretched forms of binationalism, Jewish Israelis would have to set aside their Jewishness in any account of citizenship and the rights of refugees; paradoxically, and crucially, they could most easily engage in this setting aside by drawing precisely on their own exilic histories in order to extrapolate a set of principles that would defend, without qualification, the rights of all minorities and refugees, the opposition to coercive containment and expulsion, the necessity of dismantling colonial and military control over borders, natural resources, and human freedoms. Once again, that extrapolation from one history of suffering to another

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does not depend on strict analogies. Indeed, it is precisely at the point where analogies break down that translations begin and certain generalizable principles become possible. And among such principles would be the following: no rights to refugees are legitimate that by their very exercise produce a new population of the stateless.

Although it seems that Said is here referring to cultural and historical resources for the rethinking of binationalism, it is important to note that his work moves in the direction of political principles and the imagining of a new polity. And though many people associate binationalism with the two-state solution, for Said, binationalism is the basis for a one-state solution. One reason that binational or coexistence projects that seek to cultivate cultural goodwill “on both sides” remain problematic is that they fail to address the structure of settler colonialism through which these foundational and reiterated practices of dispossession take place. Indeed, the framework that installs an artificial equality within the encounter group, for instance, in which each side gives voice to its experience, not only effaces the power relations that hold between them, but uses the structural presumption of equality in the very session or project to mask and so to protect and further the structure of Israeli colonial rule.¹⁵

Something similar can be said about those forms of boycott that target only the settlements, or universities built in settlements, or maintain that it is only the occupation of the West Bank that is at issue and that the liberation of the West Bank would exhaust the goals of boycott. The reason why the Global Boycott, Divestment, and Sanctions Movement includes among its goals the rights of Palestinians dispossessed in 1948 as well as the damaged rights of Palestinian Israelis is that it is not possible to restrict the problem of Palestinian subjugation to the occupation alone. If we do so, we agree not only to forget the claims of 1948, bury the right to return, but also accept forms of unjust majority discrimination within the present borders of Israel. We fail to see the structural link between the Zionist demand for demographic advantage and the multivalent forms of dispossession that affect Palestinians who have been forced to become diasporic, those who live with partial rights within the borders and those who live under occupation in the West Bank or in the open-air prison of Gaza or other refugee camps in the region. If coexistence requires working within the disavowed framework of colonial power, then colonial power becomes a precondition of coexistence. That means that there is only coexistence on the condition that colonial power stays in place and out of sight. Even if such a solution is not in the forefront of the minds of those who insist on cultural exchange and reciprocal self-disclosure, it remains the

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structure of what they do. This is not a wrong way to go because it is prepolitical, but, rather, because it reproduces an unjustifiable politics—basing an ostensible equality project on structural inequality. Perhaps coexistence projects would fare better if they had as their single and guiding aim the undoing of Israeli colonial power and military force. My wager is that coalitions might then be more easily built, and we might catch a glimpse of what substantial coexistence could mean. At the present time there are few signs of such promising forms of binationalism, which then leads me back to my first question.

So how was it that only eleven years ago Said and Darwish both were able to open to a future? There are historical reasons, to be sure, but other reasons emerge when we consider the forms of address they use. And perhaps none is more telling than the final form of address that Darwish reserved for Said on the occasion of his death. There is probably no one who gave voice more clearly to the condition of unwilling proximity, the modes of being bound together in antagonism and without contract, than Mahmoud Darwish. He did not precisely imagine a solution to this problem, but he made clear that this terrible embrace had to become something else and that exile forms something of a signpost for the future.

In his poem written on the occasion of Said's death, called “Edward Said: A Contrapuntal Reading,”¹⁶ Darwish writes the dialogue between the two of them:

*He also said: If I die before you,
my will is the impossible.
I asked: Is the impossible far off?
He said: A generation away.
I asked: And if I die before you?
He said: I shall pay my condolences to Mount Galilee,
and write, “the aesthetic is to reach
Poise.” And now, don't forget:
If I die before you, my will is the impossible.*

In this voice, attributed to Said, Darwish is left with the “impossible” (in some translations the “impossible task”). Repeated twice, it is something of a bequest or an inheritance, an aesthetic injunction to find the highest form of concordance—poise, adequation, the translation of *mulaa'im* (agreement, gathering). What is this task, and, if it is impossible, how can Darwish take it up as his own? The impossibility is restated time and again throughout the poem. It is an impossibility of being located

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and of having one's own language. Consider again these lines from “Edward Said: A Contrapuntal Reading” where Darwish is describing Said:

*On wind he walks, and in wind
he knows himself. There is no ceiling for the wind,
no home for the wind. Wind is the compass
of the stranger's North.
He says: I am from there, I am from here,
but I am neither there nor here.
I have two names which meet and part . . .
I have two languages, but I have long forgotten
which is the language of my dreams.*

(176–77)

And then later in this same poem, it is Darwish who poses a question to Said about identity, and the voice of Said quickly turns the question into the problem of exile:

*What about identity? I asked.
He said: It's a self-defense . . .
Identity is the child of birth, but
at the end, it's self-invention, and not
an inheritance of the past. I am multiple . . .
Within me an ever new exterior. And
I belong to the question of the victim. Were I not
from there, I would have trained my heart
to nurture there deer of metaphor . . .
So carry your homeland wherever you go, and be
A narcissist if need be
The outside world is exile,
exile is the world inside.
And what are you between the two?*

(177, my emphasis)

The contrapuntal force of the poem involves two voices; an interrogatory mode of address answered by the other voice, a prosopopeia of Said. The one voice, apparently Darwish, asks about what it was like when he returned to his home in Talbiyah

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in Jerusalem, was he afraid? The voice of Said responds: “I could not meet loss face to face. I stood by the door like a beggar. How could I ask permission from strangers sleeping in my own bed?” He is inside the neighborhood and even inside the home, but exiled still, suggesting that exile is external and internal at once or, rather, that exile confounds the stability of that very distinction. It takes place inside the border and outside the border, since one is still outside inside and, outside, one is in some sense persisting still inside.

Darwish puts poetry in Said’s mouth, nourishing him with his own words, but then turns Said toward the readers and, in that way, nourishes us in turn. But it is in the voice of this Said that we hear “the poem could host / loss, a thread of light shining / at the heart of a guitar.” And, then, as if to explain, the line: “the aesthetic is but the presence of the real / in form / In a world without a sky, the earth / becomes an abyss. The poem / a consolation, an attribute / of the wind . . .” These lines are then followed by a series of admonitions:

*Do not describe what the camera can see
of your wounds. And scream that you may hear yourself,
and scream that you may know you’re alive,
and alive, and that life on this earth is
possible.*

(181)

It is hard to know how to read that last transition: “And scream”—is this a command or a recommendation? Or is the voice perhaps issuing a prohibition? “Do not describe what the camera can see of your wounds and do not scream that you may hear yourself.” Does the conjunction here, *and*, operate as pivot, so that the you who is addressed is asked not to describe what the camera can see of your wounds, since the camera has already registered the wound. Is the “you” of the poem to do something else with voice, something precisely that the camera *cannot* do? One is caught, contrapuntally, between the two readings (and one begins to wonder whether the contrapuntal is the poetic form for the impossible task, carrying on in a form of self-splitting). The ambiguity continues with a repetition that is inaugurated time and again by that conjunction *and*—“and scream that you may know you’re alive.” Does this voice say to scream? What it seems to say, time and again, is that a set of conjunctions is possible, and that these links do *not* follow logically, and they do *not* follow causally. The “and” binds two phrases together that

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do not quite seem to fit in any unity. It is building a sequence laterally, pushing the horizontality of metonymy, and we can only follow the turns and wonder what is happening as we go. The “and” that begins the noncausal move from admonition to what seems to be a set of imperatives is then repeated within the imperative itself: “And scream that you may hear yourself, / and scream that you may know you’re still alive, / and alive, and that life on this earth is possible.” By the next line it seems that the imperative is voiced by Said, but even the voice of Said articulates through this contrapuntal rhythm, asserting and contesting the same claim and sometimes establishing an ambiguity between them.

An illumination approaches in the very next line: still within the language of bequest and imperative, the Said voice says, “Invent a hope for speech.” This line is initially disconcerting, since one might expect that the poet is being told to rather invent a speech *for hope*. But no, the imperative is to invent a hope *for speech*, since apparently speech is lacking such a hope. And then, further: “invent a direction, a mirage to extend hope. And sing, for the aesthetic is freedom.” By the end of this stanza it seems we have already left the scream behind, or, rather, the scream is now suddenly crafted into song, and we enter into the aesthetic. The scream is carried forward into the song that takes its place. We have arrived there through a series of conjunctions that are always less than causal. The movement is metonymic. In this same poem, Darwish writes, “Metonymy was sleeping on the river’s bank; had it not been for the pollution / it could have embraced the other bank” (178). An extraordinary line because not only is metonymy itself personified—figure laid upon figure—but metonymy is apparently sleeping alone, not able to make the links that can happen only by contiguity and proximity. After all, metonymy shows us how to get from one thing to another with which it obviously has not much in common. In this poetic scene, there is no crossing over that river, polluted as it is. Too much toxicity stands in the way of what might otherwise be a surprising or felicitous contact, indeed, a form of highly cathected entanglement, if not the kind of unwilling up-againstness that belongs to a wretched bond.

Let us return for a moment to Darwish’s sequence, since once that scream becomes song we enter into an aesthetic region that is equated with freedom. How are we to understand the aesthetic here? We are given plenty of examples, including the idea that one might invent a *hope for speech*, a direction, a *mirage* to extend hope, and we are told to sing, and that song belongs to the aesthetic, and that way is freedom. A series of statements then take place, perhaps as so many ways of inventing hope for speech. The “I”—Darwish—remarks upon and owns his own enunciation: “I say:

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The life which cannot be defined / except by death is not a life” (182). And then it is as if the poem has shifted to a set of stage directions levied from elsewhere. The voices seem situated nowhere, and the time of their speaking remains uncertain:

*He says: we shall live.
So let us be masters of words which
Make their readers immortal . . .*

(182)

The stanza can only make us pause, since he, Said, is gone, and yet here he is, in Darwish's poem, speaking in the present, perhaps impossibly immortalized in the word, and delivering a speech act with confidence in his own name, but also as a plurality. The “we” who shall live are surely Palestinians, to be sure, but also Said, who lives, in the poetic presence Darwish provides, in solidarity and in an extended present time. It is Said's voice that makes this happen, or is it that of Darwish? Or does it happen precisely because we are not sure which is his voice and which belongs to Darwish and which is figured here as belonging to every Palestinian? This contrapuntal rhythm takes both writers into its rhythm, but it is Darwish, still living then, who is figured as giving life to Said. This seems to happen through addressing him and having him address Darwish back, but also by addressing everyone and anyone else as well. How does this address give life or invent hope? Because the Naqba in some ways never stops happening, never settles as history; there remains the question of what other time might yet be possible. At one point Darwish writes, “It is neither me nor him [Said] who asks; it is a reader asking: What can poetry say in a time of catastrophe?” (180). We might add: what does the saying of poetry do to open up a future beyond catastrophe?

Perhaps, in asking this question, we are still tracing the movement of the scream into poetry. Is this related to the impossible task that Said is said to have left to Darwish? We have already seen how unclear it was whether that scream was something that should or should not be done, and it seemed that what came from the scream was a song and then a veritable ode to the aesthetic, conceived as freedom, that could have come out of a nineteenth-century tract of German Idealism. But perhaps to fathom the impossible task we need to return for a moment to that “scream that you may know that you're still alive / and alive, and that life on this earth is / possible.”

The Said of the poem makes clear that the task is *not* to achieve possibility, perhaps not even a possible life: his will is the impossible. Here are the lines again,

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the first and last repeat each other, cradling all that is said between: “If I die before you, my will is the impossible.” In a line that resonates with Kafka’s parables, the Darwish voice asks, “Is the impossible far off?” and the Said voice responds, “a generation away.” Of course, we are right to ask, is his will the impossible or the possible, since, if it is a generation away, it is possible—just not for us. The line resonates with the famous quip by Kafka: “Oh, plenty of hope, an infinite amount of hope, but not for us.” Kafka writes this line after explaining that our lives were just a bad mood of God, some of his suicidal thoughts. The strange thing about this moment is that it implies that God surely has other moods, but that our lives are not inside them.¹⁷ Something similar seems to be happening with Said and the question of willing the impossible. Of course, it may be left to us to understand this paradox: a possible life is one that wills the impossible. The “I” who voices Darwish in the poem has already claimed, “the life which cannot be defined / except by death is not a life.”

So how, then, might we understand the impossible—is it precisely the life that is not defined by death, but by some horizon of life? Is Said in effect given poetic occasion by Darwish to live still so that Palestinian life becomes possible? Is that what happens when Darwish refers to Said in an impossible present even here, on the occasion of his elegy: “He *says*: we shall live.” This is no narration of past events: it is no optimistic rumouring—“he said we shall live!” No, Said is said to say it now, in this present, and he says it for any and all Palestinians, an open-ended “we” and an utterance that extends through time. Said’s life is thus linked with Palestinian life, and plurality emerges without fort or trench.

And such a life is made possible by Said’s word, at least within the world of this poem. Of course, no one’s word can make life possible, but, perhaps here, Said’s word, delivered in the present tense in which Said no longer lives, makes Said’s living still possible through voice. Implicit to this immortalizing of Said is the notion that if he ceases to speak, Palestinians will cease to live. Paradoxically, it is Darwish’s word that carries him here, even though it is Said who speaks in the first-person from no place and within no clear sense of present time. Something has been invented *for* language, and it is Said speaking precisely in the time when Said can no longer speak, securing the collective life of his people beyond a catastrophic time into another; this poem, then, is precisely inventing a hope for speech. And, perhaps also, it delivers words and claims with the performative force to state and predict that “we shall live.” It is a declaration of hope, but also of unfathomable confidence, given the threats to life, the slow, sporadic, yet systematic erosion of everyday life under occupation. Some

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overweening confidence and surety is already there when “he,” Said, is said to say: “So let us be masters of words which / Make their readers immortal . . .”

We can surely then ask whether Darwish does not furnish words on this occasion that make Said immortal, since there he is, in some uncanny present, speaking still—an impossible task, to be sure, and yet the one that Darwish must do. But what Darwish has him speak is precisely “immortal life”—yes, for the readers, but for every Palestinian, on the inside or the outside or both, who read Darwish or Said in order to find a way to live the impossible, which is to live outside the defining threat of death, where death is less an existential problem than the poisonous air of the everyday, the sudden incursion, the persistent block, the predictable destruction, the reiterated expulsion and containment. So, through the poem, Darwish gives life to Said, who gives life to all Palestinians. And it is this quite ineffable and impossible affirmation that moves the poem toward its closure. The final lines are a farewell, and we expect that they will be a farewell to Said. But what Darwish writes is simply these two lines:

*Farewell,
Farewell poetry of pain.*

The salute to Said leaves the poetry of pain behind, since in this contrapuntal ode the scream is effectively transmuted to song, and the song is dedicated to Said, who left it to Darwish, but to his readers as well, to will the impossible. And in this way the poem becomes the very exercise of that will and the fulfillment of that bequest. If one is to honor Said’s final wish, then, the poetry of pain will be overcome by the poetry that wills the impossible. Whose will is it? It belongs exclusively neither to Darwish nor to Said, finally, but to the Palestinian people who have become, within the terms of the poem, its readers and who enter that impossible life and freedom through its aesthetic form. And the form is an address, and it admonishes and exhorts its reader; it prompts its reader to act, to speak, to invent, and to will the impossible, which is not just a future other than perpetual catastrophe, but the break with catastrophe, which would be the very possibility of the future. Walter Benjamin wrote presciently in 1940 against those false notions of progress that can only produce towers of destruction in their wake, a position that was clearly at a critical distance from the progressive historiography of Zionism. Catastrophe is precisely not a chain of events where something in the past leads to something in the future. Under conditions of catastrophe, there is only one catastrophe, and it

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keeps on happening, “keeps piling wreckage upon wreckage” in a present time that is the time of reiterated destruction. Or course, the modes and strategies of expulsion and occupation have changed and do change, but if we imagine that addressing this or that change—the settlements, the Likud party, the wall—will provide the solution to the colonial subjugation and expulsion of the Palestinian people, we have not grasped the catastrophe in its enormity and repetition.

One might wish the poem could become a home or homeland that puts an end to exile, but the poem is no place, its borders are not closed. It is in this sense utopic, opening out to a plurality that is called forth by the scene of its address. The poem calls Said into being and houses him in its language, but it also calls forth, constitutes the people, precisely under conditions when self-determination is so radically co-opted or undermined. Indeed, we might say, citing Darwish, that the poem is “where identity . . . open[s] onto plurality / not a fort or a trench” (178).

When Darwish asks, “What shall we do without exile?” in the poem called “Who Am I, Without Exile?” published in 1999, he is posing the question to others, but also to a land and to a time in which this problem might actually arise.¹⁸ For what would it mean to live in a time in which there was no thought beyond exile? The stranger to whom he addresses the poem is someone else, but also himself. It seems to be a question for a binationalism that would depend upon discarding the myths of the nation:

*There's nothing left of me but you, and nothing left of you
but me, the stranger massaging his stranger's thigh.
stranger! what will we do with what is left to us
of calm and of a snooze between two myths?
And nothing carries us: not the road and not the house.*

(91)

Darwish is thus let loose with the nameless stranger in a wilderness of uncharted lands. He refers elsewhere to the poem itself as a place of exile. What would we do without poetry? Against all the odds, it gives us no direction, but a new political cartography. Darwish invokes Said in his contrapuntal ode: “He says: I am from there, I am from here, / But I am neither there nor here.” Who can say these lines? The ones who are within the State of Israel: surely. The Palestinians in the West Bank or Gaza: surely. In refugee camps in southern Lebanon: yes. Exile is the name of separation, but alliance is found precisely there, not yet in a place, in a place that was and is and in the impossible place of the not yet, happening now.

Notes

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1. Daniel Boyarin and Jonathan Boyarin, *Powers of Diaspora: Two Essays on the Relevance of Jewish Culture* (Minneapolis: University of Minnesota Press, 2002).
2. Here, as elsewhere, I am indebted immeasurably to the philosophical and historical work of Amnon Raz-Krokotzkin, including *Exil et souveraineté: Judaïsme, sionisme et pensée binationale* (Paris: La Fabrique, 2007).
3. “Dialogue: Jürgen Habermas and Charles Taylor” in Jonathan Antwerpen and Eduardo Mendieta, eds., *The Power of Religion in the Public Sphere* (New York: Columbia University Press, 2011).
4. Friedrich Nietzsche, *On the Genealogy of Morals*, trans. Walter Kaufmann and R. J. Hollingdale (New York: Vintage, 1989).
5. Avital Ronell, *The Telephone Book* (Lincoln: University of Nebraska Press, 1989).
6. For Levinas, the face is not necessarily the literal face; it is an injunction to nonviolence conducted through any number of senses. Hence, Levinas refers to the “back of the neck” as the face, suggesting that the “face” is that dimension of human living that bears its vulnerability and imposes an ethical obligation upon those to whom it appears. See my *Precarious Life: Powers of Mourning and Violence* (London: Verso, 2004), 131–40.
7. See Hans-Georg Gadamer, *Truth and Method*, trans. Joel Weinsheimer and Donald G. Marshall (New York: Continuum, 2004), for an important, if fallible, discussion of Walter Benjamin, translation, and the fusion of horizons.
8. The contemporary study of hermeneutics is indebted to the work of Dilthey and Schleiermacher, both of whom referenced problems of biblical hermeneutics as they sought to establish the foundation of the human sciences (or *Geisteswissenschaften*). The question of how to read biblical passages from the vantage of historical situations that postdate their writing opens up the question of how interpretation is invariably tied to the traversal of time. Although Gadamer tended to establish the historical continuity of tradition through a concept of dialogic interpretation, his views failed to account for those forms of temporal rupture when former modes of authority

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enter into crisis and lose their legitimacy. Although this criticism led Habermas to try to account for legitimation through nontraditional and precultural means, it brought thinkers influenced by Walter Benjamin to those acts of translation where the past must effectively break apart in order to be introduced into the future. Both versions refuse those modes of historical continuity that shore up tradition and authority, but whereas Habermas takes a quasi-transcendental approach, the Benjaminian approach focuses on the temporal disjunctures by which translation proceeds. It is the necessity of breaking apart, or scattering, that forms the effective background of this study. Interestingly, this also calls upon a version of the messianic tradition within Judaism. But if we follow Benjamin here, then the messianic form of scattering that appears in his work is already a departure from earlier forms. In other words, it is a further scattering of the scattered.

9. Gayatri Chakravorty Spivak, "More Thoughts on Cultural Translation." See <http://eicpc.net/transversal/0608/spivak/en>.
10. Talal Asad, "On the Concept of 'Cultural Translation' in British Social Anthropology" in James Clifford and George E. Marcus, eds., *Writing Culture: The Poetics and Politics of Ethnography* (Berkeley: University of California Press, 1986).
11. For a consideration of the messianic in the work of Derrida, see Jacques Derrida, *Acts of Religion*, ed. Gil Anidjar (New York: Routledge, 2002). See also Jacques Derrida and Gianni Vattimo, eds., *Religion* (Stanford: Stanford University Press, 1998); Gideon Ofrat, *The Jewish Derrida*, trans. Peretz Kidron (Syracuse: Syracuse University Press, 2001).
12. See Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1993).
13. See *Hannah Arendt's Jewish Writings*, ed. Ronald Feldman and Jerome Kohn (New York: Schocken, 2008).
14. Yehouda A. Shenhav, *The Arab Jews: A Postcolonial Reading of Nationalism, Religion, and Ethnicity* (Stanford: Stanford University Press, 2006); Ella Shohat, "Rupture and Return: Zionist Discourse and the Study of Arab Jews." *Social Text* 21, no. 2 (2003): 49–74.
15. See Boyarin and Boyarin, *Powers of Diaspora*.
16. See Najat Rahman, *Mahmoud Darwish: Exile's Poet: Critical Essays* (Northampton, MA: Olive Branch, 2008).
17. Étienne Balibar, "Cosmopolitanism and Secularism: Controversial Legacies and Prospective Interrogations," *Grey Room* 44 (Summer 2011): 6–25, citation at 21.
18. For an alternative, see Asad, "On the Concept of 'Cultural Translation.'"
19. Balibar, "Cosmopolitanism and Secularism," 21. Balibar writes that religious differences "must be 'mediated' by the introduction of discourse, which . . . must appear 'heretic' from the point of view of any and all religions. Thus, in order for the various religious discourses to become mutually compatible in the same public space or enter into a 'free' conversation, the introduction or intervention of an additional a-religious element is needed" (21–22). Moreover, he writes, "it [the heretic element] is 'performative' and in the first instance performs its own *parrhesia*, or

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truth enunciation, against all theologies and mythologies that exercise power” (23). The question raised by this argument is whether the heretic moment is invariably “a-religious,” in which case only the “a-religious” can mediate between religious differences. But if the heretical moment or possibility is constitutive of religion itself, as many have argued, then the heretical becomes the occasion for translating between religious differences without presuming that it is only by a transcendence or negation of religion that such mediation becomes possible. This view, however, begs the question of whether translation must, or should, be considered as mediation at all.

20. Walter Benjamin, “The Task of the Translator” in Walter Benjamin, *Selected Writings*, vol. 1, 1913–1926, ed. Marcus Bullock and Michael W. Jennings (Cambridge: Harvard University Press, 1996).
21. Balibar, “Cosmopolitanism and Secularism,” 21.
22. See, for example, Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oxford: Oneworld, 2006). In a debate about how Jewish intellectuals should formulate their opposition to Zionism as a violation of human rights, Anat Biletzki has argued that human rights must be based on reason, identified strictly with secularism, and so cannot be gleaned from religious sources. If there are good reasons for defending human rights in religious texts, it is because they are based on a form of reason that operates independently of all religion. See “The Sacred and the Humane,” opinionator column, *New York Times* online, July 17, 2011.
23. See my argument in “Competing Universalities” in *Contingency, Hegemony, and Universality: Contemporary Dialogues on the Left*, coauthored with Slavoj Žižek and Ernesto Laclau (London: Verso, 2000).
24. See Levinas’s remarks that the Palestinians have no face (and hence, their human vulnerability can be the ground for no obligation not to kill) in “Ethics and Politics,” Emmanuel Levinas, *The Levinas Reader*, ed. Sean Hand (Oxford: Blackwell, 1989), 289.
25. See also Levinas’s remarks about the “Asiatic hordes” who threaten the ethical basis of Judeo-Christian culture in “Jewish Thought Today,” in Emmanuel Levinas, *Difficult Freedom: Essays on Judaism*, trans. Sean Hand (Baltimore: Johns Hopkins University Press, 1990), 165. This was more fully discussed in my *Giving an Account of Oneself* (New York: Fordham University Press, 1995), 84–101.
26. Yoseph Grodzinsky, *In the Shadow of the Holocaust: The Struggle Between Jews and Zionists in the Aftermath of World War II* (Monroe, ME: Common Courage, 2004).

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This essay was presented in 2004–6 in early forms, and an early, unauthorized version appeared on the Internet as “Jews and the Binational Vision” in *Logos* 3, no. 1 (Winter 2004). The present essay represents an earlier form of my argument and has been revised for publication in this book.

1. Edward Said, *Freud and the Non-European* (London: Verso, 2003).

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2. Of course, the contention that Moses is an Arab Jew is itself an arguable point. See Jan Assman, *Moses the Egyptian: The Memory of Egypt in Western Monotheism* (Cambridge: Harvard University Press, 1998). But what is significant here is that Moses emerges from Egypt and is, in that sense, though surely a slave within those lands, also part of its history. Indeed, as a wanderer, Moses is not only in exile from his future homeland but from Egypt as well, suggesting that he is himself a figure of exile in which two traditions meet.
3. Yehouda Shenhav, *The Arab Jews: A Postcolonial Reading of Nationalism, Religion, and Ethnicity* (Stanford: Stanford University Press, 2006), 185–204; Gil Anidjar, *The Jew, the Arab: A History of the Enemy* (Stanford: Stanford University Press, 2003).
4. Edward Said, *Orientalism* (New York: Vintage, 1978).
5. *Ibid.*, 54.
6. Hannah Arendt, “I Do Not Belong to Any Group,” dialogue, with Hans Morgenthau and Mary McCarthy, in Hannah Arendt, *The Recovery of the Public World*, ed. Melvin A. Hill (New York: St. Martin’s, 1979).
7. See my discussions of Arendt’s view in chapters 4 and 5.
8. For Martin Buber’s discussion of “concentrative colonialism,” see “Concerning Our Politics” in Paul Mendes-Flohr, ed., *A Land of Two Peoples: Martin Buber on Jews and Arabs* (Chicago: University of Chicago Press, 2005), 137–42.
9. In his public writings, Buber chastised Israelis for violating Arab trust and offered a way of understanding, without condoning, Arab resistance to Zionist military violence in August 1929. See his response to Hans Kohn’s repudiation of Zionism on the grounds that its policy toward the “Arabs”—Palestinians—had no ethical justification: “Hans Kohn: ‘Zionism Is Not Judaism’” in Mendes-Flohr, *A Land of Two Peoples*, 97–100.
10. See Buber’s 1947 manifesto, “Two Peoples in Palestine,” in Mendes-Flohr, *A Land of Two Peoples*, 194–202.
11. For Levinas, the messianic tradition articulates a relationship to suffering. He recites the rabbinic statements “The day of rain is as great as the day when the Torah was given” and “The day of rain is as great as the day when the heavens and earth were created.” He links this equality of greatness to the notion of justice and tells us that “it is perhaps this state of mind that we normally call Jewish messianism” (DF, 36).
12. See Kafka’s speculation in his diary entry of January 1922 about his own writing: “if Zionism had not intervened, it might easily have developed into a new secret doctrine, a Kabbalah. There are intimations of this.” *Franz Kafka Diaries, 1910–23*, ed. Max Brod (New York: Schocken, 1975).
13. Emmanuel Levinas, *Otherwise Than Being; or, Beyond Essence*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1998), 111.
14. Hannah Arendt, *The Jew as Pariah: Jewish Identity and Politics in the Modern Age*, ed. Ron Feldman (New York: Grove, 1978), 247.

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15. Mahmoud Darwish, *Memory for Forgetfulness, August, Beirut, 1982*, trans. Ibrahim Muhawi (Berkeley: University of California Press, 1995), 124–25.
16. Or so the poet Mahmoud Darwish writes in “Contrapuntal” (<http://mondediplo.com/2005/01/15said>), his elegy for Said, discussed in chapter 5, when he assumes Said’s voice: “My own nostalgia is a struggle for a present that clings to the future.

He says: If I die before you, I shall leave you the impossible task!

I ask: Is it a long way off?

He replies: A generation away.

I say: And if I die before you?

He replies: I shall console the mounts of Galilee and I shall write: ‘Beauty is merely the attainment of adequacy.’ All right! But don’t forget that if I die before you, I shall leave you the impossible task!’

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An original version of this essay appeared as “Etre en relation avec autrui face à face, c’est ne pas pouvoir tuer” in *Emmanuel Levinas et les territoires de la pensée*, ed. Danielle Cohen-Levinas and Bruno Clément (Paris: Presses Universitaires de France, 2007). That essay has been reworked for publication here.

1. Scholem explains that the kabbalists interpreted the Torah in several allegorical ways. One of them, proposed by the Zohar, is that “every word, indeed, every letter, has seventy aspects, or ‘faces.’” Gershom Scholem, *On the Kabbalah and Its Symbolism* (New York: Schocken, 1965), 62.
2. Emmanuel Levinas, “Peace and Proximity” in Adriaan T. Peperzak, Simon Critchley, and Robert Bernasconi, eds., *Emmanuel Levinas: Basic Philosophical Writings* (Bloomington: Indiana University Press, 1996).
3. See chapter 5 of my *Precarious Life: Powers of Mourning and Violence* (London: Verso, 2004), where some parts of this discussion are already published.
4. Emmanuel Levinas, *Otherwise Than Being; or, Beyond Essence*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1998), 116, 117. The French reads “La persécution est le moment précis où le sujet est atteint ou touché sans la médiation du logos.” Emmanuel Levinas, *Autrement q’être ou au-delà de l’essence* (Paris: Livre de Poche, 2004), 193. Lingis’s translation is importantly mistaken in rendering *sans* here as “with.”
5. In French, Levinas writes, “Responsabilité dont l’entrée dans l’être ne peut s’effectuer que sans choix” (AE, 183); “être soi—condition d’otage—c’est toujours avoir un degré de responsabilité de plus, la responsabilité pour la responsabilité de l’autre” (AE, 185–86).
6. Emmanuel Levinas, *Difficile Liberté* (Paris: Livre de Poche, 1984), 336.
7. See Wendy Brown’s discussion in *Regulating Aversion* (Princeton: Princeton University Press, 2006).

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8. Emmanuel Levinas, *New Talmudic Readings*, trans. Richard A. Cohen (Pittsburgh: Duquesne University Press, 1999), 48.
9. In *Otherwise Than Being*, Levinas writes: “The birth of the Ego in a gnawing remorse, which is precisely a withdrawing into oneself; this is the absolute recurrence of substitution. The condition or non-condition of the Self is not originally an auto-affection presupposing the Ego but is precisely an affection by the Other, an *anarchic traumatism* [an-archic, without principle, and so assuredly, enigmatic, that for which no clear cause can be given], this side of auto-affection and self-identification, a traumatism of responsibility and not causality” (93–94).

3. WALTER BENJAMIN AND THE CRITIQUE OF VIOLENCE

Sections of this essay appeared in an earlier version as “Critique, Coercion, and Sacred Life in Benjamin’s Critique of Violence” in Hent de Vries and Lawrence E. Sullivan, eds., *Political Theologies: Public Religions in a Post-Secular World* (New York: Fordham University Press, 2007).

1. See Peter Fenves, *The Messianic Reduction: Walter Benjamin and the Shape of Time* (Palo Alto: Stanford University Press, 2010).
2. All citations in this essay are from “Critique of Violence” in *Walter Benjamin, Selected Writings*, vol. 1: 1913–1926, ed. Marcus Bullock and Michael W. Jennings (Cambridge: Harvard University Press, 1996), 236–52, and in German from Walter Benjamin, *Kritik der Gewalt und andere Aufsätze* (Frankfurt: Suhrkamp, 1965).
3. Benjamin’s word for “fate” is *das Shicksal*, which is more aptly translated as destiny.
4. Rosenzweig argues that the commandment is a verbal and written effort on the part of God to solicit the love of his people in *The Star of Redemption*, trans. William Hallo (Notre Dame, IN: University of Notre Dame Press, 1985), 267–70. His focus on love corresponds to the efforts during that time to revive the spiritual dimension of Judaism over and against rabbinic reforms that focused on the elaboration of rules and the science of their interpretation. Rosenzweig’s concern with Judaism as a spiritual movement led him to argue that “[the Jewish people] must deny itself the satisfaction the peoples of the world constantly enjoy in the functioning of their state” (332). He argues further that “the state symbolizes the attempt to give nations eternity within the confines of time.” For such an eternity to be secured, however, nations have to be perpetually refounded, and they require war to perpetuate themselves. In Rosenzweig’s view, life is constituted by preservation and renewal. Law emerges as antilife to the extent that law establishes an endurance and stability that works against life and becomes the basis for state coercion. He sought to understand Judaism as beyond the contradictions that afflict nations and so sought to distinguish the idea of the Jewish people from the Jewish nation (329).
5. *Ibid.*, 176.

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6. See Rosenzweig's important distinction between "Israel" as the Jewish people and "Israel" as a claim to land in *The Star of Redemption*, 326, 351–52. In addition, he argued that "waiting and wandering" (329) was part of a messianic tradition that supervened the idea of "Israel" in either sense (404), affirming the importantly diasporic character of Judaism. See Buber's remarks in 1948 on the "perversion" of Zionism, as it sought to realize itself in the form of a state, in Martin Buber, "Zionism and 'Zionism'" in Paul Mendes-Flohr, ed., *A Land of Two Peoples: Martin Buber on Jews and Arabs* (Chicago: University of Chicago Press, 2005), 220–23.
7. For a record of Benjamin's indecisive relation to Zionism, see the correspondence between Benjamin and Scholem in the summer of 1933 in *The Correspondence of Walter Benjamin and Gershom Scholem, 1932–1940* (New York: Schocken, 1989).
8. See Jacques Derrida, *Force de loi* (Paris: Galilée, 1994), 69. The original English version was translated by Mary Quantance, "The Force of Law" and appeared in *Deconstruction and the Possibility of Justice*, a special issue of *Cardozo Law Review* 11, nos. 5–6 (July–August 1990): 919–1046.
9. Hannah Arendt, "On Violence" in *Crises of the Republic* (New York: Harcourt Brace Jovanovich, 1972), 103–98.
10. Benjamin associates atonement and retribution with myth both in this essay and in several other essays of the period. He also clearly opposes the operation of critique to myth, which, in his view, wars against truth. See, for instance, Walter Benjamin, "Goethe's Elective Affinities" in *Walter Benjamin, Selected Writings*, 297–362. His essay was written between the years of 1919 and 1922.
11. Rosenzweig, *The Star of Redemption*, 191–92.
12. Benjamin, "Goethe's Elective Affinities," 308.
13. Walter Benjamin, "Theologico-Political Fragment" in *Walter Benjamin, Reflections: Essays, Aphorisms, Autobiographical Writings*, ed. Peter Demetz, trans. Edmund Jephcott (New York: Schocken, 1986), 312–13; originally published in *Walter Benjamin, Kritik der Gewalt und andere Aufsätze* (Suhrkamp, 1965), 95–96.
14. The reason for the commandment, Benjamin writes, should be found "no longer in what the deed does to the victim, but what it does to God and the doer" (CV, 251).
15. See Benjamin's remarks on "critical violence" in "On Semblance" (224), written in 1919–20, and in his "Goethe's Elective Affinities" (341), both in *Walter Benjamin, Selected Writings*.
16. Benjamin writes that "in all language and linguistic creations, there remains in addition to what can be conveyed something that cannot be communicated," which he refers to as "the nucleus of all languages" in "The Task of the Translator" in *Walter Benjamin, Selected Writings*, 261.
17. See Werner Hamacher, "Afformative, Strike" in Andrew Benjamin and Peter Osborne, eds., *Walter Benjamin's Philosophy—Destruction and Experience* (London: Routledge 1993).

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18. Walter Benjamin, "Theses on the Philosophy of History" in *Illuminations*, trans. Harry Zohn (New York: Schocken, 1969).
19. Walter Benjamin, "The Meaning of Time in the Moral Universe" in *Walter Benjamin, Selected Writings*, 286–87 (my emphasis).
20. For a further discussion of the issue of forgiveness in Benjamin, see my "Beyond Seduction and Morality: Benjamin's Early Aesthetics" in Dominic Willsdon and Diarmuid Costello, eds., *The Life and Death of Images: Ethics and Aesthetics* (Ithaca: Cornell University Press, 2008).
21. *Ibid.*, 287.

4. FLASHING UP

1. The Treaty of Westphalia (1648) assumed that final legal and political sovereignty rests with nation-states and that any conflicts between them ought to be worked out at a social rather than juridical level. International law and human rights claims have had to struggle against the Westphalian doctrine in order either to establish sovereignty as a nonnational principle (a theory proposed by Hans Kelsen in the 1920s) or to establish rights claims for those who either belong to no existing nation-state or whose claims are articulated precisely against the nation-state to which they do belong.
2. See my "Hannah Arendt's Death Sentences," *Studies in Comparative Literature*. 48, no. 3 (2011): 280–95.
3. Currently, according to the UNRWA in January 2010, there are 1,551,145 registered Palestinian refugees in the occupied territories alone, and another 951,709 in Gaza. These numbers added to the numbers who have been dispersed throughout the diaspora as a consequence of 1948 (and 1967) are now estimated at 5 million.
4. Walter Benjamin, "Über den Begriff der Geschichte" in Walter Benjamin, *Abhandlungen*, band 1.2 (Frankfurt: Suhrkamp, 1991), 695.
5. *Ibid.*, 703.
6. Franz Kafka, "Cares of a Family Man" in *The Complete Stories*, trans. Willa and Edwin Muir (New York: Schocken, 1976), 427–28.
7. Benjamin, "Über den Begriff der Geschichte," 695.
8. See Gershom Scholem, *The Messianic Idea in Judaism* (New York: Schocken, 1971), 44, *On the Kabbalah and Its Symbolism* (New York: Schocken, 1965), 100–5.
9. Jacques Derrida, *La Force de loi* (Paris: Galilee, 1994).
10. Walter Benjamin, "On the Mimetic Faculty" in *Walter Benjamin, Selected Writings, 1931–1934*, ed. Michael William Jennings (Cambridge: Harvard University Press, 2005).
11. Walter Benjamin, "Doctrine of the Similar" in *Walter Benjamin, Selected Writings, 1931–1934*, 697.

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12. Walter Benjamin, "On Language as Such and on *the Languages of Man*" in Walter Benjamin, *Selected Writings*, vol. 1: 1913–1926, ed. and trans. Michael W. Jennings (Cambridge: Harvard University Press, 1996).
13. My translation. The German is "Die Jetztzeit, die als Modell der messianischen in einer *ungeheuren Abbreviatur* die Geschichte der ganzen Menschheit zusammenfasst." The term *ungeheuer* refers to that which is uncanny, enormous, even monstrous.
13. See my paper on "Anarchism and Cohabitation," on file with the author, presented at the New School University, May 2011.
14. Walter Benjamin, "Conversations with Brecht" in *Reflections: Aphorisms, Essays, and Autobiographical Writings*, ed. Peter Demetz, trans. Edmund Jephcott (New York: Harcourt, Brace Jovanovich, 1978), 210.
15. Ahmad H. Sa'di and Lila Abu-Lughod, *Nakba: Palestine, 1948, and the Claims of Memory* (New York: Columbia University Press, 2007).
16. Haim Bresheeth, "The Continuity of Trauma and Struggle: Recent Cinematic Representations of the Nakba" in Sa'di and Abu-Lughod, *Nakba*, 161.
17. Diana K. Allan, "The Politics of Witness: Remembering and Forgetting 1948 in Shatila Camp" in Sa'di and Abu-Lughod, *Nakba*, 253–84.
18. See Cathy Caruth, ed., *Trauma: Explorations in Memory* (Baltimore: Johns Hopkins University Press, 1995); Cathy Caruth, *Unclaimed Experience: Trauma, Narrative, and History* (Baltimore: Johns Hopkins University Press, 1996); Shoshana Felman and Dori Laub, eds., *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History* (New York: Routledge, 1992).
19. See also Ghassan Kanafani, *Men in the Sun*, trans. Hilary Kilpatrick (London: Lynne Rienner, 1998), first published in Arabic in 1962; Elias Khoury, *Gate of the Sun*, trans. Humphrey Davies (New York: Picador, 2006).

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1. David Biale, *Not in the Heavens: The Tradition of Jewish Secular Thought* (Princeton: Princeton University Press, 2011).
2. See Talal Asad, Wendy Brown, Judith Butler, and Saba Mahmood, *Is Critique Secular? Blasphemy, Injury, and Free Speech* (Berkeley: University of California Press, 2009).
3. See Theodor Herzl, *The Jewish State* (Rockville, MD: Wildside, 2008), 63–72.

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4. Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace Jovanovich, 1951), p. 66, *Rachel Varnhagen: The Life of a Jewish Woman* (New York: Harcourt Brace Jovanovich, 1974), 216–28.
5. See Jacques Rancière, *The Politics of Aesthetics: The Distribution of the Sensible* (London: Continuum, 2006).
6. She emerged from a complex tradition of German Jewish thought, and I do not mean to engage in an idealization here, since there are many reasons *not* to idealize her. She wrote and spoke some clearly racist beliefs and she is no model for a broader politics of understanding across cultural difference. But she continues a German Jewish debate that began in the late nineteenth century about the value and meaning of Zionism. There was, for instance, a famous debate between Hermann Cohen—whose views I will return to—and Gershom Scholem on the value of Zionism in which Cohen criticized the nascent nationalism of Zionism and offered instead a vision of the Jewish people as cosmopolitan or “hyphenated.” Cohen argued that Jews were best served by becoming part of the German nation—a view that could only prove most painful and impossible with the development of German fascism and its virulent anti-Semitism. Arendt shared Cohen’s high valuation of German culture, though she explicitly rejected that nationalism.
7. See Susannah Young-ah Gottlieb, *Regions of Sorrow: Anxiety and Messianism in Hannah Arendt and W. H. Auden* (Palo Alto: Stanford University Press, 2003).
8. Hannah Arendt, *Love and Saint Augustine*, ed. Joanna Vecchiarelli Scott and Judith Chelius Stark (Chicago: University of Chicago Press, 2007).
9. Hannah Arendt, “Jewish History, Revised” in *The Jewish Writings*, ed. Jerome Kohn and Ron H. Feldman (New York: Schocken, 2007), 305.
10. Gabriel Piterberg, *The Returns of Zionism* (London: Verso, 2008), 179.
11. Amnon Raz-Krakotzkin, “Jewish Memory Between Exile and History,” *JQR* 97, no. 4 (2007): 530–43, “Exile Within Sovereignty,” *Theory and Criticism*, no. 4 (2007), *Exil et souveraineté: Judaïsme, sionisme et pensée binationale* (Paris: Fabrique, 2007).
12. Of course, as Arendt herself points out, the need to establish an “internal” history of the Jewish people is one way to counter the position, held by Sartre and others, that the historical life of the Jews is determined mainly or exclusively by anti-Semitism.
13. Amnon Raz-Krakotzkin, “‘On the Right Side of the Barricades’: Walter Benjamin, Gershom Scholem, and Zionism,” *Comparative Literature* (forthcoming).
14. This raises a complex question about the relation between the “cessation of happening” characteristic of the general strike and the end to a homogeneous form of history. At what point does the first cessation become the condition for the second, or are they at some point continuous with one another?
15. Hannah Arendt, *Eichmann in Jerusalem* (New York: Schocken, 1963), 277–78.
16. William Connolly, *The Ethos of Pluralization* (Minneapolis: University of Minnesota Press, 2005).

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17. See Emmanuel Levinas, *Otherwise Than Being; or, Beyond Essence*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1998).
18. Hala Khamis Nassar and Najat Rahman, eds., *Mahmoud Darwish, Exile's Poet: Critical Essays* (Northampton, MA: Olive Branch, 2008). For a discussion of “here” and “there” in Darwish, see Jeffrey Sacks, “Language Places,” *ibid.*, 253–61. Sacks makes the connection between Darwish’s poetic references to the shifting sense of “here” in relation to Hegel’s *Phenomenology of Spirit*. In Hegel’s *Phenomenology of Spirit* the discussion of the shifting “here” takes place in the section on sense-certainty. G. W. F. Hegel, *Phenomenology of Spirit*, trans. A. V. Miller (New York: Oxford University Press, 1977), 60–61.
19. See the introduction in my *Frames of War: When Is Life Grievable?* (London: Verso, 2009).
20. “Hannah Arendt on Hannah Arendt” in Melvyn A. Hill, ed., *Hannah Arendt: The Recovery of the Public World* (New York: St. Martin’s, 1979), 333–34.
21. See Jacqueline Rose, *The Question of Zion* (Princeton: Princeton University Press, 2005), for a contrary view. Rose links the messianic movement with the Zionist pursuit of recurrent military catastrophe. My question is whether the messianic can give rise to a countermilitary position.
22. See note 26, this chapter. See Amnon Raz-Krakotzkin, “Binationalism and Jewish Identity: Hannah Arendt and the Question of Palestine” in Steven E. Aschheim, ed., *Hannah Arendt in Jerusalem* (Berkeley: University of California Press, 2001), 165–80, “Jewish Peoplehood, ‘Jewish Politics,’ and Political Responsibility: Arendt on Zionism and Partitions,” *College Literature* 38, no. 1 (Winter 2011): 57–74.
23. Hannah Arendt, *On Violence* (New York: Harcourt, Brace, 1969), 20, 67, 80, 18, 24, 65.
24. Arendt to Jaspers, April 13, 1961, letter 285, in Hannah Arendt and Karl Jaspers, *Correspondence, 1926–1969*, ed. Lotte Kohler and Hans Saner, trans. Robert Kimber and Rita Kimber (New York: Harcourt Brace Jovanovich, 1992), 434–36.
25. See Raz-Krakotzkin, “Jewish Peoplehood.” See also Anne Norton, “Heart of Darkness: Africa and African Americans in the Writings of Hannah Arendt” in Bonnie Honig, ed., *Feminist Interpretations of Hannah Arendt* (University Park: Pennsylvania State University Press, 1995), 247–62.
26. A selective English translation of Hermann Cohen’s *Deutschtum und Judentum* can be found in Eva Jospe, ed. and trans., *Reason and Hope: Selections from the Jewish Writings of Hermann Cohen* (New York: Hebrew Union College Press, 1997).
27. The White Paper was a British document published in May of 1939 that sought to establish a “Jewish National Home” in Palestine, but refused to grant the notion of Jewish self-rule. It imposed restrictions on Jewish immigration and land acquisition in the territory and was regarded as a strike against Zionist nationalist aspirations. See Rashid Khalidi, *The Iron Cage: The Story of the Palestinian Struggle for Statehood* (Boston: Beacon, 2006), 31–64.
28. Arendt is clearly opposing any efforts on the part of a human rights discourse to seek its legitimacy in nature or natural rights. But it would be wrong to say she has no affinity with such positions.

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In “The Decline of the Rights of Man and the End of the Nation-State” it would appear that she is writing against those who claim that the state and its provisions of citizenship constitute the problem of modernity. But can we say the same for the nation-state? What is clear is that she has no particular sympathy with the idealization of nature one finds in certain Enlightenment texts and she disputes the notion that one might find in nature those principles of equality, justice, and freedom we might like to see in the context of political life. In her view, stateless people are returned violently to a state of nature where there are no protections and no entitlements and where it is impossible to maintain what she calls their “humanity.” If there is to be a human subject, it must be made in the context of political life, made collectively; there can be no freedom outside a polis, a political community that is structured by equality and freedom. Of course, equality and freedom seem to have a status that does not fully depend on the contingent articulations performed by various states, and they seem to function as norms in her work, thus allying her with certain natural law theorists. Indeed, there seems to be something of an impulse of natural law that is void of the state of nature hypothesis, but this is a conjecture to pursue another time. What’s clear here is that, in Arendt’s view, the humanity of human beings only comes into being in the context of a political community and that those who are excluded, expelled, or, indeed, exterminated are deprived of their humanity the moment their rights to citizenship are suspended or destroyed.

The massive expulsions of populations in the twentieth century have, in Arendt’s view, brought this situation into relief. Arendt opens this essay by letting us know that it will be “almost impossible” to imagine what happened at the end of World War I. She describes the migrations of people who “were welcomed nowhere and could be assimilated nowhere.” She describes as well a situation in which “hatred . . . began to play a role in public affairs everywhere,” a “vague, pervasive hatred of everybody and everything, without a focus for its passionate attention, with nobody to make responsible for the state of affairs.” She describes, within the context of Europe, the emergence of two victim groups, the stateless and the minorities (OT, 268). Both groups were deprived of rights of citizenship, settling uneasily with provisional legality in various countries where they were explicitly regarded as outsiders, as not belonging to the nation. The population thus divided into those with full legal entitlements and recognition as citizens and those who were disenfranchised but still under the jurisdiction of state authority.

30. It is interesting that at this point in “The Decline of the Rights of Man and the End of the Nation-State” she turns to a rather devastating critique of the “rights of man”—how useless and impotent the doctrine has turned out to be. What I’d like to suggest is that Arendt rebukes the discourse of the rights of man for being weak, but offers a certain reconceptualization of those rights and does this through her own kind of declaration, one that we might characterize as strong speech. This will come as no surprise to those who know what she has to say about words and deeds in *The Human Condition*, where persuasive speech is part of the very definition of the political

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realm. And yet there remains a question of who can exercise such rights and how the human is delimited in her view. Although one reads the essay as a defense, if not an enactment, of the rights of the stateless, she makes clear that the stateless are also a threat to the human. At the end of the essay, those who are stateless, including, presumptively, the Palestinians and the Pakistanis, threaten to become a “barbarous” force that attacks the “edifice of the human.” At this point it seems that Israel and India are posited as national states that secure the “human” and so must be defended against the stateless that they themselves have produced. This runs counter to what seems to be the predominant argument of the essay, namely, that the stateless have the right to have rights.

31. Finally, then, I want to suggest that part of what Arendt is doing in this essay is defining these rights with assurance. In other words, she is providing, performing the rhetoric of definition in an assured fashion. Although she is no natural law theorist, Arendt lays out, even stipulates, the conditions of human life that precede and precondition any particular form of government and law. She does not base this view on prior principles, but elaborates it in the context of an address to her audience. Thus her rhetoric seeks to instantiate the social relation that she describes. Moreover, in laying out these conditions, she evacuates the first-person “I.” Arendt does not write this text as an “I,” someone with an individual’s perspective. When a pronoun appears, it is a “we,” but who is this “we”? As whom and for whom is she speaking? Does she represent a “we” or does she invoke one when she claims, “We are not born equal: we become equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights” (OT, 301)?
32. Hannah Arendt, *On Revolution* (New York: Penguin, 1990), 166.

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1. See Edward W. Said, *The Politics of Dispossession: The Struggle for Palestinian Self-determination, 1969–1994* (New York: Vintage, 1994).
2. See Steven E. Aschheim, ed., *Hannah Arendt in Jerusalem* (Berkeley: University of California Press, 2001).
3. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin, 1994).
4. Yosaf Rogat, *The Eichmann Trial and the Rule of Law* (Santa Barbara: Center for the Study of Democratic Institutions, 1961).
5. Jacques Lacan, “Kant avec Sade” in *Ecrits II* (Paris: Seuil, 1971).
6. Eva Jospe, ed. and trans., *Reason and Hope: Selections from the Jewish Writings of Hermann Cohen* (New York: Hebrew Union College Press, 1997).
7. My thanks to Susannah Gottlieb for directing me to this essay. See Susannah Young-ah Gottlieb, “Beyond Tragedy: Arendt, Rogat, and the Judges in Jerusalem,” *College Literature* 28, no. 1 (Winter 2011): 45–56.

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8. Ibid.
9. Arendt appears implicitly to be calling upon the Heideggerian distinction between earth and world in Martin Heidegger, *Poetry, Language, Thought*, trans. Albert Hofstadter (New York: Harper and Row, 1971). In “Building, Dwelling, Thinking,” for instance, Heidegger claims that “to be a human being means to be on the earth as a mortal.” But to be “on the earth” is, in his terms, to dwell (147). But in “The Origin of the Work of Art” he makes clear that world and earth differ from one another; the earth, in its givenness, is “set forth” or partially disclosed, but the world is “set up” and belongs to a practice of greater human agency or building (48–49). Although Heidegger argues that earth and world are oppositions that enter into a form of “striving” in the work of art, Arendt clearly understands the practice of human world-making to proceed as a political necessity from the given character of mortal humans who cohabit the earth.
10. See discussion in Avraham Burg, *The Holocaust Is Over* (New York: Palgrave MacMillan, 2008).
11. See Talal Asad’s discussion of death dealing in *On Suicide Bombing* (New York: Columbia University Press, 2007).
12. For a consideration of Hannah Arendt on the death penalty, see my “Hannah Arendt’s Death Sentences,” *Comparative Literature Studies* 48, no. 3 (2011): 280–95.
13. Linda Zerilli, *Feminism and the Abyss of Freedom* (Chicago: University of Chicago Press, 2005).
14. See Bakhtin on addressivity in M. M. Bakhtin, “The Problem of Speech Genres,” in *Speech Genres and Other Late Essays*, ed. Michael Holquist and Caryl Emerson, trans. Vern W. McGee (Austin: University of Texas Press, 1986), 95–99, but also Adriana Cavarero, *Relating Narratives*, trans. Paul Kottman (New York: Routledge, 2000), and *For More Than One Voice*, trans. Paul Kottman (Palo Alto: Stanford University Press, 2005).
15. Hannah Arendt, *Responsibility and Judgment* (New York: Schocken, 2003), 95.
16. Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1998).
17. Arendt, *Responsibility and Judgment*, 41.
18. Ibid., 69.
19. Ibid., 25.
20. Hannah Arendt, *Lectures on Kant’s Political Philosophy* (Chicago: Chicago University Press, 1989), 76.

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1. Hayden White, “Figural Realism in Witness Literature,” *Parallax* 10, no. 1 (2004): 113–24.
2. Primo Levi, *Survival in Auschwitz: The Nazi Assault on Humanity*, trans. Stuart Woolf (New York: Macmillan, 1961), *The Drowned and the Saved*, trans. Raymond Rosenthal (New York: Random House, 1989).

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3. *La Stampa*, June 24, 1982.
4. Marco Belpoliti and Robert Gordon, eds., *The Voice of Memory: Interviews, 1961–1987* (Cambridge: Polity, 2001), 285.
5. *Ibid.*
6. *Ibid.*, 285–86.
7. For an excellent and singularly capacious discussion of this vexed position, see Idith Zertal, *Israel's Holocaust and the Politics of Nationhood* (Cambridge: Cambridge University Press, 2005), 52–71.
8. Quoted in Lawrence Langer, “Introduction” in Charlotte Delbo, *Auschwitz and After*, trans. Rosette Lamonte (New Haven: Yale University Press, 1995), xiii.
9. Delbo, *Auschwitz and After*. The original French uses *veridique* for “truthful,” suggesting a continuing link with verifiability. Charlotte Delbo, *Aucun de nous ne reviendra* (Paris: Minuit, 1970), 7.
10. Cynthia Ozick, “The Modern Hep! Hep! Hep!” *New York Observer*, May 10, 2004.
11. Avraham Burg, *The Holocaust is Over, We Must Rise from Its Ashes* (New York: Palgrave MacMillan, 2008), 11–26.
12. Tom Paulin, “Killed in Crossfire,” *Observer*, February 18, 2001.
13. The invocation of this accusation in the context of the recent evacuation of Gaza was in some ways predictable. Some of the Israelis evacuated used the rhetoric of the Holocaust, arguing not only that they were being dispossessed and even destroyed again, but that all Jews were threatened by this act. For the record, approximately 8,000 Israelis were compelled to leave their homes in Gaza; 1,719 Palestinians have been killed since 2000, another 9,000 Palestinians injured there, 2,704 Palestinian homes razed, belonging to some 20,000 people. I do not say this to set up equivalents or to show that the nonequivalence is overwhelming. I offer it only so that the picture might be widened to understand where and how the human suffering in that region occurs.
14. This phenomenon is not exactly new. The discursive circulation of the Holocaust for politically strategic reasons has been there from the start. If I understand her correctly, Jacqueline Rose argues that the Holocaust becomes, for messianic Zionism, the modern exemplar of the catastrophe that is bound to recur and without which the messianic strain in Judaism cannot renew itself. In other words, the Holocaust must be renewed within contemporary politics in order to reinvigorate the messianic goal of collecting and authorizing the Jewish people as a nation. In effect, for her there can be no renewal of the messianic aims of Zionism without a catastrophe. See Jacqueline Rose, *The Question of Zion* (Princeton: Princeton University Press, 2005).
15. Ferdinando Camon, *Conversations with Primo Levi* (Evanston: Marlboro, 1989), 54.
16. Belpoliti and Gordon, *The Voice of Memory*, 263.
17. Burg, *The Holocaust Is Over*, 78. The argument he makes is already made with greater historical

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amplification by Idith Zertal, who argues that the Nazi genocide against the Jews is no longer remembered for itself, is no longer given its appropriate place as a traumatic and ungraspable loss. The sanctification of what she calls the Holocaust is actually its devaluation, since it exercises a continuing traumatic effect, even endowing local political arguments with “transcendental, inexpressible quality” (IH, 169). The point is not simply that the invocation of the Holocaust is also a manipulative strategy for endorsing and expanding Israeli military power and destructiveness. Zertal mourns the loss of the actual loss, the way in which a monstrous and devastating historical genocide is transformed into a ploy and a strategy, establishing a “never-ending past” at the expense of a massive and unbearable historical crime.

Of course, such arguments have to be differentiated from those claiming that any and all references to the “Holocaust” are simply part of the strategic rhetoric of war. Something else is happening here, a way the past refuses to become past, even devours the present, and produces an endless and futile sense of victimhood that cannot or will not conceive of the physical vulnerability of the non-Jew. It happens time and again when the Palestinian is likened to the Nazi. Zertal reminds us that Netanyahu, the current Israeli prime minister, likened Palestinians to the mufti of Jerusalem who, in his view, “repeatedly proposed . . . to Hitler . . . the extermination of the Jews.” Burg points out that even Abba Eban, widely considered a dove on matters of foreign policy, “coined a term that is still used today, defining Israel’s boundaries, the 1949 Armistice Line, as ‘Auschwitz borders.’” According to Burg, “the Six-Day war removed the virtual ghetto fences between Israel and Auschwitz” (23).

18. Burg, *The Holocaust Is Over*, 33.
19. *Ibid.*, 34.
20. *Ibid.*, 35.
21. Cited in Ze’ev Schiff, *Israel’s Lebanon War* (New York: Simon and Schuster, 1985), 220.
22. Belpoliti and Gordon, *The Voice of Memory*, 292–93.
23. As cited in Carole Angier, *The Double Bond: Primo Levi, a Biography* (New York: Farrar, Straus and Giroux, 2002), 628.
24. *Ibid.*, 629.
25. Ian Thomson, *Primo Levi: A Life* (New York: Picador, 2004), 433.
26. Belpoliti and Gordon, *The Voice of Memory*, 285–86.

8. “WHAT SHALL WE DO WITHOUT EXILE?”

This essay was first given as the Edward Said Memorial Lecture at the American University in Cairo in November 2010.

1. For a history of Zionist attacks on Palestinians and land confiscations prior to 1948, see Oren Yiftachel, *Ethnocracy: Land and Identity Politics in Israel/Palestine* (Philadelphia: University of Pennsylvania Press, 2006). See also Tom Segev, *One Palestine, Complete: Jews and Arabs Under the British Mandate* (New York: Henry Holt, 2001).

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Since the dispossession of Palestinians in 1948, there have been recurrent expulsions. See <http://www.badil.org/en/al-majdal/item/1278-recurring-dispossession-and-displacement-of-1948-palestinian-refugees-in-the-occupied-palestinian-territory>. See also Edward W. Said, *The Politics of the Dispossessed* (New York: Vintage, 1994). Palestinians rarely left the region prior to 1948 except during the 1880s–1910s, when migration was compelled by difficult economic times throughout the region, which explained, for instance, a significant departure of Palestinians for South America.

2. This right was unambiguously affirmed by the United Nations General Assembly Resolution 194(III) of 1948.
3. Naseer Aruri, *Palestinian Refugees: The Right of Return* (London: Pluto, 2001).
4. Zochrot (zochrot.org/en): an organization committed to mapping, commemorating, and publicizing the destruction of Palestinian villages and livelihoods during and after the Naqba.
5. My indebtedness here goes to Najat Rahman, whose volume, coedited with Hala Khamis Nassar, *Mahmoud Darwish, Exile's Poet: Critical Essays* (Northampton, MA: Olive Branch, 2008), had guided my readings and whose e-mail correspondence has been most useful in helping me to understand the original Arabic terms used for exile. See also Najat Rahman, *Literary Disinheritance: The Writing of Home in the Work of Mahmoud Darwish and Assia Djebar* (Lanham, MD: Lexington, 2008).
6. See Said's remarks, for instance, on the importance of diasporic Palestinians to any solution for Palestine in his introduction to *The Politics of Dispossession: The Struggle for Palestinian Self-Determination, 1969-1994* (New York: Vintage, 1995, xlii). See also the following essays that consider the importance of the exile intellectual to the development of a postnationalist politics for the region: Elias Khoury, “The Intellectual and the Double Exile” and Ilan Pappé, “The Saidian Fusion of Horizons” in *Waiting for the Barbarians: A Tribute to Edward Said*, ed. Müge Gürsoy Sökmen and Başak Ertür (London: Verso, 2008), pp. xxi–xx, 83–92. See Ghada Karmi's important reflections on dispossession in “Said and the Palestinian Diaspora: A Personal Reflection” in *Edward Said: A Legacy of Emancipation and Representation*, ed. Adel Iskander and Hakem Rustom (Berkeley: University of California Press, 2010), 304–13.
7. For Arendt, the nation-state that seeks to represent one national group is structurally bound to produce and reproduce a stateless class. See “The Nation-State and the Rights of Man” in Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace Jovanovich, 1951).
8. Meron Benvenisti, <http://kanan48.wordpress.com/2010/02/02/united-we-stand-by-meron-benvenisti/>, and “The Inevitable Binational Regime”: http://www.americantaskforce.org/daily_news_article/2010/01/22/1264136400_13; see also the conference held in 2009, which involves Benveniste and several others, on “Israel/Palestine: Mapping Models of Statehood and Paths to Peace”: <http://www.yorku.ca/ipconf/>. See also Mazen Masri, *Ali Abunimah, One Country: A Bold Proposal to End the Israeli-Palestinian Impasse* (New York: Metropolitan, 2006); Azmi Bishara, “4 May 1999 and Palestinian Statehood: To Declare or Not to Declare?” *Journal*

8. "WHAT SHALL WE DO WITHOUT EXILE?"

- of Palestine Studies* 28, no. 2 (1999): 5–16; Daniel Elazar, *Two Peoples | One Land: Federal Solutions for Israel, the Palestinians, and Jordan* (Latham, MD: University Press of America, 1991); Oren Yiftachel, "Neither Two States Nor One: The Disengagement and 'Creeping Apartheid' in Israel/Palestine," *Arab World Geographer* 8, no. 3 (2005): 125–29.
9. See the numerous publications by Adalah on rights of Palestinian Israelis, including their 2007 report: <http://www.adalah.org/eng/intlo7/adalah-cerd-febo7.pdf>.
 10. Nassar and Rahman, *Mahmoud Darwish, Exile's Poet*, 323.
 11. Edward W. Said, "The One State Solution.," *New York Times*, January 10, 1999; see also Adel Iskander and Hakem Rustom, eds., *Edward Said: A Legacy of Emancipation and Representation* (Berkeley: University of California Press, 2010), especially part 2.
 12. Martin Buber, *A Land of Two Peoples: Martin Buber on Jews and Arabs*, ed. Paul Mendes-Flohr (Chicago: University of Chicago Press, 2005). That earlier notion of binationalism assumed the discrete homogeneity of the "Jewish" people as well as the "Palestinian," thus ratifying Ashkenazi hegemony and refusing the diasporic character of both peoples. Buber's efforts to articulate a binational framework in the late 1940s and through part of the 1950s suffered from a failure to fully criticize the settler colonial project. By separating cultural Zionism from political Zionism, he could imagine binationalism of a cultural sort, thus allowing political Zionism to remain intact. Even the federal authority that he proposed with Judah Magnes and Hannah Arendt in 1946–47 did not go far enough to challenge the colonial presumption of political Zionism. Indeed, Buber himself referred to forms of "concentrative colonialism" for Palestinians as if such proposals were politically neutral and acceptable.
 13. Edward W. Said, *Reflections on Exile and Other Essays* (Cambridge: Harvard University Press, 2000).
 14. Edward Said, *Freud and the Non-European* (London: Verso, 2003).
 15. My thanks to Manal Al Tamimi, with whom conversations on the exclusion of considerations of power from Israeli-Palestinian encounter groups have informed my views on this topic.
 16. Mahmoud Darwish, "Edward Said: A Contrapuntal Reading," trans. Mona Anis, *Cultural Critique* 67 (Fall 2007): 175–82; see also Mahmoud Darwish, "Counterpoint: Homage to Edward Said," trans. Julie Stoker, *Le Monde Diplomatique* (January 2005), http://www.bintjbeil.com/articles/2005/en/0129_darwish.html and also "Counterpoint: For Edward Said," *If I Were Another*, trans. Fady Joudah (Farrar, Strauss and Giroux), 183–92. Said himself uses the idea of contrapuntal analysis in *Culture and Imperialism* (60) to indicate the vacillating condition of "location" in exile. Edward W. Said, *Culture and Imperialism* (New York: Knopf, 1993).
 17. Interestingly enough, this statement, among others, links Kafka with the poetics of diaspora. See my "Who Owns Kafka?" *London Review of Books*, March 3, 2011.
 18. Mahmoud Darwish, *The Butterfly's Burden*, trans. Fady Joudah (Port Townsend, WA.: Copper Canyon, 2007), 89–91.

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