

On Zionism and the Concept of Deferral

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ABSTRACT This article offers a set of conceptual reflections on the *politics of deferral*. Beginning with an examination of this idea in analyses of colonialism, human rights, and liberalism, the article turns to Gershom Scholem's well-known opposition between Jewish messianism ("life lived in deferral") and Zionism (concrete political action). The article troubles this distinction by tracing the concept of *deferral* back into Scholem's earliest writings on messianism and by showing the term's genealogical reliance on the theological-political vocabulary of sovereignty. Against this critical background, the article returns to the present, in order to reframe Scholem's distinction and to suggest that, far from negating messianic deferral, Zionism and Israeli colonial rule capture and redeploy its logic as a secular modality of power. The article concludes by inscribing this secular, political theology of Zionism within a Christian history of deferral, messianism, and empire.

KEYWORDS Gershom Scholem, Zionism, Palestine, deferral, chronopolitics, messianism, colonialism, pardon

What we are talking about here is the hardest problem: understanding the difficulty of unlearning attachments to regimes of injustice. Justice itself is a technology of deferral or patience that keeps people engrossed politically, when they are, in the ongoing drama of optimism and disappointment.

—Lauren Berlant, *Cruel Optimism*

Yet justice, however, unrepresentable it remains, does not wait. It is that which must not wait. To be direct, simple and brief, let us say this: a just decision is always required immediately, right away, as quickly as possible.

—Jacques Derrida, "Force of Law"

How many armies will occupy time?

—Mahmoud Darwish, "Take Care of the Stags, Father"

A natural point of departure for contemplating the concept of *deferral* could be the prominent position the term holds within the texts of the psychoanalytic and deconstructive canons. From the “reality principle” to *différance* (and back again), the movement between Freud and Derrida marks the obvious beginning for any study concerned with the problem of deferral (*Aufschub*).¹ In this essay, however, I postpone further exploration of these classical texts, in order to pursue a more sustained reflection on the heterogeneous elements of another, still-uncatalogued archive: the eclectic set of attempts to account for deferral as a technology of political rule and mode of governmentality.² Take as a preliminary guide to this miscellaneous assemblage Lauren Berlant’s inquiry into the “cruel optimism” of post-Fordist modernity. Under current economic conditions, Berlant suggests, the very promise of futurity coincides “with the dread of an eternal present”: the impasse of surviving, scavenging, and staying afloat amid the everyday ruins of neoliberal life.³ Related sentiments surface across a range of proximate contexts. These might be the “structural deferral of reparations for slavery,” the “political deferral” of “international development programs and refugee camps,” or the transitional discourse of human rights.⁴ On this last point, Robert Meister has argued that humanitarian projects operate “through an indefinite deferral of justice”: a counterrevolutionary time of postponement that legitimizes the present by insisting “now is *never* the time” for an equitable future to arrive.⁵

In a parallel contribution to this tacit exchange, Ann Laura Stoler steers the inquiry into the “temporal dimension” of colonialism’s foundational apparatuses.⁶ She points to the “*states of postponement and deferral*,” which have traditionally endorsed “promissory notes for sovereignty, autonomy, and services that are issued, suspended, conferred, or curtailed, and reissued again.”⁷ Exemplary moments come from the paradoxes of Jewish emancipation in Europe (“exit visas and entry tickets”) as well as the evasive assimilatory policies of French imperialism in Algeria (*mission civilisatrice*).⁸ As Geraldine Heng observes, colonial governance often made “perpetual deferment” the underlying premise of its political form.⁹ By continually responding with a “not-yet,” European powers avowed the task of bringing their subjects to “civilizational maturity” and “equality” while placing that “vaunted possibility on an ever-receding horizon.”¹⁰ The dynamic also traverses the politics of colonial Palestine.¹¹ Jasbir Puar has called it “prehensive time” and described how predictions about possible futures to the Israeli-Arab conflict help to justify “the current status quo” and make it impossible to “get out of the present.”¹² Adi Ophir and Ariella Azoulay similarly observe that Israeli colonial rule operates through the “suspensions and deferments” of two imagined ends to the existing order of things: annihilation (total war, ethnic cleansing, genocide) or citizenship (legal equality, binationalism, democracy).¹³ Insofar as the Israeli state seeks to avoid these “permanent solutions,” it maintains its apartheid regime in an

apparently provisional condition: deferring the apocalyptic future by managing its Palestinian subjects “at the threshold of catastrophe.”¹⁴

The image of the apocalypse yields another possible submission to this documentary cache of political deferrals; namely, the theological signature that underwrites them. Freud suggests as much by linking the deferrals of the reality principle to the realm of “religious myth”: “The doctrine of reward in the after-life for the—voluntary or enforced—renunciation of earthly pleasures is nothing other than a mythical projection of this revolution in the mind.”¹⁵ Meister specifies the association when he defines secular history as the transitional time “between two messianic moments”: resurrection and return.¹⁶ It is a notion that Jacob Taubes observes in the hesitations of Christian eschatology: the church’s commitment to the deferral and delay (*Aufschub*) of messianic redemption for the sake of its own institutional endurance.¹⁷ Scholars like Massimo Cacciari have further traced the idea back to the New Testament, where St. Paul speaks in passing about a mysterious force (*ho katechon*) that “contains-defers-withholds” the apocalypse.¹⁸ Giorgio Agamben explains (in polemical reference to Derrida, no less) that the biblical paradigm “initiates a time in which nothing can truly happen because the meaning of any historical progression—whose only meaning is to be had in the *eschaton*—is infinitely deferred.”¹⁹

This leads me to the last of my introductory remarks, which is the echo of these manifold formations of deferral in the political theology of Zionism: a tradition within which an essential connection between messianism and colonialism has developed and continues to exist.²⁰ Although my discussion will not concern itself with enumerating the many episodes that attest to this “never-relinquished bond,” it will proceed to offer a reading of one of its most prominent theorists. I refer here to the thinker who famously defined the history of Jewish messianism as “a life lived in deferment.”²¹ In other words: Gershom Scholem.²² I devote the remainder of this essay to an examination of his words and an assessment of their significance for an understanding of the messianic idea in Zionism.²³ The endeavor will be my attempt to gather, arrange, and catalog a few of the scattered files that might otherwise constitute an archive of deferral.

Thirteen Principles

Those who have spent time with Scholem’s writings on these matters know that his evaluations of messianic deferral stand in uncertain proximity to his assessments of Zionist thinking. But no analysis of this dynamic—or the “special tensions” it animates—can proceed without a broader perspective on the portrait of Jewish messianism that he provides in his major essay on the topic from 1959, “Toward an Understanding of the Messianic Idea in Judaism” (*MIE*, 2).²⁴ I offer the following thirteen principles as a preliminary index of Scholem’s argument.

1. Although Scholem announces that his chief interest lies with “internally Jewish perspectives on Messianism,” he begins the essay by insisting on the impossibility of separating his investigation from the polemical legacy of the **Jewish-Christian debate** (*MIE*, 1). On the one hand, this means recognizing the thematic disparities between the two traditions of messianic thought. While Judaism imagines redemption as a public event that occurs within the world and on the “stage of history,” Christianity views redemption as a private event or individual transformation that takes place in “the spiritual and unseen realm” (*MIE*, 1). On the other hand, Scholem also suggests that there are historical (and not merely comparative) reasons for considering the opposition. This includes the distortions that Christian supersessionism has introduced into scholarship on Jewish messianism: either by expunging the messianic elements of post-Christian Jewish history or by forgetting the Jewish sources of Christian messianic activism (*MIE*, 8). Scholem also recollects the anti-Christian elements that have frequently arisen as part of Jewish messianic speculation. He notes the old image of the Messiah who lives hidden among the downtrodden outside the city ruled by the Vicar of Christ: “This symbolic antithesis between the true Messiah sitting at the gates of Rome and the head of Christendom, who reigns there, accompanies Jewish Messianic thought through the centuries” (*MIE*, 12).
2. When Scholem does arrive at his analysis of Jewish messianism, he introduces a threefold interpretive framework: **conservative**, **restorative**, and **utopian** (*MIE*, 3). The first describes the forces within Jewish tradition that seek to uphold and preserve the practices and texts that have given form to life in exile; the second refers to the forces that promote a nostalgic return to “an original state of things,” a messianic hope directed backward toward a purer, imagined ideal of the past; the third captures the forward-looking forces of Jewish messianic yearning. Instead of imagining the restoration of a primeval order, they point toward the future possibility of a world that has never existed.
3. Scholem narrates the story of these overlapping tendencies with an initial look toward the **apocalypticism** of the biblical prophets. Their dire messages, he says, reflect situations of concrete despair and suffering, in which the prospect of a final “End” takes on the cast of an imminent interruption “about to break in abruptly at any moment” (*MIE*, 5).
4. Apocalypticism is more than a belief in the coming redemption. It is the “acute **anticipation** of the messianic event intruding into history” (*MIE*, 4).
5. In this sense, too, the End comes not only to the people of Israel but to the world as a whole: a cosmic division between the old and the new that summons the rewards and punishments of a **Last Judgment** (*MIE*, 6–8).
6. The power that breaks in upon history heralds the coming of a new eon through the ruin and destruction of the existing world. About this terror, Scholem writes:

- “Jewish Messianism is in its origins and by its nature — this cannot be sufficiently emphasized — a theory of **catastrophe**” (*MIE*, 7).
7. This sentence identifies the “really non-transitional character” of messianic apocalypticism. Such visions of the End stress “the **revolutionary**, cataclysmic element” of the transformation that leads from the “historical present to the Messianic future” (*MIE*, 7).
 8. The “theory of catastrophe” leads Scholem to a set of general conclusions about the **concept of history** formulated in Jewish messianic thought. “The paradoxical nature of this conception,” he says, “exists in the fact that the redemption which is born here is in no causal sense a result of previous history” (*MIE*, 10). An essential “lack of transition” forbids the messianic age from being understood as the culmination of “progress in history” or as the “product of immanent developments” made possible through human effort: “In fact there can be no preparation for the Messiah. He comes suddenly, unannounced, and precisely when he is least expected or when hope has long been abandoned” (*MIE*, 10–11). Scholem concludes that messianism is “nowhere made dependent upon human activity,” because “everything is here attributed to God and it is just this that lends a special character to the contradiction between what is and what shall be” (*MIE*, 14). Messianism is a phenomenon of transcendence that intervenes in the normal course of history and brings it to destruction.
 9. In two brief asides, Scholem underscores the ambiguous link between the messianic concept of history and the concept of history adopted “since the Enlightenment” (*MIE*, 10). Against the messianic belief in an absolute “lack of relation between human history and the redemption,” the Enlightenment committed itself to the “idea of eternal progress and infinite task of humanity perfecting itself” (*MIE*, 15, 26). But the strict disagreement, so Scholem argues, should not disguise the transformations that tie modern utopian progress to “an ever advancing **secularization**” and reinterpretation of messianic eschatology (*MIE*, 26).²⁵
 10. At the center of Scholem’s study of messianism is also the problem of **law**.²⁶ The utopian horizon of apocalyptic thinking, with its destruction of the old and its establishment of the new, brings with it a necessarily “anarchic element” (*MIE*, 21). Scholem will explain the creative ways that authors within the tradition confronted the threat posed by messianic abrogation. But in all cases “the total novelty for which utopianism hopes enters thus into a momentous tension with the world of bonds and laws which is the world of *Halakhah*” (*MIE*, 19).
 11. The great counterexample to the anarchic powers of Jewish messianism appears in the “anti-apocalyptic restrictions” of **Maimonides** (*MIE*, 27). Scholem cites a lengthy passage from his twelfth-century code of laws, which includes the

following declaration: “It is the case in these matters that the statutes of our Torah are valid forever and eternally. Nothing can be added to them or taken away from them” (MIE, 28). If Maimonides does not completely dismiss the “catastrophic character” of biblical apocalypticism, he does marginalize its “dramatic element” by turning his attention to the interminable and irrevocable authority of the law (MIE, 32). According to Maimonides, the coming of the messianic age entails no fundamental change to the legal, natural, or moral orders. Any prophecies of destruction remain “sealed enigmas which will be disclosed only in the events themselves and which allow of no anticipation” (MIE, 32).

12. At the penultimate moment of his essay, Scholem decides to reflect on the advantages and disadvantages of the messianic idea in Judaism. The “price demanded by messianism,” he writes, “corresponds to the endless powerlessness of Jewish history during all the centuries of exile, when it was unprepared to come forward onto the plane of world history” (MIE, 35). In its attempts to transcend the present world for another, messianism fails to produce any substantial effect in the present: a power incapable of realization. When Scholem says that messianism represents a life lived in deferment—*Leben im Aufschub*—he means that there is “something preliminary, something provisional about Jewish history” (MIE, 35/MIG, 238).²⁷ Messianism creates hope without the possibility of existential fulfillment.
13. It is here that Scholem inserts his ambivalent commentary on **Zionism**.²⁸ Unlike the weakness of messianic thinking, the Zionist idea proclaims a “readiness for irrevocable action in the concrete realm” (MIE, 35). Scholem adds that this substitution of “history” for “meta-history” is a response to the “horror and destruction” of recent Jewish experience (MIE, 36). Zionism’s apparently sober reaction to catastrophic violence reflects its human drive to achieve something in the world. This existential turn, however, also sparks Scholem’s fears about the messianic “overtones” that come with the “utopian return to Zion” (MIE, 35). His concluding unease is that Zionism will be unable to contain the apocalyptic forces it conjures up and that stand ready to explode.²⁹

On Deferral and the Concept of Justice

A first reading of Scholem’s essay leaves one with the impression that Zionism poses a challenge to the provisional nature of Jewish history. Whatever his anxieties about its potential for apocalyptic self-destruction, Scholem seems to have no trouble endorsing the Zionist return to history: its worldly efficacy, its negation of exile, and its refusal of a life lived in deferment.³⁰ That matters might be more complicated is a possibility captured by the word Scholem inscribes at the center

of his argument: *Aufschub*. His otherwise unmarked use of the concept encrypts the importance that it held for him in his earliest writings on messianism. In a diary entry from 1918, Scholem calls it “one of the central ethical ideas” of the messianic tradition in Judaism.³¹ The “idea of deferral,” he explains, outlines messianism’s distinctive notion of historical time.³² Just as the world of myth always depends upon the certainty and inevitable fulfillment of fate, messianism introduces a path toward fate’s suspension and possible elimination. It is this undoing of mythical history that Scholem identifies as messianism’s great contribution to the problem of ethics.

His most sustained attention to the question occurs in the short essay “On Jonah and the Concept of Justice” (1919), which remained unpublished in his lifetime.³³ The text reflects his formative dialogue with Walter Benjamin on a range of theological-political issues, including law, violence, and prophecy.³⁴ The title itself refers to the biblical book of Jonah, in which God calls on one man, Jonah the son of Amittai, to deliver a message to the people of Nineveh.³⁵ Jonah rejects the call and flees to the city of Tarshish. But a series of tumultuous events eventually brings him back under God’s command. This time Jonah accepts the order and informs the inhabitants of Nineveh that in forty days the city will be overturned. The prophecy immediately provokes the people to change their ways and mourn their past actions so that, in the end, God reverses the decision to destroy the city and repents “of the evil, which He said he would do unto them.”³⁶ Jonah reacts angrily to God’s nullification of his prediction: “I pray Thee, O LORD, was not this my saying, when I was yet in mine own country? Therefore I fled beforehand unto Tarshish; for I knew that Thou art a gracious God, and compassionate, long-suffering, and abundant in mercy, and repentest Thee of the evil.”³⁷ The book concludes with God attempting to quell Jonah’s rage by teaching him a lesson in the value of mercy.³⁸ God asks, “Should not I have pity on Nineveh, that great city, wherein are more than sixscore thousand persons that cannot discern between their right hand and their left hand, and also much cattle?”³⁹ Jonah says nothing. The question lingers. And the book ends in silence.⁴⁰

For Scholem, the short story is a classical statement on divine justice. God pronounces a judgment (*Urteil*) on the people of Nineveh but stops short of its execution (*Vollstreckung*). He writes, “This, and nothing else, is the meaning of justice (*Gerechtigkeit*) in the deepest sense: that judgment is allowed, but the execution of it remains something entirely different” (*OJ*, 357/*ÜJ*, 526). The whole of Scholem’s commentary will rest on the legal distinction that he draws between *Urteil* and *Vollstreckung*, judgment and execution. His argument is that divine justice lies in the abyssal space between these two acts: the distance that ensures the separation and noncoincidence of the law and its application.⁴¹ This also means that justice never

resides in “the unequivocal connection of the judge’s decision to the executive power” (357/526). What Jonah does not understand, says Scholem, is that justice is not fate; it is neither the fulfillment of the law nor its enforcement. God’s message is that justice destroys “the actual order of law” through the sovereign deferral, or *Aufschub*, of its execution (357/526).

The textual commentary ends here. But Scholem quickly expands his focus by enumerating a few general theses on the meaning of justice in Judaism. His first states, “Justice is the idea of the historical annihilation of divine judgment” (357/527). The comment hinges on another that defines divine judgment by way of its identification with execution: the only form of judgment that is already “its own execution” (358/527). When Scholem speaks about justice as the annihilation of divine judgment, he reiterates in slightly modified form his previous understanding of justice as deferral. There is nonetheless one specific novelty in this formulation, and that is its emphasis on the role of history. In and beyond the realm of law, justice becomes a question of time: “that sphere in which the entrance of the Last Judgment is infinitely deferred [*aufgeschoben*]” (357/527). Scholem’s unavoidable conclusion is that justice is a messianic concept, because “messianic is that realm which no Last Judgment follows” (357/527). Messianism is another name for the historical time of deferral, the span that separates judgment from execution, and the interminable delay of any fated end. This, too, is its intimate cohesion with prophecy. God teaches Jonah that the prophetic demand for justice always centers on its pleas for an infinite neutralization of the Last Judgment.

In one additional and decisive gesture, Scholem finds confirmation for his argument in the words of Maimonides. He cites the following passage from his code of law: “The reason for what the wise men call the world to come is not that this coming world is not already present, and that only after the demise of this world the other one would come. This is not how things are; rather, that world is continually present” (359/529). Scholem uses the text as an opportunity to contrast the different concepts of historical justice in Judaism and Christianity. The “secret of Christianity,” he says, is that it conceives of justice as a “border concept”: the liminal “anticipation” of the Last Judgment as an “ever-approachable regulative ideal” (359/529). For Maimonides—whom Scholem reads as exemplary—Jewish messianism sets itself against this understanding in every way. Judaism does nothing to anticipate or predict the coming of justice in its futurity but instead treats prophecy “as the prediction of the eternal present” (359/529). Scholem summarizes, “Messianic time as eternal present, and justice as something that is present and substantial, are corresponding notions” (359/529). The meaning of justice lies in messianic time because the concept of deferral already “contains in itself the ground of duration, the *being* of justice” (357/527).

A History of the Pardon

Forty tumultuous years separate these reflections from Scholem's mature writing on the messianic idea in Judaism. But a few things are clear. First, there is the remarkable consistency of perspective. This is nowhere more apparent than in his definition of messianism as a life lived in deferral, *Leben im Aufschub*. The theological, legal, and political issues that Scholem had once delineated by reading the book of Jonah haunt his later synopsis of meaning in Jewish history. These manifest continuities, though, should not distract from the significant differences between the two texts. Consider here not only the later Scholem's complete erasure of *justice* as a central theme of Jewish messianism but also his transformation of deferral from a theological-political and ethical paradigm to a sign of Jewish history's weakness, powerlessness, and sacrifice. One could, in fact, wonder what the young Scholem would have thought of the elder Scholem's alterations to his former understanding of messianism (e.g., the relocation of Maimonides from center to periphery, from norm to exception).⁴² A retrospective rereading might even suggest that the real danger of Zionism lies less in its apocalyptic "overtone" than in its exchange of messianic deferral for the realization, or execution, of its political program in Palestine. Does Zionism put an end to Judaism? Is its negation of deferral also a negation of justice? And has its substitution of an *anticipated future* for an *eternal present* made it into another name for Christian mythmaking?

The critical temptation might be to end here with a series of definitive answers to these questions: Zionism is not Judaism. Zionism is injustice. Zionism is Christian messianism. A juxtaposition of Scholem's earlier and later writings certainly opens up one avenue for an immanent corroboration of such urgent claims. My only concern is that these otherwise undeniable conclusions would thus rest upon an uninterrogated acceptance of Scholem's major thesis: justice is deferral. If there is reason to pursue this equation further, it is not only because of its potential resonance with contemporary critiques of the "eternal present"; it is also because the major terms of Scholem's text (*Urteil, Vollstreckung, Aufschub*) belong to an older theological-political genealogy. Scholem hints at this when he links the concept of deferral to the death penalty. He takes his particular insight from "rabbinical Judaism," which, as he argues, adhered to "the idea of deferral" by making it nearly impossible for a judgment of death to turn into its execution (*OJ*, 358/ÜJ, 528). But his language also brings with it standard terminology from nineteenth-century German jurisprudence. The classicist Theodor Mommsen once argued that the ancient Roman republic "did not recognize any statutory interval between the legally-binding death sentence and its execution [*Vollstreckung*]," its penal law knowing "neither a minimal nor maximal period [*Frist*] for the deferral of the execution [*Aufschub der Vollstreckung*]."⁴³ In his lectures on aesthetics, Hegel had already observed the problem in the context of the modern state, which splits the

act of punishment “into its different moments” by opening up a distance between “the judgment [*Urteil*] and execution [*Vollstreckung*] of the judge’s sentence.”⁴⁴ For later writers, this constitutive potential for the “deferral of execution”—*Aufschub der Strafvollstreckung*—would come to bear upon the regular suspensions and interruptions of the legal process: those closely tied to the death penalty as well as the standard delays in execution required by the state’s sovereign “right of pardon.”⁴⁵

Scholem himself makes this clear in his preparatory notes for the essay on Jonah, where he identifies the concept of deferral as a category of God’s mercy.⁴⁶ A long tradition of legal theory preceding him had approached notions like mercy, clemency, and the pardon (*Begnadigungsrecht*) by analyzing their peculiar role within the structure of state power. In an influential treatment, the jurist Rudolph von Jhering (1818–1892) assigns the “right of pardon” to the paradoxical sphere of law that permits the government’s “disregard of the law.”⁴⁷ He adds, “Formally considered, it appears as an interference with the order of law. The punishment of the criminal, which is threatened by the law and which has already been recognized against him, is afterward remitted [*erlassen*]. The law is therefore in reality not carried out [*gelangt . . . nicht in Vollzug*].”⁴⁸ The idea would receive further elaboration by political philosopher Otto Kirchheimer, whose midcentury writing on justice proposes that such interventions provide “a remedy for imperfections of the legal system itself.”⁴⁹ He suggests that the sovereign right of pardon makes room for a “touch of subjectivity” in the juridical apparatus: a “safety valve,” as it were, for the pressure created when the objective, impersonal application of the law leads to unjust outcomes in specific situations.⁵⁰

The liminal quality of the pardon has often led scholars to regard it as a “form of ‘legally sanctioned alegality’” or “lawful lawlessness.”⁵¹ Even for von Jhering, the pardon lies at the fringes of the constitutional state alongside other concepts like martial law and the state of emergency (with their “temporary suspension of certain statutory regulations”).⁵² This also explains Carl Schmitt’s abiding interest in the pardon as a “mark of sovereignty” and as testimony to the need for state mediation: “the graceful and merciful lord who proves by pardons and amnesties his supremacy over his own laws” (*als der Gütige und Barmherzige, der durch Begnadigungen und Amnestien seine Überlegenheit über seine eigenen Gesetze beweist*).⁵³ Foucault gives a sense of this when he describes the eighteenth-century “spectacle of the scaffold” as a ceremony of deferral and delay: a ritual designed to anticipate the king’s “letter of pardon” by prolonging the time between “sentence and execution.”⁵⁴ Here, the sovereign could make himself present “not only as a power exacting vengeance of the law, but as the power that could suspend both law and vengeance.”⁵⁵

Eighteenth-century liberal thinkers like Beccaria and Brissot knew this. They viewed the pardon as a dangerous “derogation of the law” and argued that “a perfect legislation” needs no external power of correction.⁵⁶ Others have traded outright

antagonism for a more ambivalent take on the exceptional justice of the pardon. In his *Metaphysics of Morals* (1797), Kant observes that “of all the rights of a sovereign, the *right of pardon* (*ius aggratiandi*) for a criminal is the slipperiest one for him to exercise; for it must be exercised in such a way as to show the splendor of his majesty, although he is thereby doing injustice in the highest degree.”⁵⁷ Hegel again went a step further by defining the pardon as the “highest recognition of spirit’s majesty.”⁵⁸ The right of pardon “arises from the sovereignty of the monarch,” he says, “since it is this alone which is capable of realizing spirit’s power of making undone what has been done and wiping out a crime by forgiving and forgetting it.”⁵⁹

A similar perspective runs through William Blackstone’s *Commentaries on the Laws of England* (1765–70). Blackstone distinguishes the “king’s most gracious pardon” as a sign of the monarch’s elevation above the “disagreeable or invidious parts” of government: a power derived solely “*a lege suae dignitatis*.”⁶⁰ In the “scepter of his mercy,” the people see nothing but a fountain of “bounty and grace.”⁶¹ Mercy is a force of goodness, magnificence, and compassion with the unique and august capability of redeeming the offender from death and making him “a new man.”⁶² Elias Canetti eventually took this as the basis for his claim that the pardon is “the supreme manifestation of power.”⁶³ Beyond the capacity to *make die and let live* or *to make live and let die* (or, again, *to make survive*), the pardon allows the sovereign to breach all limitations of power by imagining himself powerful enough “to bring the dead back to life.”⁶⁴

The reappearance of the pardon in modern constitutions is no doubt a remnant of the “sacral presence” that once invested the sovereign with the “power to decide on the exception to the law.”⁶⁵ Kirshheimer illustrates this theological “quality of mercy” by quoting Portia’s monologue from *The Merchant of Venice* (1599).⁶⁶ She reminds Shylock,

The quality of mercy is not strain’d,
It droppeth as the gentle rain from heaven
Upon the place beneath: it is twice blest;
It blesseth him that gives and him that takes:
’Tis mightiest in the mightiest: it becomes
The throned monarch better than his crown;
His sceptre shows the force of temporal power,
The attribute to awe and majesty,
Wherein doth sit the dread and fear of kings;
But mercy is above this sceptred sway;
It is enthroned in the hearts of kings,
It is an attribute to God himself;
And earthly power doth then show likest God’s
When mercy seasons justice.⁶⁷

In his reading of this passage, Derrida emphasizes Portia's analogical thinking: the "theological-political translation" that turns the pardon into a site of incarnational exchange between the "sublime greatness" of God and the human body (or bodies) of the Christian sovereign.⁶⁸ Derrida's essential point is that Portia's spiritualization of mercy is one tactic of a duplicitous strategy. The appeal to God's justice intends to authorize as well as conceal "every ruse and vile action" that Shylock's Christian adversaries use to dispossess him of his legal right.⁶⁹ This theological-political critique of Christian mercy owes a profound debt to an earlier political economy of justice. As Nietzsche put it in his (nearly Shakespearean) genealogy of morality, "Justice, which began by saying 'Everything can be paid off, everything must be paid off,' ends by turning a blind eye and letting off those unable to pay—it ends, like every good thing on earth, by *sublimating itself* [sich selbst aufhebend]. The self-sublimation of justice: we know what a nice name it gives itself—*mercy* [Gnade]; it remains, of course, the prerogative of the most powerful man, better still, his way of being beyond the law."⁷⁰

All of this should be enough to register serious questions about Scholem's theses on justice. Is sovereign mercy a compassionate corrective to the torpor of a mechanistic legal system? Or is it a dangerous exception? Does the executive right of pardon carve out a space of lawlessness within the law? Or does the deferral of punishment reveal an immutable juridical abyss between judgment and execution, form of law and worldly realization? After Nietzsche and Derrida, one might also want to think further about the theological-political effects of the pardon on the representation of sovereignty: the cleansing transformation of the executive power from a repulsive dealer of death into a glorious savior of life. This was also Canetti's final suspicion. "An act of mercy," he thought, "is a very high and concentrated expression of power, for it presupposes condemnation."⁷¹ His chosen example comes from the "God of the Bible," who, as in the book of Jonah, engages in "the intricate traffic in pardons: the sinner who submits to him receives mercy."⁷² But in this context one could also remember that self-described "Shylock," Jean Améry, and his enduring, fleshly *ressentiment* against a world—white, Christian, colonial—that so easily "forgives and forgets" its own crimes.⁷³ Is the deferral of execution a practice of justice? Or is it the sublime face of power? The messianic ethics of the eternal present? Or the endless spectacle of the scaffold?

Critique of Mercy

In an early German translation of *The Merchant of Venice*, Christoph Martin Wieland (1733–1813) interprets the quality of mercy (*Gnade*) as an instance of *göttliche Gewalt*.⁷⁴ The phrase nicely distills the ambivalent history of the pardon: be it a redemptive *power* that saves the law from injustice or a destructive *violence* that ruins the justice of the law. Readers of Scholem may also detect in these words a proleptic trace

of Benjamin's critique of *Gewalt* (and "its relation to law and justice").⁷⁵ Although Benjamin never mentions mercy (or the pardon) in his essay, recent commentators have found reason to interpolate the act as an example of "divine violence."⁷⁶ The hypothesis rests in part on the text's thematic and contextual contiguity with Scholem's writings on justice as well as Benjamin's consistent (if infrequent) use of the term *Aufschub* across other divisions of his corpus.⁷⁷ Almost all of these interpretive efforts begin with the assumption that a common intellectual horizon and a shared philosophical vocabulary deliver evidence of mutual agreement: that Scholem and Benjamin must be saying the same thing.⁷⁸ I, too, want to recommend the promise of reciprocal illumination. But my sense is that one can read Benjamin's investment in "divine violence" as a subtle if direct challenge to Scholem's affirmation of "divine deferral." I wager that an analytic isolation of this dissensus will further clarify the stakes of Scholem's political theology and its significance for an understanding of the messianic idea in Zionism.

Scholem's essay on Jonah belongs to the "esoteric dossier" of Benjamin's debate with Schmitt on the state of exception.⁷⁹ The dispute focuses again on the "complex relation," or "economy," between the norm of law and its force of application.⁸⁰ In his chapters on political theology, Schmitt claims that "every concrete juristic decision [*Entscheidung*] contains a moment of indifference from the perspective of content" (*PTE*, 30/*PTG*, 30).⁸¹ A judicial decision never refers back to the text of the law from which it could immediately derive a necessary and unavoidable resolution. The decision always "remains an independently determining moment": the autonomous, executive act that translates the "content of a general positive legal norm" into a specific case (*PTE*, 31/*PTG*, 30). Schmitt describes this elsewhere as the "insurmountable chasm" that separates the abstraction of law from concrete reality, the enforceability of law from its factual implementation, and legal judgment (*Urteil*) from its execution (*Vollstreckung*).⁸² It is also the problem that he finds in the concept of dictatorship: the impassable distinction between legislation (powerless right) and executive action (lawless power).⁸³ The state of exception merely exposes the "essential fracture" of law: that "zone of anomie" in which the "opposition between the norm and its realization reaches its greatest intensity."⁸⁴

Giorgio Agamben has read the argument as a silent response to Benjamin's critique of violence. Whereas Schmitt looks for a way to contain and reinscribe lawless violence within a "juridical context"—the figure of the sovereign—Benjamin seeks to locate a form of violence that lies "absolutely 'outside' (*außerhalb*) and 'beyond' (*jenseits*) the law."⁸⁵ Benjamin observes that the "mere existence" of a violence outside the law threatens "the law itself" and compels the law, for the sake of its own preservation, to take hold of any violence that exceeds its grasp (*CV*, 239). He asks in return "what kinds of violence exist other than all those envisaged by legal theory" (*CV*, 247). Is there a violence that could break the law's monopoly

on violence? A violence that would instead depose the law? And even abolish state power? Benjamin stresses that the answers to these questions will sketch the possibility of a “redemptive” end to “all the world-historical conditions of existence obtaining hitherto” (CV, 246–47). He calls this position of transcendental critique *pure divine violence*.⁸⁶

Like Scholem, Benjamin aligns his critical task with a denunciation of fate: the mythically ambiguous cycle of violence that alternately establishes and preserves the legal order.⁸⁷ He cites the death penalty and the police as two institutional examples. The purpose of the former, he says, “is not to punish the infringement of law but to establish new law” (CV, 242). In its display of power over life and death, “the law reaffirms itself” by revealing the violence at its origins (CV, 242). Benjamin sees in the police a similar “spectral mixture” of preservation and instantiation: a legal apparatus whose authority closely resembles the unity of legislative and executive power in the absolute monarch (CV, 242). That the police continue to operate in democracies, he thinks, only confirms the presence of exceptional violence (“the right of decree”) at the basis of its legal order (CV, 242).⁸⁸ A parallel appears in the “*régime des décrets*” that Hannah Arendt attributes to colonial bureaucracies.⁸⁹ “Legally, government by bureaucracy is government by decree,” she writes, “and this means that power, which in constitutional government only enforces the law, becomes the direct source of all legislation.”⁹⁰ Rule by decree “ignores all intermediary stages between issuance and application.”⁹¹

The various case studies bring Benjamin to the conclusion that the essence of all “mythical lawmaking” lies not in the medial use of violence for a particular end—the punishment of a crime—but in its immediate manifestation of power over bare life (CV, 248).⁹² Mythical violence establishes law, fixes boundaries, creates guilt, threatens, and spills blood. Any effort to think beyond these parameters raises the question of divine violence: a violence that destroys law, obliterates boundaries, confers expiation, strikes without warning, and kills bloodlessly. Benjamin only hints at what this critical violence might look like through a notoriously unclear biblical reference to God’s judgment (*Gottes Gericht*) on the band of Korah: God “strikes privileged Levites, strikes them without warning, without threat, and does not stop short of annihilation [*Vernichtung*]. But in annihilating it also expiates [*entsühnend*], and a profound connection between the lack of bloodshed and the expiatory character of this violence is unmistakable” (CV, 250).⁹³ The obscure—and perhaps inconsistent—reading of the biblical text relies on the interpretation of Moses’s prophecy.⁹⁴ Moses declares, “If these men die the common death of all men, and be visited after the visitation of all men, then the Lord hath not sent Me. But if the Lord make a new thing [*ber’ah yivra*], and the ground open her mouth, and swallow them up [*u-val’ah otam*], with all that appertain unto them, and they go down alive into the pit, then ye shall understand that these men have despised the

Lord.”⁹⁵ The words suggest that divine violence proceeds not through an unfolding of the natural order but instead through the introduction of a creative caesura that calls a halt to the regular succession of things. The ground opens up beneath Korah and his followers and, in an act of “cannibalistic, destroying justice,” eats them alive: serving up divine judgment (*Gericht*) as an earthly dish (*Gericht*).⁹⁶

There is no denying a relation between this discussion of divine violence and Scholem’s discussion of divine deferral. God’s eventual pardoning of Nineveh demolishes the injunctions of fate, destroys the regular workings of the law, and gives the people a chance for expiation. But these correspondences also demonstrate how uncomfortably Scholem’s concept of justice fits within Benjamin’s framework. On a textual level, the differential combination of God’s prophetic threat and merciful repentance could just as easily furnish proof of the pardon as a form of mythical violence: an immediate manifestation of power that establishes and confirms law by bringing submission. Benjamin insists, after all, on the sudden, destructive character of divine violence.⁹⁷ In the story of Korah, God neither recoils from the act of extermination nor repudiates Moses’s prophecy of destruction. It is a narrative reminder of Benjamin’s final portrayal of divine violence as a moment of “sacred execution”—that is, *heilige Vollstreckung* (*CV*, 252/*KG*, 203; translation modified). While Scholem consistently thinks justice in the name of deferral—*judgment without execution*—Benjamin again and again attends to the critical possibilities of its opposite: *execution without judgment*.⁹⁸

Benjamin’s avowal of destruction (execution, annihilation, purification) could make his text “almost unbearable.”⁹⁹ But his reversal of Scholem has critical potential for an appraisal of the “lesser violence” the latter seems to espouse.¹⁰⁰ It is enough to remember that Benjamin’s transcendental inquiry into divine violence has no other purpose than to show “that revolutionary violence [*revolutionäre Gewalt*], the highest manifestation of unalloyed violence by human beings, is possible” (*CV*, 252/*KG*, 202). He ignores the sovereign sublimity of mercy and takes a view from below: the general strike, the convulsive tremor. Scholem takes the view from above: the sentence, the scaffold, the pardon. He defines justice as deferral and, in so doing, defers the possibility of thinking the revolution.¹⁰¹ And he passes over in silence the one, insurgent expression of immediate violence he manages to name: Jonah’s rage.

Christian Zionism

This is how one must read (or reread) Scholem’s understanding of the messianic idea in Zionism. Consider again the story he tells about the Zionist return to history. On the one hand, everything depends on the Zionist substitution of execution for deferral. Zionism discards the powerlessness, weakness, and passivity of Jewish messianism by committing itself to realistic, concrete action in the mundane

realm. On the other hand, the secular success of Zionism rests on its capacity to guard itself against the apocalyptic and antinomian energies that threaten to explode from within and bring its worldly politics to ruin. Scholem's hope is that Zionism will contain the catastrophe, hold off the anarchy, and delay the apocalypse. What he dares not think—what he refuses to condone—is the end to all world-historical conditions of existence obtaining hitherto (i.e., *göttliche Gewalt*). Scholem thus presents Zionism as something other than a mere negation of *a life lived in deferment*. Through a profound secular transformation, it captures, reforms, and redeploys messianic deferral as a distinctive, counterinsurgent mode of political power.¹⁰²

In this light, Scholem's scholarly assessment of the messianic idea in Judaism might also furnish a political theological allegory for the messianic idea in colonialism. The settler conquest of Palestine rests, of course, on a range of injustices *executed* by those seeking the historical and concrete realization of the Zionist idea: expropriation, expulsion, elimination, massacre, detention, and more.¹⁰³ But the perpetuation of this "single catastrophe" (*Nakba*) has often occurred in and through the politics of deferral.¹⁰⁴ By the early 1930s, the Zionist operative and racial theorist Arthur Ruppin was advocating the "tactics of postponement" (*Verschiebungstaktik*) as a colonial subterfuge for dealing with the "Arab problem."¹⁰⁵ The rhetorical strategy promoted democratic equality between Jews and Arabs while also deferring any resolution of the matter until a contradictory policy of separation, demographic planning, and ethnic cleansing could ensure the future of Jewish supremacy.¹⁰⁶ After 1948, a related notion emerged as the basis for the institutionalization of Israeli state law. The declaration (and ongoing existence) of a permanent "state of emergency" became the foundation for a paradoxical legal system: an apparently liberal order designed with the messianic purpose of deferring (withholding, preventing, delaying) the coming of "imminent catastrophe" through extrajudicial means.¹⁰⁷

Somewhat later, in the wake of 1967, the Israeli government would make its well-known "'decision not to decide' on the status of the newly occupied territories."¹⁰⁸ The whole of the "peace process," from Camp David to the present, has sustained this legacy of indecision by exploiting interim agreements, transitional phases, and humanitarian concerns to ensure the "deferral of actual sovereignty" for Palestine.¹⁰⁹ This period of incessant delays has manifested itself most prominently in the apparatuses of the Israeli "permit regime": that system of waiting that operates through curfews, roadblocks, inspections, checkpoints, and other disciplinary procedures for the administration of a colonial life lived in deferment.¹¹⁰ Alongside the most spectacular displays of "eruptive violence," this governing logic depends upon the exertion of "withheld violence": the threat and postponement of imminent destruction.¹¹¹ The strategy has the paradoxical aim of making the

production of a docile population look like the work of a restrained, enlightened, and “merciful sovereign.”¹¹² It is this double gesture that could turn Palestine into Nineveh, messianism into occupation, and the “endless powerlessness of Jewish history” into the interminable power of the Jewish state (*MIE*, 35). Just here Zionism may also diagnose the broader “process of deferral” that has come to characterize a political present — neoliberal, humanitarian, biopolitical — that lives on the “endless postponement of meaningful social transformation.”¹¹³

So let me return once more, and in closing, to Scholem’s first principle for an understanding of the messianic idea in Judaism: “Any discussion of the problems relating to Messianism is a delicate matter, for it is here that the essential conflict between Judaism and Christianity has developed and continues to exist” (*MIE*, 1). Despite his emphasis on the significance of the Jewish-Christian debate, Scholem strangely forestalls its development into the present and evades its consequences for an understanding of the messianic idea in Zionism. By the time he wrote this sentence, he likely knew Jacob Taubes’s comments about the delays of Christian eschatology and may have also remembered a related fragment left by Benjamin.¹¹⁴ In an entry devoted to Scholem’s concept of justice, Benjamin attempts a distinction between two ways of averting the “situation of decision”: *Verschiebung* (“Catholic, bad, postponement of the Last Judgment”) and *Aufschub* (“Jewish, good, deferral of the Last Judgment”) (*GS6*, 60).¹¹⁵

Benjamin’s note could obviously support the idea of an “essential conflict” between Christian and Jewish messianism. But his analytical exertion effectively confounds the distinction. Well before Scholem, Luther had already defined Jonah’s prophecy as a “deferral of the threatened punishment” (*Aufschub des angedrohten Strafe*).¹¹⁶ Later, the influential biblical scholar and Protestant theologian Julius Wellhausen (1844–1918) made the question central to his own interpretation of the powerlessness, statelessness, and worldlessness of Jewish history: the scene of a “great trial” whose judgment is perpetually “postponed” (*Aufschub des Gerichtes*).¹¹⁷ The nearly Pauline tonality of the words resound in and through nineteenth-century translations of Tertullian’s *Apology* (AD 197): “We meet in gathering and congregation to approach God in prayer, massing our forces to surround Him. We pray also for Emperors, for their ministers and those in authority, for the security of the world, for peace on earth and for postponement [Lat., *mora*; Ger., *Aufschub*] of the end.”¹¹⁸ Tertullian beseeches God for the deferral (Lat., *differr*; Ger., *Aufschub*) of apocalyptic catastrophe by calling for “the continuance of Rome.”¹¹⁹

My point is that Scholem’s language could make it difficult to distinguish between *Aufschub* and *Verschiebung*, deferral and postponement, good and bad, Jewish and Christian, justice and empire. The potential for confusion also has the added benefit of clarifying some of the skepticism that has met his summary phrase: “a life lived in deferment.” As Moshe Idel notes, “Scholem would indeed be

right only if the criterion for judging the studied texts were his own, quite modern one, namely a quasi-Zionist criterion which assumes that messianism should be understood as verifiable only in the historical realm and as involving political acts that will bring Diaspora Jews back to the land of Israel.¹²⁰ The question is whether Scholem's complex political negotiations with the word *Aufschub* also make his quite modern, secular, and Zionist assessment of Jewish history a moment within a modern, quasi-secular, and quite Christian tradition: another name in an already sizable lexicon of "concepts developed from within Christian theology."¹²¹

Hannah Arendt once lamented the Zionist failure to discriminate between the true friends (anticolonial revolutionaries) and true enemies (European imperialists) of the Jews: its choice to ally itself with "the most evil forces of our time" instead of standing in solidarity with the oppressed of the earth.¹²² The insight is nowhere more relevant than in Scholem's turn (intentionally or otherwise) to the counterrevolutionary language of the church. He swaps the anti-Christian perspective of Jewish messianism—the Messiah sitting among the downtrodden outside the gates of Rome—for a position within its imperial walls and beside the Vicar of Christ. Zionism's politics of deferral (*Aufschub*, *Verschiebung*) become almost indistinguishable from the restraining and withholding power that Paul, Tertullian, Wellhausen, Schmitt, and others have given the name *katechon*.¹²³ The word encloses in a single image Scholem's prayer for the empire as well as his understanding of the messianic idea in Zionism.¹²⁴ Listen closely and you may already hear Jonah's political protest and prophetic rage.¹²⁵ So too those other revolutionary calls for the end of Zionism, for new "historical friends," and for the removal of "your hours from our time."¹²⁶

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Notes

1. See the passage from Freud, *Beyond the Pleasure Principle*, 10. Derrida famously comments on it in "Différance," 19. For another psychoanalytic take on "deferral," see Edelman, *No Future*.
2. On the relationship between these projects, see Byrd, *Transit of Empire*, chap. 1.
3. Berlant, *Cruel Optimism*, 180.
4. Azoulay, *Potential History*, xv; Stoler, *Duress*, 325. On liberalism's temporality—"stranded in the present"—see also Scott, *Omens of Adversity*.
5. Meister, *After Evil*, 79; x. See also Kathi Weeks's critique of the "politics of deferment" in *The Problem with Work*, 29.
6. Stoler, *Duress*, 325. Note David Marriott's discussion in *Whither Fanon?*, 235.

7. Stoler, *Duress*, 325. For other relevant discussions of political temporality, see Rifkin, *Beyond Settler Time*; Reznik, “This Power”; and Smith, “Sovereignty as Deferred Genocide.”
8. Bauman, “Exit Visas and Entry Tickets”; Balibar, “Is There a ‘Neo-Racism?’”; Conklin, *A Mission to Civilize*. See also Luste Boulbina, *Kafka’s Monkey*, 33. I would also add here Kathryn Tanner’s recent discussion of “finance capitalism” as a form of temporal discipline where “there is nothing but the present” (*Christianity*, 29).
9. Heng, *Invention of Race*, 39.
10. Heng, *Invention of Race*, 39.
11. Abourahme, “Productive Ambivalences.”
12. Puar, *Right to Maim*, 147–48.
13. Azoulay and Ophir, *One-State Condition*, 157.
14. Azoulay and Ophir, *One-State Condition*, 156, 161.
15. Freud, “Two Principles of Mental Functioning,” 223.
16. Meister, *After Evil*, 12.
17. Taubes, *Occidental Eschatology*, 77. For the German, see Taubes, *Abendländische Eschatologie*, 76.
18. 2 Thess. 2:1–12. See Cacciari, *Withholding Power*, 1.
19. Agamben, “Jurist Confronting Himself,” 462.
20. See, variously, Mufti, *Enlightenment in the Colony*, 66; Raz-Krakotzkin, “Secularism”; Ohana, “J. L. Talmon”; Rose, *Question of Zion*, 29; Havrelock, *Joshua Generation*; Masalha, *Bible and Zionism*; Hummel, *Covenant Brothers*.
21. Scholem, “Messianic Idea in Judaism,” 35. Hereafter cited as *MIE*. The German text appears as “Zum Verständnis der messianischen Idee im Judentum.” Hereafter cited as *MIG*.
22. See Schmidt, “Ha-teologiyah ha-politit shel Gershon Scholem”; Schmidt, “Die häretische Imperativ.”
23. My essay elaborates upon the work of a few central figures, including Jacqueline Rose and Amnon Raz-Krakotzkin. See especially Raz-Krakotzkin, *Exil et souveraineté*. For an overview of these debates, see Balibar, “God Will Not Remain Silent.”
24. A significant engagement with this essay appears in Kavka, “Reading Messianically.”
25. This is a point that Scholem elaborates in various ways across his writing and especially in relationship to Sabbatianism (which, however, receives only passing mention in the essay on messianism). See, for example, Scholem, “Redemption through Sin.” On these issues, see also Funkenstein, “Gershon Scholem.” Important also is Scholem’s famous letter to Franz Rosenzweig, “Thoughts about Our Language.” On the latter, see Derrida, “Eyes of Language.”
26. Agamben attends to the question of Scholem and law in “Messiah and the Sovereign.”
27. The classic critique of Scholem’s position appears in Taubes, “Price of Messianism.” See also Liska, *German-Jewish Thought*, 120.
28. On the significance of Scholem’s intervention for debates about messianism and Zionism, see Ravitzky, *Messianism*; Morgan and Weitzman, introduction.
29. See Raz-Krakotzkin, “Golem of Scholem.”
30. See Lazier, *God Interrupted*, chap. 13.
31. Scholem, *Tagebücher*, 358–59.
32. Scholem, *Tagebücher*, 358–59.
33. The English version was published as Scholem, “On Jonah and the Concept of Justice.” Hereafter cited as *OJ*. For the German, see Scholem, “Über Jona.” Hereafter cited as *ÜJ*.

34. For the most recent (and extended) reading of the essay, see Styfhals, “Predicting the Present.”
35. A literary reading of the biblical text appears in Band, “Swallowing Jonah.”
36. Jon. 3:10. All translated quotations of the Bible come from the Jewish Publication Society of America version established in 1917.
37. Jon. 4:2.
38. Scholem notes the text’s liturgical significance for the “Day of Atonement.” See *OJ*, 360.
39. Jon. 4:11.
40. On language and silence in Scholem, see Ferber, “Language of the Border.”
41. For an elaboration of this problem across Scholem’s oeuvre, see Vatter, *Living Law*, chap. 4.
42. On early and late Scholem, see Raz-Krakotzkin, “On the Right Side of the Barricades.”
43. Mommsen, *Römisches Strafrecht*, 911–12.
44. Hegel, *Vorlesungen über die Ästhetik I*, 241.
45. *Brockhaus’ Konversations-Lexicon*, s.v. “Aufschub der Strafvollstreckung.”
46. Jon. 4:2; see Scholem, *Tagebücher*, 358 [Eng., mercy; Heb., *hesed*; Ger., *Gnade*].
47. von Jhering, *Der Zweck im Recht*, 332; translated by Isaac Husik as *Law as a Means to an End*, 319.
48. von Jhering, *Der Zweck im Recht*, 333.
49. Kirchheimer, *Political Justice*, 395.
50. Kirchheimer, *Political Justice*, 404, 395.
51. Hussain and Sarat, “Forgiveness, Mercy, and Clemency,” 5–6.
52. von Jhering, *Der Zweck im Recht*, 331–32.
53. Schmitt, *Political Theology*, 38; originally published as *Politische Theologie*, 38. Hereafter cited as *PTE* and *PTG*, respectively. For more, see Menke, *Reflections of Equality*, chap. 6.
54. Foucault, *Discipline and Punish*, 53.
55. Foucault, *Discipline and Punish*, 53.
56. Beccaria, “On Crimes and Punishments,” 111; Brissot, *Théorie des lois criminelles*, 200.
57. Kant, *Metaphysics of Morals*, 119; translation modified. For the German text, see Kant, *Die Metaphysik der Sitten*, 337.
58. Hegel, *Philosophy of Right*, 275; translation modified. See also Haverkamp, *Shakespearean Genealogies of Power*, 56.
59. Hegel, *Philosophy of Right*, 275.
60. Blackstone, *Commentaries*, bk. 4, chap. 31.
61. Blackstone, *Commentaries*, bk. 4, chap. 31.
62. Blackstone, *Commentaries*, bk. 4, chap. 31. On the “reversibility of time,” in relation to forgiveness, see also Levinas, *Totality and Infinity*, 282–83. On *vita nuova*, see Jankélévitch, *Forgiveness*, 150.
63. Canetti, *Crowds and Power*, 298–99.
64. Canetti, *Crowds and Power*, 298–99. On the various formulations of sovereignty and biopower, see Foucault, *Introduction*, 138; Agamben, *Remnants of Auschwitz*, 155.
65. Kahn, *Political Theology*, 38.
66. Kirchheimer, *Political Justice*, 395.
67. *The Merchant of Venice*, 4.1.180–93.
68. Derrida, “What Is a ‘Relevant’ Translation?,” 194, 197.
69. Derrida, “What Is a ‘Relevant’ Translation?,” 198.
70. Nietzsche, *Genealogy of Morality*, 48; Nietzsche, *Genealogy*, 364.

71. Canetti, *Crowds and Power*, 298.
72. Canetti, *Crowds and Power*, 298. On the “disciplining” of Jonah, and his production as a “docile body,” see Sherwood, *A Biblical Text*, 38–42.
73. Améry, “Resentments,” 75. On the questions of whiteness and colonialism, see Améry, “Birth of Man.”
74. Shakespeare, “Der Kauffmann von Venedig,” 177.
75. Benjamin, “Critique of Violence,” 236. Hereafter cited as *CV*.
76. Smith, *Weird John Brown*, 138; Martel, *Divine Violence*, 111–12.
77. Benjamin, *Working with Walter Benjamin*, 58–59; Butler, *Parting Ways*, 96; Friedlander, “Assuming Violence,” 183.
78. Styfhals, “Predicting the Present”; Noor, “Walter Benjamin”; Jacobson, *Metaphysics of the Profane*, e.g., 187; Hamacher, “Guilt History”; Weidner, *Gershom Scholem*, 216–17.
79. Agamben, *State of Exception*, 52.
80. Derrida, “Force of Law,” 241. On *oikonomia*, in this relation, see Dagron, “La règle et l’exception”; Mondzain, *Image, Icon, Economy*, chap. 2.
81. For an earlier account of the same problem, see Schmitt, *Gesetz und Urteil*, 63.
82. Schmitt, *Der Wert des Staates*, 79.
83. Schmitt, *Dictatorship*, 110.
84. Agamben, *State of Exception*, 31, 36.
85. Agamben, *State of Exception*, 53–54.
86. On the question of “critique” in the essay, see Hanssen, *Critique of Violence*, 18; Gasché, “On Critique, Hypercriticism, and Deconstruction.”
87. For another classic take on violence and law, see Cover, “Violence and the Word.”
88. Azoulay, “Loss of Critique,” 1014.
89. Arendt, *Origins of Totalitarianism*, 244.
90. Arendt, *Origins of Totalitarianism*, 244.
91. Arendt, *Origins of Totalitarianism*, 244.
92. Menke, “Law and Violence,” 11.
93. For the German, see Benjamin, “Zur Kritik der Gewalt,” 199. Hereafter, cited as *KG*.
94. On the peculiarity of Benjamin’s exegesis, see Weber, “Deconstruction before the Name,” 1187.
95. Num. 16:19–30. Another helpful reading of the Korah episode in Benjamin appears in Deuber-Mankowsky, “Niobe and Korah” (also with brief reference to Scholem’s essay on Jonah).
96. I borrow here from Benjamin’s later comments on Karl Kraus (*Gesammelte Schriften*, vol. 2.3:1103). Hereafter, all references to Benjamin’s work appear as *GS*, followed by volume and page number, unless otherwise noted.
97. Müller, “Myth, Law and Order,” 469.
98. Benjamin uses the expression *urteilslose Vollstreckung* a number of times (*GS2.1*, 287–88; *GS2.2*, 628; *GS2.3*, 1107; *GS6*, 130). For more on this phrase, see Ng, “Each Thing a Thief”; Trüstedt, “Execution without Verdict.” On *Vollstreckung* itself, see Haverkamp, “Anagrammatics of Violence,” 995. Benjamin’s most famous use of the term *Aufschub* appears in his essay on Kafka (*GS2.2*, 427). For the English, see Benjamin, “Franz Kafka,” 807.
99. Derrida, “Force of Law,” 298.
100. Derrida, “Violence and Metaphysics,” 313n21.

101. For other readings of Scholem on “revolution,” see Jacobson, “Theories of Justice”; Eddon, “Arendt, Scholem, Benjamin.”
102. In his diaries, Scholem describes this political regime in its most paradoxical form: “executionless judgment in execution” (*vollstreckungsloses Urteil in der Vollstreckung; Tagebücher*, 348).
103. A helpful summary of these and other phases appears in Massad, “Future of the Nakba.”
104. I refer here to Benjamin, “On the Concept of History,” 389–400.
105. Bloom, *Arthur Rupp*, 322–29, 363. Bloom points out that the politics of postponement is one of Avi Shlaim’s central theses. For instance: “[Rabin’s] tactic was to play for time, to postpone difficult decisions until the regional constellation had changed in Israel’s favor, to survive politically” (*Iron Wall*, 340).
106. Bloom, *Arthur Rupp*. For another recent discussion of Rupp, see Bhandar, *Colonial Lives*, chap. 3.
107. Lebovic, “Neutral Angels,” 56. See also Lebovic, “German Jewish Judges.”
108. Anziska, *Preventing Palestine*, 7.
109. Anziska, *Preventing Palestine*, 63.
110. See, for example, Tawil-Souri, “Checkpoint Time.”
111. Azoulay and Ophir, *One-State Condition*, 93, 134.
112. Azoulay and Ophir, *One-State Condition*, 1.
113. Collins, “Dream Deterred,” 182. See also the relevant work in Allen, *History of False Hope*; Erakat, *Justice for Some*, 84.
114. I speculate here. But for more on the fraught relationship between the two thinkers, see Macho, “On the Price of Messianism.” See also Scholem, *Walter Benjamin*, 15.
115. For the English, see Benjamin, *Walter Benjamin’s Archive*, fig. 8.1.
116. Luther, “Auslegung über den Propheten Nahum,” 1377. For a similar usage, see also Luther, “Auslegung über den Propheten Jona,” 949.
117. See Wellhausen’s Christological take (from *Aufschub* to *Katechon*) in “Abriss der Geschichte Israels und Juda’s,” 91, 96, 102. For the eschatological link between *katechon* and “Jewish history,” see Agamben, *Kingdom and the Glory*, 16.
118. Tertullian, *Apology*, 174–75. For the German, see Tertullian, *Apologetikon*, 84.
119. Tertullian, *Apology*, 154–155; Tertullian, *Apologetikon*, 77.
120. Idel, *Messianic Mystics*, 233. See also Idel, “Some Concepts of Time,” 177.
121. Raz-Krakotzkin, “Le-lo heshbonot aherim,” 93. On the “Christianity” of Scholem’s project, in general, see, among other things, Huss, “Mystification of the Kabbalah.”
122. Arendt, “Zionism Reconsidered,” 363, 366. On Scholem’s tendentious response to Arendt’s essay, see Engel’s recent discussion in *Gershom Scholem*, chap. 6.
123. Schmitt, *Nomos of the Earth*, 59–60. For more, see Hell, *Conquest of Ruins*, chap. 24. On Scholem and Benjamin’s proximity to this discussion, see Bredekamp, “From Walter Benjamin to Carl Schmitt”; Lienkamp, “Aufhalten der Krisis.”
124. For Scholem’s transition from “anti-imperialism” to the embrace of the “Jewish state,” see, again, Engel, *Gershom Scholem*, 129, 171.
125. A different interpretation is given by Ruether and Ruether, *Wrath of Jonah*, xx.
126. Bouteldja, *Whites, Jews, and Us*, 72; Darwish, “Those Who Pass,” 26. Helga Tawil-Souri, in “Checkpoint Time,” also highlights Darwish’s relevant writing in *State of Siege*, 48–49.

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