

# Niobe and Korah, Different Orders of Time

## A Commentary on Paragraphs 14–17 of Walter Benjamin’s “Toward the Critique of Violence”

ASTRID DEUBER-MANKOWSKY

**ABSTRACT** Walter Benjamin’s critique of violence assumes that violence is deeply intertwined with the division of time and space. Niobe serves as an example that allows Benjamin to give an account of the violent conditions of the order of time that is constituted under the rule of law. The example of Korah helps to illustrate the difference between divine violence and legal violence and to underscore the centrality of time’s passage for the moral world. Unlike in the example of Niobe, whose children are condemned to death as punishment for her guilt, the children of Korah receive a new life and do not have to make amends for the guilt of their parents. Bearing in mind Niobe’s guilt and her serving as “a stone marking the border (*Grenze*) between human beings and gods,” and given that Korah’s children are spared after Moses has received the commandments, we can think of the boundless destruction of boundaries as opening a new historical order of time and the hope for an overcoming of the anthropocentric logic according to which the positing of law is the positing of power.

**KEYWORDS** Niobe, Korah, critique of violence, storm of forgiveness, historical order of time

### Different Orders of Time

Walter Benjamin introduces the distinction between mythical violence and divine violence, associated with the examples of Niobe and Korah, after having raised the question of a “nonmediate function of violence” (*eine nicht mittelbare Funktion der Gewalt*).<sup>1</sup> This is remarkable, for violence that does not serve as a means is no longer part of the relationship of means and ends and therefore no longer constitutes violence within a legal order (§1). Moreover, if this immediate violence is outside of the relationship of means and ends, and not within a legal order, it is beyond human control and the sphere of purposeful and target-oriented action. Benjamin clarifies this point by giving an example related to human beings and everyday experience:

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“rage, for instance, leads to the most visible outbursts of a violence that does not relate itself,” as Benjamin emphasizes, “as a means to a predetermined end” (§14).

But if “immediate violence” (§15) is outside of the legal order, how can it still be said to intervene in “moral relations” (§1), which is, according to the opening of Benjamin’s essay, the precondition for speaking of *Gewalt* “in the impressive sense of the word” (§1)? Can immediate violence still be called “violence”? Would it not be more adequate to speak of “force” or “power”?

This question regarding the different meanings of *violence*, *force*, and *power* does not arise in German, however, and this is decisive for understanding Benjamin’s text and its distinction between mythic violence and divine violence. In contrast to “violence,” *Gewalt* is not necessarily associated with *violation*. In German we speak of *Gewalt*, for example, when a door that was barred could be opened only by force; we also speak of *Gewalt* when we refer to a power that is beyond our control or, finally, when we expect the police to prevent violence. *Force*, *power*, *violence*—all three of these words can be translated as *Gewalt*, depending on the context. Moreover, *Gewalt* and *gewaltig* are the words that Kant used to describe the sublime (*das Erhabene*), and, as Jacques Derrida rightly notes in his in other respects problematic reading of Benjamin’s essay, *Gewalt* is also used to refer to state power (*Staatsgewalt*) and the state’s monopoly on the use of force (*staatliches Gewaltmonopol*).<sup>2</sup>

This polysemy of *Gewalt* is the point of departure for Benjamin’s project of a *Kritik der Gewalt*.<sup>3</sup> Moreover, it is above all the polysemy of the word *Gewalt* that raises the question of a *critique* of violence. Since critique is a mode of distinguishing (*unterscheiden*) as well as evaluating, the ambiguities of *Gewalt* make its application not only reasonable but also necessary. Stressing this fact is important not only in view of the English translation, but also with regard to the timeliness (*Aktualität*) of both a critique of violence in general and Benjamin’s text in particular today. Because of the association of violence with violation in English, one often assumes that violence is something to be criticized, without considering the conditions of possibility for a critique of violence.

This point about the valences of *Gewalt* refers us back to Benjamin’s discussion of the conditions for a critique of violence at the beginning of his text, where he writes: “For however effective a cause may be, it becomes violence in the impressive sense of the word (*im prägnanten Sinn des Wortes*) only when it intervenes in moral relations” (§1). The intervening of a cause in moral relations is a precondition for the cause’s becoming violent. This formulation suggests that we should not think of *Gewalt* as something that is given without question as, for example, force or power are. On the contrary, we can speak of violence “in the impressive sense of the word” only if the substantial relationship of cause and effect—that is, the course of events—has become questionable. This occurs if a sense of justice is involved. “Violence in the impressive sense of the word” relates to a certain experience of

time and coincides with the questioning of the necessary and automatic course of events. In short, it is connected to the emergence of “resistance” in a broad sense. Benjamin links the becoming violent of a cause to the admiration the “‘great’ criminal” arouses in the public (§8), an esteem that Benjamin traces back to Prometheus, who heroically challenged fate and who, according to the legend, sustained “the hope of one day bringing a new law to human beings” (§15). The becoming violent of a cause, then, is associated with questions of justice and the hope for a change of the existing legal system. If this is what it means to “intervene in moral relations,” and if the “sphere of these relations is designated by the concepts of law and justice” (§1), then the relationship between law and justice is full of tensions. Or to put it in another way: justice (*Gerechtigkeit*) is not on the side of the law.

Benjamin’s critique of violence assumes that violence is deeply intertwined with the division of time and space, that it relates to the experience of temporality, and that it does not exist apart from that experience. Accordingly, a critique of violence has to do with different orders of time—of future and past, of the present, of existence, and persistence. Indeed, one of the central assumptions that Benjamin shared with his friend Gershom Scholem was that justice is connected to a distribution of time and space that suspends the relationship between creditor and debtor, which Nietzsche understands as determining for human beings.<sup>4</sup> For Nietzsche, however, the origin of justice lies in the active force of the “will to power.” This force drives masters to consolidate power into larger units through a legal system, which introduces a balance of power conducive to (a) building a society and (b) establishing a continuity of the will through time. By contrast, Benjamin and Scholem were convinced that justice is a limiting condition of law and the order of time constituted by law.<sup>5</sup> Justice is related to the deferral of debt, the relief from guilt, and the possibility of a new life. It opens up a new historical time that is oriented toward the idea of happiness, one whose paradoxical (non)relatedness to the “Messianic” Benjamin outlined in his “Theological-Political Fragment.” That is why Benjamin writes at the end of his essay that “the critique of violence is the philosophy of its history” (§19).

### **The Anthropocentrism of the Legal System**

Benjamin introduces the notion of “mythic violence” in paragraph 15, where he defines it as unmediated and, in its archetypal (*urbildlich*) form, “a mere manifestation of the gods” (§15). At first glance, this would seem to place mythic violence in a different position than both law-positing and law-preserving violence, for the latter are embedded in the relationship of means and ends, which is, according to Benjamin, the “most elementary basic relation in every legal order” (§1). But why, then, does the positing of law find itself on the side of mythic violence at the end of the paragraph? At this point, Benjamin states that “the positing of law is the

positing of power, and, in this respect, an act of an immediate manifestation of violence” (§15). Unlike Nietzsche, who would probably agree with the first half of the sentence but not the second, Benjamin suggests that the collapse of the distinction between the positing of law and the positing of power is violent and thus criticizable. In fact, Benjamin states explicitly that immediate violence “admits of thoroughly objective [*objektive*] manifestations in which it can be subjected to critique” (§14). How does he arrive at this point?

First of all, Benjamin shows that mythic, immediate violence is characterized by performative self-referentiality. This becomes clear in the example of Niobe. Whereas Niobe’s fate is typically associated with her hubris, Benjamin reads the myth, and consequently the charge of hubris itself, as an allegory for the positing of law. Before there was law, there was, according to Benjamin, violation, guilt, and punishment. That is the reason he emphasizes that the killing of all of Niobe’s children by Apollo and Artemis was not a punishment for the violation of an already existing law, but rather constituted the positing of a new law.<sup>6</sup> In fact, although Niobe did boast of being more fertile than Leto, she did not transgress any existing law. Now, what is decisive in Benjamin’s account is that the content of the new law established by Apollo and Artemis is nothing other than the positing of law itself, insofar as this law establishes the border (*Grenze*) between human beings and gods. In other words, the killing of Niobe’s children manifests the existence of the gods as lawmakers, as those who are in power and have a monopoly on the use of force. But that is not all. The existence of the gods presupposes their persistence in time. For this reason, it is not enough that Niobe is punished. The killing of all of her children, the death of her husband, and her own transformation into a mourning and crying stone, on the one hand, ensure that there is no hope of a new life, and, on the other hand, preserve the existence of the gods and their power through time. Niobe will never have children again, and she will never die. As the eternally mute bearer of guilt, she becomes, in Benjamin’s words, “a stone marking the border [*Grenze*] between human beings and gods” (§15). An everlasting threat and guilt that precedes the legal subject, who inherits the law that Niobe monumentalizes, turns out to be the violent means to preserve the state in its two senses: the current state as everlasting presence and the state as monopoly on the use of force through time. Melancholy, the absence of hope, and the renunciation of “the quest of free humanity for happiness”<sup>7</sup> thus guarantee the further perpetuation of the state’s monopoly on the use of force. This corresponds perfectly with Benjamin’s earlier observation that the setting of ends by the law is connected to a diminution of pure means.

The legal systems to which Benjamin refers—that is, the traditions of natural law and positive law—are people centered (*menschenzentriert*, or anthropocentric). This anthropocentrism manifests itself in the centrality of the relationship of

means and ends, which is essentially anthropocentric. Heidegger was thus not the first to acknowledge the mutual dependence of anthropocentrism and teleology or to conclude, in addition, that “the current conception of technology, according to which it is a means and a human activity can therefore be called the instrumental and anthropological definition of technology.”<sup>8</sup> In fact, Benjamin had already noted in his 1921 essay that the very fact of its anthropocentric grounding means that the legal system is ultimately founded on the same performative self-referentiality as mythical violence.

As Benjamin shows persuasively in the first part of his essay, the relationship of means and ends not only constitutes the framework of the legal system and of legal violence, but it also leads to a dynamic that makes all human relations and agreements, including nonviolent conflict resolution, subject to law. As additional examples of such relations and agreements, Benjamin lists strikes, language, dealings between private persons, and, most importantly, technology. In this context, technology refers not only to “discussion as a technique of civil accord” (§12), which Benjamin cites as an example of nonviolent conflict resolution, but also to the “tremendous development of technology”<sup>9</sup> that Benjamin will analyze in his later texts, and which he will regard as a consequence of a culture that habitually approaches technology as a means with which to subjugate nature. The legal system that is built upon the relationship of means and ends aims at assimilating everything to this relation until it finally turns out to be an end in itself. Benjamin concludes that the end of the legal system is just to preserve itself and that, consequently, it is the relationship of means and ends that excludes justice from the legal system. Like mythic violence, law-positing violence has a twofold function: on the one hand, violence is a means for establishing law; on the other hand, however, this violent establishment manifests law’s power and legitimates that power by perpetuating violence in an institutionalized, law-preserving form. As Benjamin summarizes, “in the moment of establishing as law (*Einsetzung*) the end at which it aims, however, law-positing does not simply relinquish violence; rather it . . . turns this violence into the law-positing kind by establishing not an end that would be free of, and independent from, violence but, on the contrary, establishing an end that, under the name of power, is necessarily and intimately bound up with it.” And he concludes: “Justice is the principle of all divine end-positing, power the principle of all mythic law-positing” (§15).

### **Threatening Violence: On the Timeliness of Benjamin’s “Toward the Critique of Violence”**

The resemblance between mythic violence and the legal system becomes clear if we compare how each divides time and space. In fact, although the relationship between means and ends suggests control, rationality, persistence, and strategic purpose, the performative self-referentiality of the legal system exposes its subjects to a

power that tends to evade control. This becomes even more evident if we think of our current situation and the way in which the state's use of digital media technologies intensifies our sense of being permanently under threat. Indeed, the fact that the timeliness (*Aktualität*) of Benjamin's critique of violence has only grown with the intensification of state power through the introduction of new techniques of waging war and new smart technologies, such as drones, data mining, predictive analytics, personalization systems, and so forth, became clear to me during discussions with students at Ruhr-Universität Bochum in a seminar in which we read Benjamin's text.

The timeliness of Benjamin's text can be seen in his treatment of "threatening violence" (*drohende Gewalt*), which, as he persuasively shows, is itself law-preserving. But rather than act as a deterrent threat that requires certainty, threatening violence is omnipresent and permanent, emerging from the uncertainty of the threat (§9). The students compared the threatening violence with their own experiences of living under the permanent threat associated with ubiquitous surveillance technology, automatic data gathering, and storage and predictive analytics—all of which are pursued in the name of a policy of security that is in accordance with the law.<sup>10</sup>

Benjamin's discussion of the establishing of borders is also timely. As Benjamin notes, instead of safeguarding peace, borders codify hierarchies and assign different rights to different peoples (§16). I think here of a question that was raised in the seminar by a Palestinian student who is studying at Ruhr-University Bochum. While we were discussing Benjamin's reference to the example of Niobe, the student, who is stateless, raised the question of the justice of borders after Israeli snipers had shot protesters and hurt more than 1,700 human beings at the border with Gaza on May 13, 2018, while the US Embassy was being opened in Jerusalem. We might also think of the border between the United States and Mexico or the European border and refugee politics. These borders do not simply separate regions or states; instead, much like the stone into which Niobe was transformed to mark the border between human beings and gods, they mark the border (*Grenze*) between the lawmakers, or those who are in power and have a monopoly on the use of force and those who are powerless and count as less than human. The rise of critical border studies in recent years can be considered a confirmation of the problem that Benjamin addresses in his essay.<sup>11</sup>

Finally, the timeliness of Benjamin's text has to do with the sense shared by many people, especially young people, that there is little hope for political change that would be more than the exchange of one ruler for another. The technologies of predictive analytics, predictive policing, and personalization systems sharpen our feeling of having no future that does not involve the continuation and intensification of the current state of injustice. Benjamin can help us confront this crisis. We can draw resources from his media-theoretical reflection on what it means to

transgress unknown and unwritten laws and to fight for written law in an effort to rebel against mythical statutes. Should we not fight for a different internet, for different smart technologies, and for a culture that—as the philosopher Gilbert Simondon put it—“incorporates technical beings in the form of knowledge and in the form of a sense of values”?<sup>12</sup> Would such a fight not be a rebellion against the use of digital media-technologies to construct new and ever more threatening regimes of unknown laws?

### **Korah's Children Did Not Die**

As we have seen, Niobe serves as an example that allows Benjamin to give an account of the violent conditions of the order of time that is constituted under the rule of law. The question remains, however: From what perspective can we speak of “violence in the impressive sense of the word” under these conditions? Where are the moral relations situated—the moral relations into which violent causes intervene—if the relationship between means and ends turns out to exclude justice and to equate the positing of law with the positing of power? In “The Meaning of Time in the Moral Universe,” a short note written around the same time as “Toward the Critique of Violence,” Benjamin emphasizes that the law and its institutions are separated from the moral world.<sup>13</sup> At the same time, however, he identifies the reason for this separation and indicates why justice is deeply entangled with time and history. As he explains, while the law is characterized by its tendency toward retribution (*Vergeltung*), the moral world is dedicated to forgiveness (*Vergebung*). Both retribution and forgiveness are related to time, but in radically different ways. Whereas retribution is, as Benjamin puts it, “indifferent to the passage of time” and remains in force over time, forgiveness is associated with transience and the passing of time. If, as Benjamin claims, the moral world confronts the world of law so that forgiveness counters retribution, this is because the moral world defers the Day of Judgment. Thus, Benjamin writes, “in order to struggle against retribution, forgiveness finds its powerful ally (*ihre mächtige Gestalt*) in time.”<sup>14</sup>

In making this argument, Benjamin follows the explanations that Scholem provides in a short diary note entitled “Jonah and the Concept of Justice.”<sup>15</sup> The example of Korah helps to illustrate the difference between divine violence and legal violence and to underscore the centrality of time’s passage for the moral world. The force of law appears as violence only if we consider it from the perspective of the possibility of forgiveness—that is, from the perspective of the moral world. Divine violence manifests itself as power in order to destroy legal violence. But what does that mean exactly? Should it then still be called violence?

Benjamin turns to the question of a pure, immediate violence after having stated that the problematic character of legal violence has turned into a “certainty concerning the perniciousness of its historical function, the annihilation of which

thus becomes a task” (§ 17). He introduces pure, immediate violence as a direct answer to the task of annihilating legal violence and describes it as antithetical in every aspect to mythic violence: “If mythic violence is law-positing, divine violence is law-annihilating; if the former establishes boundaries, the latter boundlessly annihilates them; if mythic violence inculcates (*verschuldend*) and expiates (*sühnend*), divine violence de-expiates (*entsühnend*); if the former threatens, the latter strikes; if the former is bloody, the latter is lethal in a bloodless manner” (§17).

To follow Benjamin’s theses, we need to situate the example of Korah carefully. The story of Korah is mentioned in the Fourth Book of Moses (Num. 6:30). At this point, the Hebrew people have already received the commandments. They are still in the wilderness of Sinai, preparing for their departure. Moses has been chosen by God, as he has demonstrated on several occasions including his reception of the commandments on Mount Sinai and his bringing them to the people. At this moment, however, in the middle of the desert, Korah, a leading member of Kehatites—the most prestigious of the Levite families—steps forward to challenge the prophecy of Moses and the priesthood of Aaron. Two hundred and fifty other leaders of the community join Korah in his mutiny against Moses and Aaron. Moses interprets this as a sin and complains to God about the rebellion. God answers that He will put an end to the people in one stroke, but Moses argues that God should not be angry with all the people when only one person has sinned. God listens to Moses and opens the earth, and the earth swallows all the men who sided with Korah and all their goods, but God lets everyone else live. In what has become a source of controversy among Benjamin’s commentators,<sup>16</sup> Benjamin contrasts God’s judgment on the congregation of Korah with the legend of Niobe, taking the former as an example of the pure, immediate violence that “de-expiates” (*entsühnt*) rather than inculcates (*verschuldet*). He underscores that God’s judgment strikes the “privileged” (*Bevorrechtete*), that it comes without an antecedent threat, and that it does not stop at annihilating its object. Such violence destroys borders instead of positing them.

There are many interpretations of Korah’s rebellion in Jewish texts as well as in secular interpretations of the Bible. What is certain is that Korah’s disagreement with Moses is an ideological one. It is driven by Korah’s understanding of the relationship between the people of Israel and God and his sense of how the nation ought to be structured. In secular interpretations of the Bible, Korah has been interpreted both as a revolutionary and as a “pseudo-messiah” and “false revolutionary.”<sup>17</sup> In the Jewish tradition, however, Korah is regarded as a quarreler: his very name is synonymous with disharmony and conflict. The 1927 German-language encyclopedia *Jüdisches Lexikon* cites the phrase, “The sons of Korah, however, did not die,” as a proverb implying that the brawlers did not become extinct. The commentaries



in the Talmud note that Korah's arguments against Moses and Aaron are contradictory and paradoxical. On the one hand, Korah challenges the very institution of the priesthood, but, on the other hand, he desires the office of highest priest for himself. According to this tradition of interpretation, Korah's contentions are connected with the essence of disunity.

To understand the contrast Benjamin draws between the examples of Niobe and Korah, it is essential to know that, by being divisive, Korah transgresses a divine prohibition. Unlike in the example of Niobe, however, in Korah's case the Hebrew God has already given the commandments to His people. And, as Benjamin clarifies in the following paragraph, there is an important difference between Greek laws and the Jewish commandments. In the example of Korah, guilt and punishment do not ensure the continued existence of God. God makes Korah and the men who side with him disappear in a single stroke, without perpetuating guilt or leaving behind a permanent threat.

To follow Benjamin's argument further, we need to take into account the fact that in Numbers 26: 16–17 the story of Korah is told again, but with the additional note that Korah's children do not die but rather survive. This passage has also been commented on many times, all the more so because of the set of Psalms with the title "The Sons of Korah" (Pss. 42, 44–49, 84, 85, 87, 88). The medieval commentator Rashi (1040–105) explains that the sons of Korah sang these Psalms when everyone around them was consumed by the earth, and they were saved. He adds that the sons of Korah repented of their deed. Rashi writes: "They were in the plot originally, but at the moment when the rebellion broke out they had thoughts of repentance in their hearts; therefore a high spot was fenced around them in Gehinnom and they stayed there" (Sandrehin 110a).<sup>18</sup> Unlike the children of Niobe, the children of Korah do not have to pay for the sins of their parents. As Rashi, explains, the children of Korah do not die, because they have "thoughts of repentance" and thus the possibility of reversal and change. Their souls are saved.

Against this background, Benjamin's statement that legal violence is "lethal in a bloodless manner" can be read as an overcoming of blood guilt. Unlike in the example of Niobe, whose children have to die because of her guilt, the children of Korah receive a new life and do not have to make amends for the guilt of their fathers. "[D]ivine violence is," as Benjamin writes at the end of paragraph 16, "pure violence over all of life for the sake of the living" (§17). Given that the story of Korah takes place after Moses has received the commandments, with reference to the content of the commandments and to the biblical *tzedakah*, which means at the same time "justice" and "alms," and bearing in mind Niobe's guilt and her serving as "a stone marking the border (*Grenze*) between human beings and gods" (§15), we can think of the boundless destruction of boundaries as a "storm of forgiveness"<sup>19</sup> — an

opening of a new historical order of time and of the hope for an overcoming of the anthropocentric logic according to which the positing of law is the positing of power.

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#### Notes

1. Benjamin, "Toward the Critique of Violence," §14. Hereafter cited parenthetically.
2. Derrida, "Force of Law," 234.
3. Derrida discusses the difficulty of translating *Gewalt* and pointed out that every translation of the term already involves a decision. As his choice of the title "Force of Law" indicates, Derrida decides to speak of *force* to draw attention to *difference* and to the *differential* as a difference in force. Having made this decision, however, Derrida is no longer able to trace the different forms of *Gewalt* in Benjamin. See Derrida, "Force of Law," 234.
4. Nietzsche, *Genealogy of Morals*, 134.
5. See Weidner, *Gershom Scholems politisches, esoterisches und historiographisches Schreiben*, 212.
6. Cf. Homer, *Iliad* 24.603–10 and Ovid, *Metamorphoses* 6.146–312.
7. Benjamin, "Theological-Political Fragment," 305.
8. Heidegger, *Question Concerning Technology*, 5.
9. Benjamin, "Experience and Poverty," 732.
10. See Baumann and Lyon, *Liquid Surveillance*.
11. See the work of the Zolberg Institute on Migration and Mobility at New York University ([www.newschool.edu/nssr/centers-special-programs/zolberg-institute-migration-mobility/](http://www.newschool.edu/nssr/centers-special-programs/zolberg-institute-migration-mobility/)); Critical Border Studies Initiative at Uppsala University Stockholm ([www.criticalborderstudies.com/about/](http://www.criticalborderstudies.com/about/)); and Sektion Kulturwissenschaftliche Border Studies der Kulturwissenschaftlichen Gesellschaft ([kwgev.wordpress.com/kulturwissenschaftliche-border-studies/](http://kwgev.wordpress.com/kulturwissenschaftliche-border-studies/)), to name just a few examples.
12. Simondon, *On the Mode of Existence of Technical Objects*, 15.
13. Benjamin, "Meaning of Time in the Moral Universe," 286.
14. Benjamin, "Meaning of Time in the Moral Universe," 286.
15. Cf. Weidner, *Gershom Scholem*, 211–29. Weidner offers a detailed interpretation of Scholem's text but does not examine Benjamin's fragment in depth. Nonetheless, Weidner's discussion of the concept of justice in Scholem is helpful for understanding the connection between divine violence and justice in Benjamin.
16. See Bojanić, *Violence and Messianism*, esp. 99–114.
17. Bojanić, *Violence and Messianism*, 105.
18. "Rashi on Numbers 26: 11."
19. Benjamin, "Meaning of Time in the Moral Universe," 286.

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