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Walter Benjamin and the Antinomianism of Classical Rabbinic Law¹

It does not require a particularly in-depth examination of Walter Benjamin's 1921 essay "Critique of Violence" in order for a reader to conclude that Benjamin is, to put it mildly, no great fan of 'law' (*das Recht*). By contrast, the texts of classical rabbinic literature, with their affirmative emphasis on the ostensibly 'legal' notions of Torah and *halakhah*, could easily seem quite distant from Benjamin's 'antinomian' approach. Despite such appearances, however, my goal in this essay is to explore the ways in which, contrary to expectations, classical rabbinic conceptions of the messianic future in fact closely parallel Benjamin's "Critique," and, as such, can serve to highlight dimensions of Benjamin's thought and of classical rabbinic literature itself that might otherwise go unnoticed.² To this end, I first detail the antinomian elements in Benjamin's essay and consider the Pauline or Sabbatean resonances that previous readers of Benjamin have discerned in his thought. I then return to Benjamin's essay and point to elements that present a positive and affirming view of the 'legal' dimensions of Jewish and rabbinic texts. Finally, by examining classical rabbinic accounts of a pattern that we might designate as the messianic suspension of legal violence, I argue that we can view Benjamin's antinomian thrust as arising not despite, but precisely from out of his stated affinities with Mosaic/Jewish/Torah/rabbinic law.

Let us first examine aspects of Benjamin's text that could lead us to ascribe the label of 'antinomian' to his thought. After highlighting and offering a critique of the various unjust forms of law-making (*rechtsetzend*) violence – violence linked with military actions and with establishing a legal regime – and law-preserving (*rechterhaltend*) violence – violence linked with enforcing an existing legal regime³ – Benjamin proposes his desired alternative, namely, that which he terms "divine violence." This form of violence, however, is not linked with law but instead stands in an antithetical relation to law. In contrast to the "mythic violence" that he opposes, Benjamin asserts that "divine violence is law-destroying [*rechtvernichtend*]."⁴ In his portrayal, the problem of the unjust legal elements of any present given state-structure cannot be ameliorated by replacing the

unjust set of laws with a new, supposedly more just set of laws. Instead, the injustice lies at the heart of law, *das Recht*, itself. Thus, Benjamin appeals to Georges Sorel's notion of the proletarian general strike as a means of exercising the desired law-destroying element. This form of action seeks to undermine the present order not with the goal of instituting a new legal-political order, which would simply exchange one set of masters for another; instead, it views the destruction of the unjust order of law, as exemplified in successive legal regimes, as a desirable and sufficient goal in itself.⁵ Because the proletarian general strike (in contrast to the political general strike) abolishes the existing legal order, yet without putting another one in its place, Benjamin describes this undertaking as "anarchistic," in the sense that it seeks a form of community that is without top-down coercive enforcement.⁶

Likewise, in describing his vision of what-ought-to-be, Benjamin writes: "On the breaking of this cycle maintained by mythic forms of law, on the suspension of law [*Entsetzung des Rechts*] with all the forces on which it depends as they depend on it, finally therefore on the abolition of state power, a new historical epoch is founded."⁷ In this description of a coming future era, Benjamin proclaims a departure from the previous historical pattern. In this previous pattern, each existing regime of law gained its sovereign position by overthrowing a previous regime through the use of force, and likewise each existing regime is destined to be overthrown by other competing forces which "triumph over the hitherto lawmaking violence and thus found a new law, destined in its turn to decay."⁸ In Benjamin's vision of community, by contrast, rather than replacing the old law with a new or different law, law itself (*das Recht*) is to be suspended. Notably, while Benjamin does not use the explicit term "messianic" in "Critique of Violence," his reference to "a new historical epoch [*ein neues geschichtliches Zeitalter*]" that breaks qualitatively from the cyclical patterns of history that have preceded it, seems to point in this direction.⁹ In addition, he also specifically contrasts this "new" epoch with the "present" one, a contrast that resonates with the Jewish and rabbinic distinction between *'olam ha-ba*, the coming world/age, and *'olam ha-zeh*, this present world/age.¹⁰ As such, we are presented with an account in which the inbreaking of the future messianic era is both accompanied by as well as achieved by "the suspension of law [*Entsetzung des Rechts*]."

Given this uniformly negative assessment and condemnation of law, and his assertion of a coming age in which law will lose all its force,

‘antinomian’ seems like a quite appropriate designation. However, if we then seek to ask whether Benjamin’s approach in this regard could also be connected to some form of ‘Jewish thought’, the question then becomes: what form of ‘Jewish’ could be linked to such antinomianism? One possibility that may come to mind is the Apostle Paul, who famously linked the coming of a “new historical epoch” with “the end of the Law” (Rom. 10:4) and for whom the entry into the messianic realm comes precisely through “dying to the law” (Gal. 2:19; Rom. 7:4). Giorgio Agamben, in his commentary on the Letter to the Romans in *The Time that Remains*, has prominently argued that Paul can be most fruitfully understood by reading him through the lens of Benjamin’s messianism.¹¹ Under this interpretation, if Benjamin’s messianic antinomianism is linked to that of Paul, then just as Paul proclaims that ‘Moses’ and the ‘old covenant’ are superseded in Christ (2 Cor. 3:14-16), so likewise Benjamin could be conceived of as taking his inspiration from Paul’s rejection of Mosaic/Jewish law in particular and raising it to the level of a philosophical critique in which the basic concept of law itself is to be overcome and abrogated. In other words, Benjamin’s philosophical critique of law would have its intellectual core and origin in a Paulinian rejection of Mosaic law. Both Paul and Benjamin could still be ‘Jewish’ in their antinomianism, but in a manner that would seem diametrically opposed to the classical rabbinic conceptions of *halakhah* and Torah that uphold Mosaic law.

Another possible ‘Jewish’ connection to Benjamin’s ideas might be found in the antinomianism of Shabbetai Tzvi and of subsequent Sabbatean movements, including that of Jacob Frank. These figures, particularly as presented by Gershom Scholem, held that the subversion of law served as the means for bringing about the messianic inbreaking.¹² That is to say, while Paul saw the abrogation of law as the *result* of Christ’s transformative messianic inbreaking, the Sabbatean approach held that the deliberate enactment of legally-forbidden actions by devotees would contribute causally to messianic transformation of the world. In this sense, the Sabbatean orientation could seem an even closer parallel to Benjamin’s affirmation of the law-destroying proletarian general strike, as in both cases a community (the revolutionary proletariat and the Sabbatean believers, respectively) is called upon to undermine an existing order that has not yet been, but may soon be overthrown through the coordinated, deliberate, and active law-negating strivings of the chosen community’s members. However, like the Paulinian framing, a Sabbatean framing for Benjamin’s critique similarly

casts the subversion of Mosaic/Jewish/rabbinic law as the reference point for the philosophical subversion of law *tout court*.

In considering both of these possible connections to Benjamin's "Critique of Violence," however, it is important to note that neither the Pauline nor the Sabbatean framework inherently represent an absolute rejection of law. Rather, they both portray an existing law as being superseded by a new messianic law. Thus, Paul's writings include statements such as, "For the law of the Spirit of life in Christ Jesus hath made me free from the law of sin and death" (Rom. 8:2); "To them that are without law, as without law, (being not without law to God, but under the law to Christ,) that I might gain them that are without law" (1 Cor. 9:21) and "Bear ye one another's burdens, and so fulfill the law of Christ" (Gal. 6:2). Likewise, the Sabbatean movement saw itself as engaging in actions forbidden by the this-worldly, pre-messianic Torah (*torah de-beri'ah*; the Torah of creation) not in order to negate Torah per se; rather, they saw their actions as bringing about and as in keeping with the reign of the higher messianic Torah (*torah de-'atzilut*; the Torah of emanation).¹³ While in each of these antinomian traditions, the nature of the 'new law' differs in important ways from the 'old law', both traditions nevertheless retain a portrayal of successive legal regimes. In this, they differ from Benjamin, whose approach explicitly rejects the replacement of existing law with a new law. The existing law is not replaced at all, but rather *suspended*, and the notion of a 'new law' never enters the picture. Accordingly, while the Pauline and Sabbatean comparisons are intriguing, their notion of a 'new law' represents a disanalogy with Benjamin's vision.

However, even if Paul and the Sabbateans are not perfect matches, the thought of classical rabbinic Judaism would at first glance appear to be an even more unlikely candidate for mapping onto Benjamin's account of law and messianism. Far from opposing law, classical rabbinic Judaism is typically viewed as praising law and law's power to structure and transform life, in the form of Torah and *halakhah*. Moreover, the classical rabbinic texts champion not simply one law, but two – the Written Law and the Oral Law, the *torah she-bikhtav* and the *torah she-be'al peh*. If one works under the assumption that law is bad in general, then the doubling of law would seem only to compound the problem! Moreover, in expounding and interpreting the biblical legal framework, the rabbinic texts uphold the institutions of the death penalty as carried out by official courts, as well as the notions of wars to be fought by anointed kings and

approved by the Sanhedrin. These legally-sanctioned mechanisms of war and execution could easily look like prime examples of the law-making and law-preserving violence that Benjamin so strenuously opposed. In addition, in terms of direct comparisons, due to its temporal proximity to early Christianity, rabbinic law is commonly assumed to be a prime example of the type of law that Paul viewed as having been messianically abrogated. Likewise, Benjamin's close friend Scholem frequently highlighted rabbinic law as precisely the legal forms that were to be negated by Sabbatean messianic 'redemption through sin'. Thus, on the basis of its own apparent law-affirmation, and particularly its affirmation of legal violence in the forms of the death penalty and war, as well as in its contrast to well-known 'Jewish antinomians', classical rabbinic thought could easily appear to be the very opposite of the approach demanded by Benjamin.

Appearances can be deceiving, however, and I here seek to make the case for uncovering strikingly Benjaminian aspects of classical rabbinic literature. Before turning to the rabbinic texts themselves, though, it is first important to point out that the seeming contrast between Benjamin and classical rabbinic Judaism is *not* drawn by Benjamin himself in "Critique of Violence." While the critiques of law found in Paul or the Sabbateans all state that it is 'Jewish law' or the 'Mosaic law' that is suspended or abrogated, the "Critique of Violence" never makes such an assertion. Indeed, if anything, the opposite appears to be the case. In contrast to the mythic violence that he condemns, Benjamin associates the divine violence that he champions with the biblical account of "God's judgment on the company of Korach" in Numbers 16:1-35¹⁴ – an account of violence whose purpose, notably, is precisely to uphold the validity of Moses's authority as a prophet of God. Similarly, Benjamin speaks positively of "the commandment 'Thou shalt not kill',"¹⁵ an injunction which is not only part of the laws given by God to Moses, but corresponds to its negative, restricting dimension – in other words, the dimension of the law which others might see as standing in the way of an 'antinomian' messianic freedom. Yet, Benjamin upholds the negative injunction and does not in any way indicate that such a stance would be incompatible with his own critique of law. Finally, Benjamin explicitly refers positively to "Judaism," which, he says, "expressly rejected the condemnation of killing in self-defense."¹⁶ Here, we can see a link not only to Jewish legal thought, but specifically to rabbinic legal thought. Discussion of killing in self-defense is, notably, not explicitly found at all in the biblical text; rather, in his reference to

Judaism, Benjamin seems to be drawing upon a distinctively rabbinic trope, namely, the legal-ethical discussion of the *rodef*, the one who pursues another with intent to kill.¹⁷ These positive references in “Critique of Violence” to Mosaic/rabbinic normativity serve, at the very least, to call into question an easy or immediate opposition between classical rabbinic Judaism and Benjamin’s thought. Furthermore, when these positive references are juxtaposed with the absence in his essay of any negative references to Jewish or rabbinic law, the possibility remains open that, in fact, the ‘legal’ orientation of classical rabbinic Judaism might not be the type of normativity that Benjamin seeks to target when he calls for a revolutionary law-destroying undertaking.

To lend further weight to such a possibility, we can also point briefly to two related pieces of Benjamin’s from the same time period. In “World and Time” (1919-1920), Benjamin speaks approvingly of “the Mosaic laws [*Die mosaischen Gesetze*]” and contrasts this to “the zone of politics” as a “realm that is without law [*gesetzlos*] in a religious sense.”¹⁸ Thus, while “the zone of politics” seems to correspond to that which is condemned as ‘*das Recht*’ in “Critique of Violence,” his description here indicates that a certain type of ‘laws’ (here in the sense of *Gesetze*, rather than in the sense of *Recht* as an established and enforced legal order) can stand outside of that problematic domain.¹⁹ In other words, it may be that Benjamin’s condemnation of the legal institutions of state-violence do not, in his mind, apply to “the Mosaic laws,” which correspond to lawfulness “in a religious sense” – in contrast, perhaps, to the “mythic forms of law [*mythischen Rechtsformen*].”²⁰ In this portrayal, then, the Mosaic laws, rather than representing something to be overcome, might instead represent a conceptual foundation for the anarchistic post-*Recht* forms of normativity envisioned by Benjamin. However, as Benjamin does not give further elaboration to this brief reference to the Mosaic laws, its suggestive implications must remain tentative.²¹

A second notable remark by Benjamin is found in “The Right to Use Force” (1920). There, Benjamin describes, with respect, the phenomenon of “Galician Jews who let themselves be cut down in their synagogues without any attempt to defend themselves” as an example of a situation in which a group or individual undergoes “suffering because God does not appear to have commanded them to offer violent resistance.”²² Here, these rabbinic communities are specifically set in contrast to the forms of unjust violence that Benjamin condemns, thus raising the possibility that there

might be something contained within rabbinic Judaism itself that is linked to a divine suspension of violence. One way of unpacking Benjamin's logic in this statement might be as follows: the Galician Jews do not offer violent resistance because God does not appear to have commanded them to do so. This implies that merely human justifications for violence are not sufficient in any given moment of deliberation; a command from God is also required. The default human position, then, would be one of non-violence, and a move to violence would be made possible only by the issuing of a divine command. In the present moment, when no such commands from God are apparent to the Galician Jews, the proper response would be to suspend the impulse to violent response and instead to undergo suffering. As we shall see, the dynamics that Benjamin identifies here are also found in the texts of classical rabbinic literature in direct reference to the institutions of state violence and their connection to divine sanction.

However, despite these intriguing hints in Benjamin's texts, he does not explicitly indicate that his critique of law would have parallels with the thought of the classical Talmudic and Midrashic collections. This absence, combined with a lack of evidence that Benjamin had much direct familiarity with those texts themselves, has meant that few of his readers have sought to follow through with an exploration of the potential of such a connection. However, when we do turn to the classical rabbinic texts with Benjamin's ideas in mind, a number of striking links arise, some of which I will attempt to sketch here.²³

First of all, we can note that while the classical rabbinic texts do indeed contain discussion of the institutional 'legal violence' of capital punishment and war, the particular *ways* that they talk upon these issues turns out, upon closer examination, to constitute a "suspension of law" that affirms "divine violence" as the sole legitimate form and which negates the validity of 'merely human' legal violence.²⁴ Thus, the death penalty can be carried out only at a time when the Jerusalem Temple, as the conduit for mediating God's direct authorizing presence to human beings, is standing and functioning.²⁵ This idea is emphasized in multiple texts, including the following passage from the Babylonian Talmud:

"And you shall come to the priests, the Levites, and to the judge that there shall be in those days [and you shall inquire, and they shall declare to you the sentence of judgment (*devar ha-mishpat*)] (Deut. 17:9)" – this teaches that when the priesthood is functioning [in the Temple], there can be a judgment [with regard to capital punishment] (*yesh mishpat*); but when the priesthood is not functioning, there can be no such judgment (*'ein mishpat*).²⁶

Likewise, a passage from the Mekhilta de-Shimon bar Yohai reads:

How do we know that one may not put [people] to death (*'ein mamitin*) except when the Temple is standing? Scripture says: “You shall take him from my altar, that he may die” (Ex. 21:14). That is, if there is an altar, you may put [people] to death, but if not, you may not put [people] to death.²⁷

In these two passages, the core elements of law-preserving violence – the ability to pass judgment on an accused person, and the ability to put a convicted person to death – are not self-legitimizing, but require a transcendent factor of divine justification. When this latter factor is absent, the legitimacy of such actions is removed.²⁸

At first glance, the rabbinic account might appear similar to the type of legal regimes criticized by Benjamin. Within contemporary states, the authorization of the sovereign power marks the difference between legitimate and illegitimate killing, so that certain instances of killing (those done by individuals without proper authorization) are illegitimate, while other instances of killing (those done under the auspices of the legal system) are legitimate. Similarly, the authorizing presence of the Temple marks the difference between legitimate and illegitimate killing in the rabbinic context, and so could be viewed as serving to undergird the legitimacy of a certain type of killing. Accordingly, since Benjamin views the assertions of ‘legal killings’ by contemporary regimes skeptically and condemns such declarations as unjust and self-serving, then this assertion of ‘legal killings’ in the rabbinic texts might well appear equally unjust.

However, a key consideration for assessing the rabbinic texts lies in the fact that they were produced at a time when the Temple was most decidedly *not* standing and when the required sacral functioning was lacking. Accordingly, the declarations in the rabbinic texts did not serve to provide support for any presently existing regime of legal executions. Rather, we can view their declarations about the necessity of the Temple for execution as instead functioning as a *rejection* of the legitimacy of all regimes of lethal execution in the current era. In a world with no Temple, any and all existing legal structures that would seek to carry out such forms of violence are automatically classed as illegitimate and unjust – a stance which closely mirrors Benjamin’s position. Because capital punishment requires a grounding in God’s direct presence in the Temple, every human social-political configuration in this era, whether liberal-democratic or totalitarian, remains merely human, and as such its use of legal violence

stands condemned by the rabbinic orientation. That is to say, while every legal regime outwardly claims that its use of violence is predicated on the application and enactment of justice, the absence of the Temple tears away such claims of justice, leaving the legal regime grounded only on physical power. In this sense, in the language of the Talmud, presently existing legal regimes do not and cannot enact sentences of proper justice (*mishpat*). In Benjamin's terms, such regimes can only be grounded on an unjust framework of a mythic violence that stands in opposition to justice (*Gerechtigkeit*) and to the divine.²⁹

Another crucial element in understanding the rabbinic approach lies in a sharp conceptual differentiation between God and human beings with regard to judgments over life and death. While God can judge human beings for death, as life belongs to God, human beings on their own, whether individually or collectively, do not have the authority to judge other human beings for death. Thus, even when the Temple *is* standing, the authority for judging capital cases is generated not by the communal or national human collective, but rather by the direct legitimating presence of God via the Temple.³⁰ Although Benjamin does not focus explicitly on the distinction between human and divine (his main distinction is rather formulated as that between mythic and divine), we can view his project of rational-philosophical critique of law as investigating the human domain by assessing whether or not one can produce legitimate, humanly defensible grounds for human regimes of legal violence. That is, just as a goal of Kant's *Critique of Pure Reason* was to evaluate the human-rational grounds for ideas such as God, the soul, and the world, so too Benjamin's critique seeks to evaluate whether or to what extent similar grounds can be found for legal violence. After weighing up the different considerations, he concludes that no such grounds for legal violence are to be found. In other words, within the sphere of human-rational justifications, legal violence is unjustifiable. To be sure, unlike the rabbinic texts, Benjamin does not explicitly state in his essay that legal violence *could* be legitimate in a more-than-human context of direct divine authorization. At the same time, there is no inherent contradiction between his approach and that of rabbis, and Benjamin's repeated appeal to 'divine violence' may indicate an even closer connection between the two conceptualizations. Indeed, the rabbinic emphasis on divine authorization may serve to reinforce and intensify Benjamin's main point by decisively transferring the legitimate authorization of legal violence outside the sphere of human will, judgment,

and power, thus vitiating the self-justifying claims that mythic violence seeks to put forth.

In addition to the divine/human contrast, the specifically temporal aspect of the rabbinic approach is also significant for drawing out parallels with Benjamin. With the destruction of the Temple, the legal institution of capital punishment was not negated on a theoretical or atemporal level; rather, marking a break between one era and another, it was suspended. This suspension is not merely finite, however. The rabbinic texts do not say that the Temple and its corresponding institutions of legal violence happen currently to be absent, but might again be rebuilt and restored simply as part of the normal course of human affairs. Instead, the rabbinic texts affirm that such institutions will not return until the coming of the messiah – the suspension is a specifically eschatological suspension. Thus, the laws of capital punishment are referred to as *hilkheta le-mashicha*, as a law only for the days of the messiah:

Rabbi Joseph said [in response to discussion of laws of the death penalty]: Why are we fixing a *halakhah* for [the days of] the messiah?! Abaye said to him: If so, we should not study the laws of sacrifices, since they are also only for the messianic era. But we say: study and receive reward; so in this case too, study and receive reward.³¹

We have seen that for Benjamin, the current era is characterized by injustice and mythic violence. There is no hope for justice until the future transition to the “new historical epoch” which will mark a qualitative break from the succession of regimes that came before.³² In the same way, by relegating the applicability of the laws of the death penalty solely to the messianic future, the rabbinic texts likewise cast a negative light on all legal regimes in the present, pre-messianic era. Thus, from the standpoint of the classical rabbinic framework, Benjamin’s criticism of the injustice of legal violence would constitute a fully appropriate critique of violence in *’olam ha-zeh*, in this age/this world, and indeed for essentially similar reasons as those proposed by Benjamin.³³

We can also note the counter-intuitive dynamic by which the rabbinic texts operate, and which should also point to the need for a more complex reading of Benjamin’s ideas. While the rabbinic texts can be seen as negating the same form of mythic violence as that which Benjamin subjects to critique, they do so not by rejecting legal violence ‘in principle’, but precisely by affirming a ‘divine’ form of legal violence that makes all present forms of legal violence illegitimate by comparison.³⁴ By contrast,

we might posit that an abstract, atemporal rejection of legal violence (i.e. a rejection of legal violence in a generalized sense, without a differentiation between divine and human or between this world and the world to come) might in fact represent a conceptually less effective means for constructing a critique of the injustice of mythic violence. Rather, it may be that this-worldly or merely human legal violence can be successfully subjected to critique only by *affirming* a form of ‘divine’ legal violence, albeit one that is not presently accessible. Thus, since the rabbinic laws of capital punishment emphasize its strictly-divine authorization, it may be that the classical rabbinic emphasis on studying and engaging with those laws – “study and receive reward” – serves precisely as a form of practically inculcating the mindset of radical critique demanded by Benjamin.³⁵

In addition, while a full discussion lies beyond the scope of the present essay, we can also note that we can apply a similar analysis of the classical rabbinic approach to war as we have applied to their approach to the death penalty. That is, they likewise negate all present instances of law-making violence (the use of violence against outside forces via war), as was the case with law-preserving violence (the use of violence internal to the operation of an established legal regime), precisely by affirming such legal violence in principle. Thus, while the texts uphold the notion of institutional war waged by a human king, they state that such actions can take place only through the consultation of the Urim and Tumim, the priestly oracle which conveys direct divine judgment as to whether or not to engage in war. The Urim and Tumim, however, is asserted to have ceased, and will return only in the messianic future. Thus, all present human instances of war to establish or preserve a legal regime are illegitimate and as such are engaged in precisely by the idolatrous ‘nations of the world.’ By contrast, in the classical rabbinic conception, Israel’s affirmation of past, divinely authorized biblical wars of Joshua and David serves not to legitimate any present wars but rather to highlight the injustice of such humanly-grounded efforts in the present.³⁶ Thus, again, we find a close parallel to Benjamin’s critique of the cycle of successive regimes of law-making violence and law-preserving violence.

At this point, it is important to consider a potential objection to my claims of parallels between classical rabbinic texts and Benjamin’s critique of violence. Whereas the rabbinic texts present institutions of legal violence as having previously been legitimate, prior to the destruction of the Temple, and envision the re-legitimation of such institutions in the messianic

future, Benjamin does not present a ‘past of legitimate legal violence,’ nor does he describe a form of legitimate legal violence as a component of his envisioned post-mythic future epoch. Instead, he presents a picture in which all past legal violence up to the present day has been illegitimate and unjust, and in which the advent of the future era will mark a sharp and permanent departure from all institutions of legal violence. In this sense, to borrow Gershom Scholem’s classification of different impulses in Jewish messianism, the rabbinic approach as presented here appears restorative, in envisioning for the future something that previously existed in the past, while Benjamin’s approach appears utopian, in envisioning for the future an entirely new state of affairs that previously had never existed.³⁷ Accordingly, while Benjamin and the rabbinic approach may produce a similar critique of legal violence with regard to the present era, they appear to diverge with regard to the past and particularly the ideal future.

However, once again, this divergence may be more apparent than substantial. As Scholem has argued, many Jewish texts of late antiquity, including classical rabbinic literature, can be characterized as putting forth a vision in which “the much emphasized utopian impulse [...] is interpenetrated with restorative impulses.”³⁸ Accordingly, the classical rabbinic texts envision a messianic future in which God will remove the *yetzer hara*, the impulse to evil, from humanity, thus creating a new world of human social engagement.³⁹ In this ethically transformed world, the restoration of *institutions* of legal violence need not imply a restoration of *enactments* of legal violence. Rather, while the messianic future may restore Israel’s potential to engage in legitimate acts of legal violence such as war and capital punishment, the utopian vision of peace and justice means that this potential, once restored, will never need to be actualized. In other words, the rabbinic position appears to be: Israel’s institutions of legal violence will not be restored until a time when they are no longer needed.⁴⁰ The classical rabbinic texts thus present all actual instantiations of Israel’s legal violence as located in the past, and not in the future: while in some passages the texts portray the approach of the coming of the messiah as a time of adversity and conflict, they do not present Israel itself as taking up the Sword or as re-engaging in war or capital punishment.

In this sense, both Benjamin and the rabbis agree that the world of the messianic future will contain no enactment of legal violence. While they may differ with regard to legitimate legal violence in the past, they are functionally at one with regard to the future. Even their divergence

with regard to the past may primarily reflect a difference in language and formulations, rather than a substantive ethical difference. The rabbinic validation of past divinely sanctioned legal regimes does not bleed over conceptually into any greater support for present or future acts of legal violence; if anything, the affirmation of the past serves, by way of contrast, to underscore the critique of the present and of human-centered power-structures. Accordingly, in analyzing the rabbinic texts, it is important not to be misled by particular idioms or formulations, but to look carefully to assess the ethical and practical-conceptual orientations that those formulations seek to express.

Moreover, even at the level of language and formulations, Benjamin's own language elsewhere points to even closer parallels with the rabbinic texts. A comment from his "World and Time" indicates that he himself understands his critique as directed specifically at *this-worldly* legal violence. In rejecting what he views as "false" or "secular" claims of theocratic power, he states that "authentic divine power [*Gewalt*] can manifest itself *other than destructively* only in the world to come (the world of fulfillment) [*der kommenden Welt (der Erfüllung)*]."⁴¹ This statement can serve to clarify his assertion in "Critique of Violence" that "divine violence is law-destroying." It is specifically in 'this world' (and not atemporally) that the sole function of divine violence is to negate and destroy the legitimacy of legal violence. Thus, while divine power can potentially or in principle operate in positive or constructive, and not merely destructive ways, this is possible only in 'the world to come' – a position that closely parallels the classical rabbinic theological stance.

In both Benjamin and the rabbis, therefore, formulations about the legitimacy of violence in the messianic-eschatological future are not concerned with affirming actual future legal violence and should be sharply differentiated from statements about the finite future. The purpose of saying 'not until the eschatological future' is to reject every present or finite-future instance of legal violence. In Hermann Cohen's words, the messianic future represents "an ideal as contrasted to actuality [*das Ideal im Gegensatz zur Wirklichkeit*]."⁴² The messianic future thus serves as a temporally-transcendent ideal that functions by way of contrast as a critique of all present actuality. Although "Critique of Violence" does not talk explicitly of forms of violence that are legitimate only in the world to come but not in this world, we can fruitfully view the essay as presenting, from the ideal-transcendent perspective of the world to come, the contrasting

illegitimacy of all legal violence in the domain of this age/world, *'olam ha-zeh*. In this sense, we can understand the perspective of “Critique of Violence” as functionally equivalent to a translation into outwardly atemporal philosophical terms of the temporally-oriented rabbinic critique of legal violence in an age/world in which direct divine sanction is absent.

In addition, the framework of classical rabbinic literature, centering on the role of Israel, adds a further dimension of communal particularity to the universal thrust of Benjamin’s rational-philosophical critique. The rabbinic texts portray Israel as already having broken away from the mythic cycle of legal violence. If we recall Benjamin’s statement cited earlier – “On the breaking of this cycle maintained by mythic forms of law, on the suspension of law with all the forces on which it depends as they depend on it, finally therefore on the abolition of state power, a new historical epoch is founded”⁴³ – it can be posited that the classical rabbinic framework functionally puts forth precisely such a ‘suspension of law’ and ‘abolition of state power,’ and as such represents Israel as anticipating the ‘new historical epoch’ in the present by means of its current form of life. By destroying the Temple, God has removed the basis for legitimate legal violence and has thus decreed that Israel, in particular, should live without such institutions. In this eschatological framework, there are therefore two distinct temporal points of break or suspension: the destruction of the Temple, which has already occurred, and the coming of the messiah, which has not yet occurred. While the ‘nations of the world’ are still enmeshed in “mythic forms of law” and will remain so until the arrival of the messianic age, Israel in its distinctive exilic specificity *already* enacts and thus models the ‘messianic suspension’ of mythic violence that will one day become a more universal and human-wide reality. In this connection, Benjamin’s pronouncement of hope resonates strongly: “If the rule of myth [*die Herrschaft des Mythos*] is broken occasionally in the present age, the coming age is not so unimaginably remote that an attack on law [*ein Wort gegen das Recht*] is altogether futile.”⁴⁴ The rabbinic framework, as presenting Israel’s task as one of living without recourse to unjust mythic violence, thus represents precisely one of those present-age rejections of the rule of myth in favor of the rule of the divine, *malkhut shamayim*. Viewed in this light, Benjamin’s statement cited above, concerning the Galician Jews who refrain from the use of violence, takes on a distinctly messianic dimension.⁴⁵ Israel’s enactment of communal life thus functions, in Benjamin’s terms, as a performative-existential attack on *Recht* and

thus as a small though concrete sign that a broader human overcoming of legal-structural injustice is also possible.

Accordingly, if we want to describe Benjamin's approach as 'antinomian' we can say that the classical rabbinic texts put forth a similar 'antinomian' position precisely through their affirmation of the Torah received by Moses at Sinai.⁴⁶ Because the Torah, in the rabbinic conception, is grounded not on a foundational act of human violence but rather on a transcendent divine authority, it functions not to legitimate human power-structures by giving them a 'religious' patina; rather, its insistence on the need for divine authorization, particularly combined with its assertion that prophecy has ceased and that the Temple's authorizing presence is absent, means that the ostensibly 'legal' framework of the Torah instead serves to delimit the illegitimacy of the violence of all existing legal regimes.⁴⁷ From this perspective, contrary to readings of Benjamin wherein his rejection of law is conceptually linked to Pauline or Sabbatean negations of the Torah of Moses, the Torah of Moses here represents the very means for a Benjaminian undermining and negation of law and *Recht*. Furthermore, in the rabbinic framework, the future messianic overcoming of *Recht* is not dependent on the proclamation of any 'new' law, but rather on the extension from Israel to all of humanity of the Torah's already-existing *Recht*-negating rule of the divine.⁴⁸ Benjamin's "Critique of Violence," in likewise rejecting any 'new' form of *Recht* as a replacement for the mythic law that is to be negated, can thus again be read as standing in conceptual harmony with the classical rabbinic approach.

One final intriguing element to which I will point is the connection between Benjamin's notion of the revolutionary general strike and the classical rabbinic conception of the messianic character of the Sabbath. As we have seen, Benjamin opposes the idea of seeking to positively construct a new or more just institutional regime of *Recht*; rather, he sees the primary human task as a negative one, of breaking away from all present legal institutions, through the proletarian general strike that, specifically in contrast to the political general strike, does not seek positively to install a new regime in the place of the old one.⁴⁹ We can compare this 'redemptive negative action' to the attitude displayed in the following rabbinic passage:

—Rabbi Levi said: If Israel would keep a single Sabbath in the proper way, immediately the son of David would come.

—What is the scriptural basis? 'Moses said, "Eat it today, for today is a sabbath to the LORD; [today you will not find it in the field.]"' (Ex. 16:25).

—And it says: ‘[For thus said the LORD God, the Holy One of Israel:] “In returning and rest [*shuvah va-nachat*] you shall be saved; [in quietness and confidence shall be your strength (*gevuratchem*).” And you would not.]’ (Is. 30:15). By returning and rest you will be redeemed.⁵⁰

Here, notably, that which brings about the messianic redemption is not any positive work, any action ‘out in the field’, but rather an act of negative action, of refraining from positive or directly constructive actions through Sabbath rest. Moreover, while various numbers of individual Jews may observe the Sabbath in various ways in any given week, what is emphasized here is a collective action: it is when *all* Israel simultaneously keeps a single Sabbath that redemption will come. This emphasis on a collective Sabbath thus appears, structurally and conceptually, very much like Benjamin’s notion of the revolutionary general strike, where the negative ‘refraining’ is considered to constitute not merely an instrumental means but rather an efficacious action in itself.⁵¹ In addition, the rabbinic text’s reference to Isaiah 30:15 points not to a mere rejection of ‘strength’ but rather to a counterintuitive redefinition. While others might associate *gevurah* (strength/power/heroism) with positive acts of military conquest, the rabbinic text (and Isaiah) here indicate that the true, and indeed truly effective form of *gevurah* lies in the form of refraining from such acts. Again, we can see a notable parallel to Benjamin’s anarchist sensibilities, which reject the notion of revolutionary conquest and takeover of existing institutional and state structures, and instead promote the idea that the truly powerful revolution is achieved by withdrawing from and negating the institutional structures of power themselves.⁵²

In addition, the rabbinic proclamation of Sabbath rest and refraining as Israel’s human task in the messianic process parallels the broader rabbinic notion of Israel’s task in the pre-messianic, Temple-less age of *galut* or exile.⁵³ Just as the Sabbath represents a withdrawal from ‘typical’ activities, so too the age of *galut* represents a withdrawal for Israel from the institutions of legal violence in which the ‘nations of the world’ engage.⁵⁴ Israel’s human task is thus not to conquer or imitate the nations of the world in an attempt to establish an improved or more holy version of those institutions of legal violence, but rather to refrain from such activities and faithfully leave the broader bringing-about of messianic redemption to God’s divine (and not Israel’s human) will and action.⁵⁵ In this sense, the rabbinic texts can be seen as presenting not just the weekly Sabbath, but also Israel’s present daily task as a form of communally-specific general

strike that anticipates the future human-wide general strike corresponding to the messianic age to come. The rabbinic construction of Israel thus represents a form of communal life whose positive pole of daily work and labor, in the form of Torah and mitzvot, is simultaneously complemented by a negative pole of actively ‘being on strike’ from institutions of mythic legal violence.

While I have argued for the striking parallels between classical rabbinic thought and Benjamin’s “Critique of Violence,” we should conclude by noting one potential discontinuity between the two. Benjamin’s messianic vision, in its practical aspect, puts forth a call for all of modern society to engage in a revolutionary general strike. By contrast, the rabbinic texts do not outwardly contain a clarion call to human revolutionary activity. Instead, they focus specifically on Israel’s task of refraining from legal violence, and do not explicitly place as much emphasis one way or another on the task of broader human culture and society as a whole. As such, the rabbinic texts might appear to take a more conservative stance in comparison with Benjamin’s straightforwardly radical orientation.⁵⁶ Likewise, while the rabbinic texts do not appear to provide sanction for any collective acts of physical violence in the present, Benjamin’s attitude is more ambiguous. While both Benjamin and the rabbinic texts reject the present or future enactment of legal violence, Benjamin asserts “divine violence” as a form of “violence outside the law [*jenseits des Rechtes*]” that makes “revolutionary violence” possible.⁵⁷ Yet, at the same time, he characterizes his championed proletarian general strike, in contrast to the political general strike, as specifically “nonviolent [*gewaltlos*].”⁵⁸ It therefore remains unclear whether Benjamin’s notion of “divine violence” authorizes human beings in the present era to engage in actively violent forms of physical action for the sake of revolution, or whether only a functionally confrontational but physically nonviolent form of withdrawal from the mechanisms of law is authorized. If the former, then the rabbinic approach, while still containing a profoundly radical orientation, might also be more ‘conservative’ than Benjamin in this particular regard. However, if the latter is the case, then the rabbinic approach is no less radical and law-destroying than Benjamin’s. In part, the ambiguity might arise from the Benjamin’s attempt at translating a communally particular stance into a philosophical-general declaration. While Israel’s previous institutions of legal violence have already been suspended and deposed, Benjamin now calls for *all* existing institutions of legal violence to be similarly destroyed.

Whereas the rabbinic texts conceive of God as the one who brought about Israel's suspension, Benjamin seems to ask humanity itself (or at least the proletariat) to take an active role in bringing about this wider suspension. Accordingly, in comparison with the rabbinic approach, Benjamin may incorporate a greater degree of human initiative into the conceptual sphere of divine violence. Nevertheless, while the textual evidence of "Critique of Violence" may not enable us to resolve this ambiguity fully, this potential point of difference also serves to underscore the wide scope of conceptual commonality that we have already highlighted.

The textual analyses that we have explored here point to ways in which, far from standing in opposition to Benjamin's thought, the messianic understandings of classical rabbinic Judaism, when examined in greater depth, may in fact represent a close conceptual parallel to Benjamin's orientation, including its 'antinomian' aspect. Indeed, the rabbinic texts may be even closer to Benjamin than are the more obvious and outward 'Jewish antinomianisms' of Paul and Sabbatianism. Without making specific claims about historical influence, the fact that Benjamin's "Critique of Violence" can be illuminatingly read in parallel to classical rabbinic thought can enable a rethinking of the broader relationship between Benjaminian ideas and rabbinic tradition. Conversely, the fact that classical rabbinic literature can be illuminatingly read in parallel to "Critique of Violence" lays the foundation for further exploration of radical conceptual dimensions of classical rabbinic literature that have previously been more neglected, perhaps because their distinctive theological idiom has hindered modern readers from recognizing their 'revolutionary' orientation. Thus, as highlighted by the rabbinic texts, God's 'sovereign violence,' far from upholding human legal violence, instead gives rise to a *halakhic*-anarchistic imperative with profound political implications.

Notes

- 1 I thank Paula Schwebel and Sophie Hill for their helpful comments on earlier versions of this essay. I also thank Robbie Duschinsky, in conversation with whom many of the ideas put forth here took shape.
- 2 By 'classical rabbinic literature,' I refer to the collections of rabbinic texts compiled within the historical period bounded by the Mishnah on one end and the Babylonian Talmud on the other. While with regard to many topics, these texts often put forth

- a variety of opinions, they display a much more unified position with regard to the specific themes examined here of the need for divine authorization for legal violence. For indication of the unity across the various texts of classical rabbinic literature in relation to a closely related theme – namely, Israel’s task in exile of nonviolent and faithful waiting for God to bring redemption – see Jacob Neusner, *Vanquished Nation, Broken Spirit: The Virtues of the Heart in Formative Judaism* (Cambridge: Cambridge University Press, 1987).
- 3 Walter Benjamin, “Zur Kritik der Gewalt” in *Gesammelte Schriften* II.1, eds. Rolf Tiedemann and Hermann Schweppenhäuser (Frankfurt am Main: Suhrkamp Verlag, 1977), 186f. English translation: Walter Benjamin, “Critique of Violence”, in *Selected Writings, Volume 1, 1913-1926*, eds. Marcus Bullock and Michael W. Jennings (Cambridge, MA: Harvard University Press, 1996), 240–241. Hereafter, I indicate the German and the English page numbers together as: 186–187/240–241.
 - 4 Benjamin, “Zur Kritik der Gewalt,” 199/249.
 - 5 Benjamin, “Zur Kritik der Gewalt,” 193–194/245–246.
 - 6 Benjamin, “Zur Kritik der Gewalt,” 194/246.
 - 7 Benjamin, “Zur Kritik der Gewalt,” 202/251–252.
 - 8 Benjamin, “Zur Kritik der Gewalt,” 202/251.
 - 9 On messianic themes in Walter Benjamin’s other early writings, see Eric Jacobson, *Metaphysics of the Profane: The Political Theology of Walter Benjamin and Gershom Scholem* (New York: Columbia University Press, 2003), 19–51.
 - 10 Benjamin, “Zur Kritik der Gewalt,” 202/251.
 - 11 See Giorgio Agamben, *The Time that Remains: A Commentary on the Letter to the Romans* (Stanford, CA: Stanford University Press, 2005), 138–145. Agamben also links Benjamin’s critique of law to Paul (and to Sabbatian doctrine) in *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1998), 56–58. Vivian Liska highlights the way in which Agamben seeks to link Benjamin’s critique of state law with a critique of Jewish law. Against Agamben, Liska, in a manner harmonious with the argument presented here, instead maintains that Benjamin differentiates Jewish law from the state law that he condemns. “‘Before the Law stands a doorkeeper. To this doorkeeper comes a man ...’: Kafka, Narrative, and the Law”, *Naharaim* 6:2 (2012), 179–186; see also Vivian Liska, “The Legacy of Benjamin’s Messianism: Giorgio Agamben and Other Contenders” in *A Companion to the Works of Walter Benjamin*, ed. Rolf J. Goebel (Rochester, NY: Camden House, 2009), 209.
 - 12 See Gershom Scholem, “Redemption through Sin” in *The Messianic Idea in Judaism* (New York: Schocken, 1971). On Frank and Scholem, see Jacobson, *Metaphysics of the Profane*, 70–72. Agamben (*The Time that Remains*, 144–145), argues that Scholem himself saw Benjamin’s thought as linked with both Pauline as well as with Sabbatean conceptuality.
 - 13 See Scholem, “The Crisis of Tradition In Jewish Messianism” in *The Messianic Idea in Judaism*, 75–77. See also Scholem, “Redemption through Sin,” 111–112, 116–118.
 - 14 Benjamin, “Zur Kritik der Gewalt,” 199/250.
 - 15 Benjamin, “Zur Kritik der Gewalt,” 200/250.
 - 16 Benjamin, “Zur Kritik der Gewalt,” 201/250.
 - 17 See Mishnah Sanhedrin 8:7, as well as Babylonian Talmud Sanhedrin 74a, Tosefta Sanhedrin 11:10, and Babylonian Talmud Sanhedrin 49a. For further discussion of

- the *rodef* in relation to permissible and impermissible killing, see Daniel H. Weiss, “Direct Divine Sanction, the Prohibition of Bloodshed, and the Individual as Image of God in Classical Rabbinic Literature,” *Journal of the Society of Christian Ethics*, vol. 32, no. 2 (2012), 25–29.
- 18 Walter Benjamin, “World and Time,” in *Selected Writings, Volume 1*, 226.
 - 19 Agata Bielik-Robson argues that Benjamin collapses the distinction between *Recht* and *Gesetz*, whereas other forms of Jewish thought are predicated on a distinction between these two concepts. However, Benjamin’s comment here on the ‘laws of Moses’ indicates, to the contrary, that he does not inherently collapse the two. As such, his thought in “Critique of Violence” may also remain open to this crucial distinction. See Bielik-Robson, “Tarrying with the Apocalypse: The Wary Messianism of Rosenzweig and Levinas,” *Journal for Cultural Research* 13, no. 3 (July-October 2009): 249–266, at 253.
 - 20 Benjamin, “Zur Kritik der Gewalt,” 202/251.
 - 21 Vivian Liska likewise argues that Benjamin’s broader thought retains a positive evaluation of *halakhah*. See Liska, “Before the Law stands a doorkeeper”, 186, 189–190, contrasting Benjamin’s understanding of *halakhah* with that of Scholem. See also Andreas Greiert, *Erlösung der Geschichte vom Darstellenden: Grundlagen des Geschichtsdenkens bei Walter Benjamin 1915-1925* (Munich: Wilhelm Fink, 2011), 213–215, discussing ‘anarchistic messianism and Jewish tradition of law’ (*Anarchistischer Messianismus und jüdische Tradition des Gesetzes*).
 - 22 Walter Benjamin, “The Right to Use Force,” in *Selected Writings, Volume 1*, 233.
 - 23 In “Orthodox violence: ‘Critique of Violence’ and Walter Benjamin’s Jewish political theology,” *History of European Ideas* 34 (2008): 324–333, at 327–328, Udi E. Greenberg argues that there is no substantive connection between ‘Jewish messianic tradition’ and Benjamin’s “Critique of Violence.” I argue against this claim by highlighting parallels between Benjamin’s thought and the messianic orientation of classical rabbinic literature. However, my argument is based on conceptual commonalities, and is not dependent on any particular historical claim about Benjamin’s conscious knowledge of the classical rabbinic texts. Instead, I claim simply that, whether as a result of his own readings or from his conversations with Gershom Scholem, Benjamin puts forth an account that harmonizes conceptually with the classical rabbinic approach.
 - 24 For further analysis of classical rabbinic literature’s insistence on divine authorization for violence as a means of de-legitimizing ‘merely human’ violence, see Weiss, “Direct Divine Sanction,” 29–33.
 - 25 In terms of linguistic formulations, Benjamin’s description of divine violence as “pure immediate [*reine unmittelbare*] violence” (“Zur Kritik der Gewalt,” 202/252) resonates strongly with the rabbinic conception of the need for God’s direct and immediate authorization for collective-political forms of violence.
 - 26 Babylonian Talmud Sanhedrin 52b. See also Babylonian Talmud Ketubot 30a-b, Babylonian Talmud Avodah Zarah 8b.
 - 27 Mekhilta de-rabbi Shimon bar Yochai to Ex. 21:14.
 - 28 For further discussion of classical rabbinic conceptions of legal authority in a post-Temple context, see Michael S. Berger, *Rabbinic Authority* (New York: Oxford University Press, 1998), 42–45. See also Hayim Lapin, *Rabbis as Romans: The Rabbinic*

- Movement in Palestine, 100-400 CE* (New York: Oxford University Press, 2012), 113–115, on the voluntary nature of rabbinic adjudication in the post-Temple period.
- 29 Benjamin, “Zur Kritik der Gewalt,” 198/248–249. In the rabbinic sense, true *mishpat* would correspond to Benjaminian *Gerechtigkeit*: it would be a form of judgment that is truly just, unlike the unjust judgments that characterize merely-human legal regimes. Eric Jacobson notes that Scholem, inspired by a brief comment of Benjamin’s, contrasts *mishpat* to *tzedeq*, wherein the former is linked to *Recht* and the latter to *Gerechtigkeit* (*Metaphysics of the Profane*, 169, 182–187, 228). However, because in the rabbinic framework authentic *mishpat* is undergirded by direct divine authorization, it need not be sharply differentiated from *tzedeq*. Viewing the two terms as coupled rather than as opposing has biblical precedent in the repeated variants of the phrase *tzedeq u-mishpat*; see, e.g., Ps. 89:15, Deut. 33:21, Gen. 18:19, 2 Sam. 8:15.
- 30 For a related analysis of divine versus human authority for judging life and death in the New Testament’s book of Revelation, see Matthew J. Street, *Here comes the judge: violent pacifism in the book of Revelation* (London: T & T Clark, 2012).
- 31 Babylonian Talmud, Sanhedrin 51b.
- 32 Benjamin’s essay uses the term ‘Zeitalter’ twice: once in referring to the ‘mythic age,’ ‘des mythischen Zeitalters’ (198/249), and once in referring to the ‘new historical epoch,’ ‘neues geschichtliches Zeitalter’ (202/252).
- 33 In relation to these themes, Udi E. Greenberg puts forth an argument that has some similarities to the one presented here, but which also appears to diverge in other ways. Greenberg writes, “In claiming that Jewish divine law contradicts history and will end it [...] it is not the secularized messianic theology that Benjamin followed, but its opposite—the secularized orthodox one [...] Benjamin used a different model of the relationship between law and theology—that of Orthodox Judaism—according to which the sovereignty of the deity contradicts earthly sovereignty, and thus law contradicts history” (“Orthodox Violence,” 332). Here, the notion of divine law and sovereignty contradicting history sounds generally valid as a reading of Benjamin. However, the contrast between ‘the sovereignty of the deity’ and ‘earthly sovereignty’ is not as clear: neither Benjamin nor the rabbinic texts use a divine/earthly binary, as for both the envisioned messianic age takes place ‘on earth’. Instead, a contrast between sovereignty grounded on divine authority and human sovereignty grounded on merely-human authority seems more apropos. Likewise, Greenberg’s binary between ‘orthodox’ and ‘messianic’ also makes his argument less clear, as the rabbinic approach (if this is associated with ‘Orthodox Judaism’) can itself be described as messianic, even if not in the sense of political or revolutionary activism. Still, Greenberg is right to see parallels between Benjamin’s thought and that of modern Orthodox thinkers such as Isaac Breuer, and these parallels deserve to be pursued further.
- 34 Jacobson (*Metaphysics of the Profane*, 189–190) notes that Scholem similarly argued that Talmudic law affirms the possibility of the death penalty while making it impossible to carry out in practice. Jacobson further claims (189, 209) that this notion of “Talmudic postponement” of the death penalty is taken up in Benjamin’s “Critique of Violence”; however, it is not clear where Benjamin discusses this particular concept in his essay.
- 35 For further analysis of the classical rabbinic pattern of critiquing violence in practice precisely by affirming violence in principle, see Daniel H. Weiss, “Just Peacemaking

- and Ethical Formation in Classical Rabbinic Literature,” *The Conrad Grebel Review* 30, no. 1 (Winter 2012): 76–95.
- 36 See Weiss, “Direct Divine Sanction,” 29–33, 37–38.
- 37 See Scholem, “Toward an Understanding of the Messianic Idea in Judaism,” in *The Messianic Idea in Judaism*, 3–7.
- 38 Scholem, “Toward an Understanding,” 5.
- 39 For classical rabbinic sources on the eschatological uprooting of the *yetzer hara*, see G. H. Cohen Stuart, *The Struggle in Man between Good and Evil: An Inquiry Into the Origin of the Rabbinic Concept of Yetser Hara* (Kampen: J.H. Kok, 1984), 72–79.
- 40 This is not exactly the same as Franz Kafka’s aphorism (“The Messiah will come only when he is no longer necessary”, *Parables and Paradoxes* [New York: Schocken, 1971], 81), although there are obviously intriguing parallels. The notion of restored institutions of legal violence that do not actually enact legal violence also presents a possible solution to the tension that Eric Jacobson sees in Benjamin’s messianic thought between theocracy and utopia: “is there such a thing as a theocracy that is truly utopian, free from domination and hierarchy? An anarchist kingdom of God?” (*Metaphysical of the Profane*, 31) In the rabbinic ‘utopian’ conception of the messianic future, there are theoretically-hierarchical structures but no actual enactment of hierarchical power.
- 41 Benjamin, “World and Time,” 226, italics in the original.
- 42 Hermann Cohen, *Religion of Reason Out of the Sources of Judaism*, trans. Simon Kaplan (Atlanta, GA: Scholars Press, 1995), 249; *Religion der Vernunft aus den Quellen des Judentums* [1929, 2nd ed.] (Wiesbaden: Fourier Verlag, 1978), 291.
- 43 Benjamin, “Zur Kritik der Gewalt,” 202/251–252.
- 44 Benjamin, “Zur Kritik der Gewalt,” 202/252.
- 45 Stephen S. Schwarzchild also draws links between a messianic orientation and the observed longstanding Jewish pattern of refraining from political violence. See his “On the Theology of Jewish Survival,” in *Pursuit of the Ideal: Jewish Writings of Steven Schwarzchild*, ed. Menachem Kellener (Albany, NY: State University of New York Press, 1990), 83–98.
- 46 See Bielik-Robson, “Tarrying with the Apocalypse,” 253, on the discernment of an ‘antinomian’ aspect of the Mosaic Torah itself.
- 47 On the cessation of prophecy in classical rabbinic thought, see Benjamin Sommer, “Did Prophecy Cease? Evaluating a Reevaluation,” *Journal of Biblical Literature* 115, no. 1 (Spring 1996): 31–47.
- 48 Cf. the call in the traditional *Aleinu* prayer for God to ‘rectify the world under the kingship of the Almighty,’ *le-taken ’olam be-malkhut shadai*.
- 49 Benjamin, “Zur Kritik der Gewalt,” 193–194/246; see also 183–185/239–240.
- 50 Palestinian Talmud, Ta’anit 1:1.
- 51 Other Jewish authors after Benjamin have also linked the Sabbath with a utopian messianic overcoming of modern civilizational and labor-related hierarchies. See, for instance, Erich Fromm, *You Shall Be as Gods: A Radical Interpretation of the Old Testament and Its Tradition* (Greenwich, CT: Fawcett, 1966), 152–157. Michael Löwy argues for strong links between Fromm’s reflections on the Sabbath and Benjamin’s thought; see Löwy, *Redemption and Utopia: Jewish Libertarian Thought in Central Europe: a Study in Elective Affinity* (Stanford, CA: Stanford University Press, 1992),

- 152–158. See also Abraham Joshua Heschel, *The Sabbath: Its Meaning for Modern Man* (New York: Farrar, Straus and Giroux, 1951), 28, 78–80, and Jonathan Sacks, “Building a Society of Freedom” in *Rabbi Jonathan Sacks’s Haggadah* (New York: Continuum, 2006), 21–26. The latter highlights radical elements of classical Jewish thought in a surprisingly direct manner for a ‘mainstream’ author, and represents a fascinating juxtaposition to Benjamin’s text. Arthur Waskow’s statement stands out as probably the most explicit connection between the Sabbath and the notion of the general strike: “The Shabbat was the first general strike, a holy general strike. Let us build an Age of Shabbat!” See Waskow, *The Bush is Burning! Radical Judaism Faces the Pharaohs of the Modern Superstate* (New York: Macmillan, 1971), 141. One notable precursor to Benjamin is Moses Hess, who envisions a ‘Sabbath of history,’ linked to the messianic future. Hess contrasts this to the weekly Sabbath, which he calls the ‘Sabbath of nature.’ While God’s rest on the seventh day of creation marks a completion of nature, history is yet to be completed and still awaits its Sabbath. See Hess, *The Revival of Israel: Rome and Jerusalem, The Last Nationalist Question* (Lincoln and London, University of Nebraska Press, 1995), 48, 132, 184, 220, 250.
- 52 Other rabbinic texts also link the Sabbath with the messianic future. For instance, in Babylonian Talmud Berachot 57b, the Sabbath is described as a ‘foretaste of the world to come’ and as ‘one-sixtieth of the world to come.’ Likewise, Mishnah Tamid 7:4 describes the messianic future (*‘atid lavo*) as ‘a day that will be all Sabbath’ (*yom she-kulo shabbat*).
- 53 See Amnon Raz-Krokotzkin’s remarks on the significance of the Jewish-rabbinic conception of exile and its relation to notions of sovereignty in his *Exil et souveraineté: judaïsme, sionisme et pensée binationale* (Paris: La Fabrique, 2007). In his book, Raz-Krokotzkin also discusses the relation of these concepts to the thought of Benjamin and of Scholem.
- 54 2 Chronicles 36:20–21 represents a possible biblical precedent for this conceptual parallel between Sabbath and exile. For an analysis in the biblical context, see Louis Jonker, “The Exile as Sabbath Rest: The Chronicler’s Interpretation of the Exile,” in *Exile and Suffering: A Selection of Papers Read at the 50th Anniversary Meeting of the Old Testament Society of South Africa OTWSA/OTSSA, Pretoria August 2007*, eds. Bob Becking and Dirk J. Human (Leiden: Brill, 2009), 213–229.
- 55 On the rabbinic conception of Israel’s task, see Jacob Neusner, *Vanquished Nation, Broken Spirit* and Michael S. Berger, “Taming the Beast: Rabbinic Pacification of Second-Century Jewish Nationalism,” in *Belief and Bloodshed: Religion and Violence across Time and Tradition*, ed. James K. Wellman Jr. (Lanham, MD: Rowman and Littlefield, 2007).
- 56 Udi Greenberg argues that Benjamin’s stance should itself be seen as ‘conservative’ in that his texts do not provide “any guide for political action, but only ‘empty utopian longing’” (“Orthodox violence”, 330, quoting Dominique LaCapra). However, while a description of ‘conservative’ may sound plausible if Benjamin’s conception of revolution as ‘refraining’ is contrasted to a commandeering of the levers of power, it fails to recognize that such ‘active withdrawal’, particularly if performed in an organized and purposeful manner, can be a radical act, as theorists of anarchism have sought to emphasize.
- 57 Benjamin, “Zur Kritik der Gewalt,” 202/252.
- 58 Benjamin, “Zur Kritik der Gewalt,” 194/246.