

The Anarchist Library
Anti-Copyright



Benjaminian Resistance, Circumnavigating Border walls, Negating Schmittian Katechon

Z. Zolty

Z. Zolty
Benjaminian Resistance, Circumnavigating Border walls,
Negating Schmittian Katechon
1, 1, 2024

<https://philpapers.org/rec/ZOLBDV>

theanarchistlibrary.org

1, 1, 2024

Abstract The current situation in the United States of America is that Latin immigrants and migrants are mistreated and subjected to gross human rights violations, with entire extensions of the Nation-State being given virtually unlimited power over a powerless populace. The current gap in the literature revolves around Agamben and political theology as it relates and overlaps with the political reality of Latin American immigrants and migrants being mistreated and subjected to human rights violations with impunity. This research is very important to allow a path to resist nation-states when they collapse into authoritarianism or oppress humans without citizenship of the territory of the nation-state, in question. This will provide a way to assist Latin immigrants and migrants without fear of a revolution that will dissolve into tyranny, as happens so often. How can the political theory of Agamben's use of Walter Benjamin's critique of violence establish a new way of assuring Latin migrants and immigrants' safety and dignity as human beings who should be allowed to live anywhere they please as long as they are not harming anyone? My research objective is to show how Benjamin's notion of divine violence combined with that of Agamben's notion of destituent power can provide a way to break out of the dialectic of tyrannies that collapse in revolution to birth yet a new regime of tyrannies.

The topic of critical theory draws upon social and literary studies to grant practitioners of this field of research a way to analyze power and unjust dynamics, formulating a way forward and out of the power dynamics. The literature as it exists today which in part utilizes analysis of Judith Butler and Jacques Derrida's responses to Walter Benjamin's text *The Critique of Violence*. Also of note is Giorgio Agamben's reading of Benjamin's text *The Critique of Violence* wherein he develops Benjamin's project into a political tactic as opposed to rejecting it as Derrida does or trying to deform it as Butler does respectively in their reading of Benjamin's critique. Giorgio Agamben

is an interdisciplinary academic trained as a Jurist; however, he branched out into Critical Theory and Theology.

To broaden a gap in the literature applicable to Latin American immigrants in the United States, I am applying Agamben notions of destituent power, as a current application of praxis for assisting, providing, and restoring the dignity of Latin American immigrants and migrants also of note is Benjamin's notion of Divine violence as a method that occurs when people are oppressed to negate the myth of law which harms Latin migrants and immigrants while providing room for real justice even if it is outside the realm of nation-state powers. By drawing upon Agamben and Benjamin's political writings a new way out can be paved to restore dignity and provide safety within the machine of the nation-state by rendering it inoperable by negating its unjust laws. This research will be useful for those wishing to partake in activism as well as developing further a line of thought that has been mostly untouched in Agamben's writing as applied to the issue of injustice of Latin-American immigrants and migrants on American soil.

The terms utilized in this paper revolve around politics and political theology, discussions of power politics and religion bleed together and influence each other for better or worse. Destituent power: a mature theory of political action developed by Agamben drawing from Benjamin's Critique of Violence an array of tactics that circumnavigated and resisted governments and regimes without partaking in revolution or becoming a new government to collapse into tyranny itself. Divine violence is a term used by Benjamin to denote the power, protest, resistance, or revolutionary violence that attacks constitutive power which is the ability to lay down laws and pass legislation that becomes laws of the nation-state, that are to be followed by the pain of punishment by the nation-state if broken.

How can Benjamin's Divine Violence be developed into a political tactic to negate the Schmittian State of Exception,

Hart, David Bentley. *The new testament: A translation*. New Haven: Yale University Press, 2023.

Schmitt, Carl. *Political theology: Four chapters on the concept of sovereignty*. Chicago: Univ. of Chicago Press, 2008.

Taubes, Jacob. *To Carl Schmitt: Letters and reflections*. New York: Columbia University Press, 2013.

Ullrich, Calvin Dieter. "Carl Schmitt: Katechon." *Critical Legal Thinking*, July 8, 2021. criticallegalthinking.com.

"US Records Show Physical, Sexual Abuse at Border." *Human Rights Watch*, August 2, 2023. www.hrw.org.

which is the norm, also when mixed with Agamben's mature theory of destituent power, these two tactics synthesized together provide a very real method of approaching praxis in respect to populations being abused by nation-states? I draw upon Agamben's reading of political theory and theology. I will also be drawing upon the fields of Political Theory and Political Theology, analysis by the following theorists, Judith Butler, Jacques Derrida, Jacob Taubes, and Carl Schmitt. Drawing upon the theories of critical theorists Butler, Derrida, and Agamben's grappling with Benjamin's text, *The Critique of Violence*. Agamben's analysis and sections of Schmitt's work, set up part half of the conversation upon which the *Critique of Violence* is built in Agamben's reading and theoretical concerns. Many contemporary academics have different approaches or perspectives centered around violence and legality, as discussed in the work of Walter Benjamin, *The Critique of Violence*. Utilizing the writings of political theorists, theologians, and theorists as well as philosophers to establish a map of concepts and ideas as they overlap with the epoch of today given the human rights violations of the United States in respect of Latin migrants and immigrants.

Drawing upon the text *Critique of Violence*, as well as an overview of Agamben's reading of the Schmittian state of exception which is the action of granting unlimited powers to a leader of a nation-state at the peril of everyone else. The two theorists, Walter Benjamin, and Carl Schmitt influenced one another and were dynamically opposed to one another about authoritarianism, anarchism, and resistance to authoritarianism. The work of Walter Benjamin and Carl Schmitt has been influential in the debate of Benjamin's text in the hands of contemporary theorists Judith Butler and Jacques Derrida. Each takes a differing approach to Benjamin's notion of divine law negating violence and the setup of the State of Exception, which is the norm in today's epoch according to Agamben's reading of Benjamin.

It is common for others to de-fang Benjamin's argument concerning violence, as does Butler, who twists Benjamin's argument into supporting non-violence, such as Butler relying on Benjamin's earlier works on language to serve as an antidote to Benjamin's destructive anarchism (Butler, 2020, 93). The middle ground of support, which is most in the spirit of Benjamin's response to violence would be that of Agamben. Despite these disagreements on adequately responding to Benjamin's argument's political, critical, and theoretical implications, something is being left outside the uses of Benjamin's work *The Critique of Violence*. What is left unsaid is the application of Benjamin's essay *Critique of Violence*.

Agamben belongs to a list of the most esteemed contemporary Critical Theorists alive, alongside Butler and the late Derrida. These three have been influenced and even known to correspond or appear together in joint lectures at universities. When filtered through Agamben's analysis into what he called destituent power. Destituent power is the capacity to ignore and negate oppressive laws while doing so evades punishment and resists it without fear of revolution which will collapse into the same tyranny it was meant to escape. This will have authentic political application for minority groups such as immigrants when they are being oppressed by the state except by Nation-States or regimes. This application has the potential for fruitful application and development of research to resist authoritarianism and produce spaces within the empire that allow the oppressed Latin immigrants and migrants. Derrida and Butler's critiquing of ideology does little to help provide food shelter or protection against backsliding regimes which is why Derrida's fear of violence is misplaced. Divine violence is a balm when intermixed with tactics such as destituent power as a way to prevent budding authoritarians from joining the movement to oppress.

Agamben and Benjamin have critics and objections to the spirit of Benjamin's text. To avoid or circumvent what can

- Agamben, Giorgio, and Daniel Heller-Roazen. "Part 2 Homo Sacer: Chapter 1 Page 71." Essay. 1995 In <https://Abahlali.Org/Files/Homo+Sacer.Pdf>. Accessed May 2024. abahlali.org. 1995
- Agamben, Giorgio. "For a Theory of Destituent Power." *Critical Legal Thinking*, April 9, 2014. criticallegalthinking.com.
- Agamben, Giorgio. *State of Exception*. Chicago: University of Chicago Press, 2008.
- Benjamin, Walter, Peter D. Fenves, and Julia Ng. *Toward the critique of violence: A critical edition*. Stanford, CA: Stanford University Press, 2021.
- Benjamin, Walter. "On The Concept of History" 1940 www.sfu.ca/~andrewf/CONCEPT2.html. Accessed May 2024. www.sfu.ca/~andrewf/CONCEPT2.html.
- Benjamin, Walter. www.sfu.ca/~andrewf/CONCEPT2.html. Ened. Accessed May 2024. www.sfu.ca/~andrewf/CONCEPT2.html.
- Butler, Judith. *The Force of Non-Violence*. Iberian-Connections.Yale.Edu/Wp-Content/Uploads/2020/09/The-Force-of-Nonviolence-An-Ethico-Political-Bind-by-Judith-Butler.Pdf, n.d. iberian-connections.yale.edu/wp-content/uploads/2020/09/The-Force-of-Nonviolence-An-Ethico-Political-Bind-by-Judith-Butler.pdf.
- Derrida, Jacques. *Deconstruction and the Possibility of Justice*. Edited by Drucilla Cornell, Michel Rosenfeld, and David Grey Carlson. <https://Fswg.Wordpress.Com/Wp-Content/Uploads/2018/02/Derrida-Force-of-Law.Pdf>. Accessed May 2024. fswg.wordpress.com.
- Benjamin, Walter. *Essay*. In *Walter Benjamin Selected Writings Volume 1. 1913–1926 1, 4th ed., 1:226–226*, n.d.
- Grout, James. *Nero as the Antichrist*, penelope.uchicago.edu/~grout/encyclopaedia_romana/gladiators/nero.html. Accessed 5 May 2024.
- Haight, Elizabeth. "22 Years of Justice Denied." *Amnesty International*, March 22, 2024. www.amnesty.org.

United States regime. This is akin to other empires be it a form of Neo-Fascist, or neoliberalism itself as it engulfs the planet.

Destituent power is utilized to become ungovernable by reducing the government mechanism to render it inoperable, which is the tactic of destituent power, mixed tactics, protest, evasion, as well as hiding and housing immigrants. Utilizing these tactics to reduce the suffering and indignity of Latin migrants and immigrants, to prevent a populace a reduction of bare life, and to protect the sacredness of life. This new epoch would provide a space to live in resistance to the metaphorical beasts of Nation-States, such as America which feed on immigrants and migrants to feed their illusion of authority and bolster the oppression of borders and lines of division drawn on a map.

The capacity for politics and theology to bleed together, utilizing Benjamin's divine violence as a resistance tactic combined with Agamben's notion of destituent power these two toolkits of tactics provide a way to circumnavigate the nation-state with its state of exception which feeds on the weak and discriminates against people by reducing them to bare life, in this case, Latin immigrants at the border as well as Latin migrants. It is by realizing how history repeats with leaders leading nation-states and discriminating against people they deem lesser is an important notion for praxis for Latin immigrant and migrant communities.

Citations

Agamben, Giorgio. "No to Bio-Political Tattooing." 2010 The Anarchist Library, theanarchistlibrary.org/library/giorgio-agamben-no-to-bio-political-tattooing. Accessed 5 May 2024.

be conceived as violent passages, Butler reads Benjamin in the light of Jewish ethics with a dose of Jewish philosophy to deny the violent rupture of Benjamin's works. (Butler, 2020, 87–100) Beyond Agamben's approach to adapting, purifying, and processing Benjamin's divine violence of producing destituent power as a theory, other theorists, philosophers, and activists oppose Agamben's reading, which questions power and law and negates as such. Butler reduced Benjamin's divine violence to that of political protest, and Derrida's fear caused Derrida to reject Benjamin's work altogether, the violent language aspect of Benjamin's analysis in his treatise *The Critique of Violence*. (Derrida, 2018, 62). Derrida focuses on Walter Benjamin's text, the *Critique of Violence*, Derrida's reading is hyper-fixated on the cause and effect or vicious cycle of violence. Derrida fears that Benjamin's work, the *Critique of Violence*, will create a cycle that would end in gas chambers for one political opponent. This is different from the mixed tactics of Agamben's reading of destituent power; in fact, Agamben's destituent power escapes this cycle by avoiding installing governments or regimes that would be needed for mass systematic murder, as feared by Derrida. This makes Agamben's notion most useful as well as respectful to Benjamin's corpus.

Derrida's analysis of Benjamin's text, the *Critique of Violence*, provides a sort of quietism. Derrida makes the point that Benjamin's notion of law-annihilating violence can lead to violence, which is a different angle from that of Agamben and others who make use of destituent power who make use of resistance to hollow out a space of negation of the machinery of the state of exception (Derrida, 2018, 62). Derrida's focus and critique of Benjamin's essay, *The Critique of Violence*, is lackluster, whereas destituent power is a way of providing a zone of safety for immigrants when they are reduced to a form of bare life. Bare life is a life reduced to its bare biological facts ignoring the individuality and uniqueness of the human as an

individual (Agamben, 2014). Thus, people must not be detained by the border patrol agencies which render immigrant people to bear life, subjecting them to starvation, sexual abuse, or exposure to violence (Human Rights Watch, 2023). This reduction to “bare life” reduces Latin immigrants to being cannibalized by the savagery of the Nation-State.

Destituent power, alongside Benjamin’s law-annihilating violence, should be viewed as a negation to deactivate state oppression, divine violence when perfected as destituent power in Agamben’s writing, as both have used when utilized together as two forms of tactics. This serves as a tool; it can negate while it can also heal if a zone is built to provide shelter and aid to those pursued by the regime that is discriminating against migrants or immigrants. Derrida argues that divine violence makes a jump into the potentiality for mass violence; while this is true, quieting while people are suffering under the state of exception is not the answer (Derrida, 2018).

Butler and Agamben have differing perspectives on Benjamin’s Critique of Violence; whereas Agamben utilized it as a way to create destituent power as a form of theorizing and praxis to be lived by. Butler synthesized famed Jewish philosophy and ethics with Benjamin to create a nonviolent, “divine violence” as Benjamin coined it by turning Benjamin on his head, negating any action potential (Butler, 2020, 93). Butler read Benjamin as a thinker mainly influenced by Jewish ethics, whereas Benjamin’s reading list consists much more heavily of Christian theological sources. Butler focuses on Benjamin’s violence as a work of non-violent protest and ignores the sources as well as previous works Benjamin wrote on, such as the fragment *World and Time*, which measures that the divine only appears in the world as a revolutionary force. (Benjamin, 1913–1926, 226–227). Butler, like Derrida, is afraid of the potentiality of Benjamin’s law, annihilating divine violence, and disagrees with its anarchist conclusions (Butler, 2020, 93).

tion and reduction of innocent humans into bare life. These subjectivities are then.

Disposed to feed the cannibalistic ideological processes of what is fascism a grotesque object of worship. Understanding how politics and theology are linked and can be found in political theorists, critical theorists, and theologians who all interact or theorize about politics is vital to understanding Schmitt’s work, his cause-and-effect Schmitt giving power to Hitler in emergency powers that were never revoked opening a terrifying technology that can be seen today. For this reason, hope exists for Latin immigrants and migrants, to be a theorist is to dismember the mechanism that enslaves and harms the innocents. Be it in a mixture of divine violence and law negation of destituent power, disrupting the myth of the false idolatry of state. Through this, with destituent power or more head-on resistance with divine violence, both are needed and necessary.

The gap in the literature is applying Agamben’s reading of the Critique of Violence alongside the setup given the premise of Agamben’s reading of the Schmittian State of Exception. Combining these two formats provides a skeleton key to the political epoch of today and the near ongoing future: The discrimination of Latin American immigrants and migrants can best be done by applying destituent power. This can be done by assisting others in teaching language and providing shelter in churches or homes. This can provide a source of development for a gap in the research which would be very fruitful for future academic research, as well as practical applications for resisting authoritarianism. With work and pushing against the cycle of constitutive powers, zones of safety can be created to protect those hunted by regimes, with a particular focus on Latin immigrants and migrants in America’s scope of reach. It is of utmost importance to provide aid to and resistance against the violence of border walls and oversight of abuses of power in the hands of the

power is very important as it continues in cycles. As Benjamin wrote in his text *Thesis on the Philosophy of History*, if we view history from the eyes of an angel, we would see history as “one single catastrophe” consisting of “wreckage piled upon his feet”, this repeats again and again and again (Benjamin, 1940). The way to prevent a revolution or uprising from collapsing into neo-fascistic or other paradigms of the oppressive nation-states is to practice destitute power intermixed with divine violence when necessity dictates to resist and render the operation of Nation-State’s oppression and genocide inoperable.

Taubes elaborates on Schmitt’s perspective as a jurist as well as an arch-authoritarian to keep order to prevent chaos from rising to the top in his eyes, Schmitt uses theological language from St. Paul’s letters from the Bible, specifically *Katechon*, a term used to describe a retainer of the anti-Christ which is necessary for the coming of the Messiah. The meaning of the “*Katechon*” meaning “the retainer or “withholder” of the anti-Christ is in Schmitt’s eyes the solution was giving powers to Hitler initiating genocide and waging war across the entire planet by attaching himself to the *Katechon* he hoped to be of epoch changing importance. (Ullrich, 2021). Unironically, the withholding done by the *Katechon* withholds the anti-Christ, would hold power over it as it withholds the Messiah, so in a genuine sense, Schmitt was occupying a politically theological paradigm of an anti-Christ adjacent figure, which can further be seen in his giving his power of the unlimited powers to Hitler an anti-Christ figure. To understand the role theology plays is of the utmost importance. The cycle continues in the state of exception, constitutive power, and a washing away of the myth-making false idols in divine violence and formulating communities outside the system with destitute power.

This state of exception sired by Schmitt in the hay-day of the Weimer republic has opened a Pandora’s box, opening a genocide unlike the world has seen in its potential for destruc-

The abuse of the border patrol, which subjugates women and immigrants to sexual abuse and detainment, all expanded under the Patriot Act, giving powers and overreach that no agency man or false idol should have access to (Human Rights Watch, 2023). There are many ways one can evade the overreach of government with the injustice of borders. One can provide housing or utilize churches or places of worship to take in families when oppression and persecution are prevalent. Providing job opportunities under the table can provide a safety net to allow immigrant workers a job to earn income. Creating funds for displaced families provides a net as a form of praxis to better support these groups of people. Handing out bags of food or forming a food bank at a local church is one way of better providing for the needs of the poor and destitute. Aid may also take on the form of teaching immigrants language and literacy skills in English in connection with groups at local Catholic or Protestant churches to provide a form of empowerment. Doing this would allow Latin immigrants and migrants a toolkit to better understand and navigate the labyrinth of a society that demands fluency in English. All of these activities coincide with Agamben’s notion of destitute power. Circumnavigating or disregarding the law that oppressed is vital in allowing and creating a sort of community under the radar to provide a community without the oversight of the oppression of the regime in power.

Agamben takes seriously the claim of Benjamin that the “state of exception” in the Schmittian sense is the norm in which we live, which extends to the camp. Agamben draws parallels to the monitoring technology of the Nazis and the modern United States government with its biometrics to track and convict people of crimes they may not have even had a part of. This monitoring is biometric data and DNA stored in databases for further usage or future prosecution should the nation-state deem it fit. (Agamben, 2010 1–2). Agamben wrote of the genealogy between the laws of taking

fingerprints in United States governments as a comparison to the concentration camps' biopolitical procedure of monitoring via tattoos. There is some overlap here as fingerprints are used to monitor and enter into a database given that we accept that all humans are potential "Homo Sacer". Given the state of exception anyone can be denied freedoms or murdered with impunity (Agamben, 2008). Agamben's Homo Sacer is the pinnacle of Agamben's political theory, which explains the post-World War II epoch as it exists from the past to today. This notion of Homo Sacer draws upon an ancient Roman law where someone is marked as being free to be killed with the murderer not being judged for killing the Homo Sacer. Agamben elaborates on this concept by stating.

The sacred man is the one who the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide; in the first Tribonian law; in fact, it is noted that "if someone kills the one who is sacred according to the plebcore it will not be considered homicide" this is why it is customary for a bad or impure man to be called sacred. (Agamben, 1995, 71)

Agamben's analysis plays well into the argument of desituent power to create lives without biopolitical monitoring of subjectivity. Agamben's notion or worries about biometric tattooing is correct. Examples of this can be seen in biometric data gathered from DNA databases being sold and used to gather other kinds of forensic data and charging people with crimes, such as protestors or other forms of activism that the regimes render illegal. The link between the encoding of the biometric database is a link of what allowed the Holocaust to occur. The fact that people were reduced to nothing more than numbers allowed the development of technology that allowed people to be reduced to bare life. Once human beings are reduced to data their humanity is taken from them, and they can be killed with impunity. (Agamben, 2010, 1-2).

to tyrants, this will continue in waves and cycles. Nero, the archetypal anti-Christ ruler whose rule caused chaos and sadism inspired the writing of the Book of Revelation by the oppressed utilizing nationalism and nation-states. One can view history as a repetition that has been ongoing throughout history since the 1st AD century onwards (Grout, 2024).

Moreover, the dragon gave it his power, throne, and authority. And it was as if one of its heads had been slaughtered, entirely dead, and its deathblow was healed. And all the earth followed after the beast in wonder, And they made obeisance to the dragon, because he had given authority to the beast, and they made obeisance to the beast, saying, "Who is like the beast, and who can wage war on him?" (Hart, 2023 105).

If the number of the beast refers to Nero; Nero was a historical Emperor who was known for his cruel rule and oppression of Jewish and Gentile Christians. Since the Book of Revelation was written, leaders and rulers have aspired to be a repeat of Nero's conquest and grow again and again from the stump of the defeated beast. This repetition is not unlike a Greek hydra, cut off one head and another one will sprout from the neck of the freshly decapitated stump. This repetition in the idolatry of man wishing to become or inspired by anti-Christ figures for the draw of power that idolatry brings on the political world stage (Grout, 2024).

This repetition can be seen in Schmitt and Hitler, who also tried to install a genocidal regimen and succeeded. Schmitt may have told himself he was resisting the chaos of what was decadence in his view of the Weimar Republic, the government in place before collapsed with Hitler's election and with his rise, granted unlimited power by Jurist Schmitt. And as such, gave power to Hitler who aspired to become an anti-Christ figure. Schmitt was not unlike the beast figure in Revelations who gave Hitler, his emergency powers which were never revoked by the entirety of the regime. This cycle of autocrats rising and consuming others to enforce their illusion of legitimacy of

define pure violence which could “break the false dialectics of lawmaking violence and law-preserving violence», an example of which is Sorel’s proletarian general strike. On the breaking of this cycle, he writes at the end of the essay «maintained by mythic forms of law, on the destitution of law with all the forces on which it depends, finally therefore on the abolition of State power, a new historical epoch is founded. While a constituent power destroys law only to recreate it in a new form, destituent power, insofar as it deposes once and for all the law, can open a new historical epoch. (Agamben, 2014).

Agamben’s political project draws from Benjamin’s works in doing so Agamben hopes for a resistance of state power as a new opening of epoch following his political tactics of resistance.

Political Theology as a field analyzes the link between modern political concepts as they outgrew theological concepts and the church. The theologian David Bentley Hart is an important figure in Eastern Orthodoxy he published his translation of the Gospels and Letters of the New Testament from Greek to English while avoiding ideological glosses that distort the text as added throughout the ages during the Protestant Reformation and Counter-Reformation. Hart is a follower of Christ and is known as sympathetic to radical politics influenced by Christ. Hart’s translation of the New Testament Book of Revelation captures the Book of Revelations and political messages in its theological language. One academic perspective is that the Book of Revelation consisted of coded messages using Greek and Hebrew numerology where each letter represents a number that was combined and reverse translated from Latin, Greek, and Hebrew, which were spelled out when decoded along the lines of Nero, the emperor who was persecuting Jewish Christians, Gentile Christians, and Jewish people during his reign;

Given the way theology bleeds into politics, such as the power of utilizing theological motifs in politics gives power

The Critique of Violence is a work that posits a way for revolutionary violence to be justified when false idols of the state or regime set up laws that are legally just but hollow and lacking actual justice. The work was written earlier in Benjamin’s early period when he was focused on the theological lens intermixed with radical politics. In Benjamin’s work *The Critique of Violence*, there is a split between constitutive powers, such as the capacity to lay down laws in the realm of force by political entities, i.e., the nation-state. This is known as myth-making violence, as myth is used to sway and tell lies to the masses about the authority or right to bear power as judge, jury, and executor of innocents or whomever they deem as guilty and therefore able to be rendered as bare life and killed with impunity. Benjamin makes a note of the Ten Commandments of the Torah, where the individuals who try to rise against Moses and establish their mythology are swallowed by the Earth in an act of divine violence, subsequently destroying the myth and claim to those who wish to supplant themselves in God’s place. Benjamin draws upon this section of the Torah as well as Greek myths, to create an example of revolutionary violence that negates the myth of authority of the nation-state and causes destruction in an act of “bloodless bloodletting” (Benjamin, 2021).

The Critique of Violence is drawn upon and used to formulate Agamben’s mature theory of destituent power to create negations through destitution in an oppressive nation-state, through acts of resistance. This is combined with divine law-annihilating violence which is not limited to outright violence but other forms of resistance as well. The point is to negate without being fearful of creating a new regime on top of the other, which has the likelihood of collapsing in a cycle of authoritarian backsliding, as can be seen in the cyclic patterns of history. Of note is Benjamin’s understanding of police power “The ‘law’ of the police marks the point at which the state, whether from impotence or because of the immanent connec-

tions within any legal system, can no longer guarantee through the legal system the empirical ends that it desires at any price to attain. (Benjamin, 2021, 221, 243).

Benjamin makes note of Schmitt's notion of the state of exception but flips it on its head by noting that the state of exception where government leaders can murder and perform acts of genocide with impunity is already the norm in society, as well as in fascism which had engulfed the planet by the time Benjamin was writing in his later period. As such the point is to create a true exception, a rupture to attack and negate the norm as it stands regarding fascism (Benjamin, 1940).

Upon writing the text titled *The State of Exception*, Agamben established the philosophical genealogy of the Schmittian State of Exception in his reading of it and the judicial history of Germany, France, and America about juristic citations that elaborate upon his premise. This groundwork elaborates on who Carl Schmitt is and his importance to the history of the state of exception, with its drastic consequences. An overview of the Schmitt-Benjamin exchange is brought to light alongside the back-and-forth citations and single letters exchanged throughout the years. The text cites the exchanges and cross-citations of the reactionary Jurists Schmitt and Benjamin (Agamben, 2008, 53). Both these writings are essential as they provide a foundation of ideas that eventually gave birth to the destituent power found in these writings (Agamben, 2008, 52- 53). The idea of negating law, and law-annihilating violence is a circumnavigation as well as deactivation of the false idolatry laws of the nation-state when it threatens to consume or harm innocents, this is perfected in Agamben's notion of destituent power (Agamben, 2014)

Schmitt's work *Political Theology* can be read as a response to Benjamin's anarchic law-annihilating violence (Benjamin, 2021, 54). In Agamben's eyes, the state of exception is the norm, as seen with the United States Patriot Act, which granted the United States government powers that were never revoked and

cratic backsliding; Just as the Weimar Republic collapsed, authoritarian regimes rose in periods of strife. Walter Benjamin aspired to be a theoretic guerilla fighter in cultural commentary and literary theory concerning resisting authoritarianism in Germany. His engagement with Schmitt in the dueling of citations is critical to note as it may provide an antidote for when democracies are in the process of democratic backsliding. The trick is to arrive and stop the rise before the collapsed democracy becomes transmuted into an authoritative regime.

The seeds of the state of exception can be seen in the United States government post 9/11 with the passage of the Emergency Powers of the Patriot Act, which expanded the rule of powers of the Presidency and the expansion of the rules of Presidency gave rise to the collapse of the rights of the civilians as well as migrants alike. The new loophole of labeling an individual as an enemy combatant allows one to be held outside the norm of the Geneva Convention and held in a black site outside the legal justice system, detained for however long the regime wishes to subject the individual to torture and sexual abuse (Haight, 2024).

The text, *To Carl Schmitt*, provides further background on Schmitt's post and during World War II when he was active as a Nazi Jurist as well as an exile post-World War II. This is important as it contains letters exchanged between him and interlocutors. This connects with the topic question as it elaborates upon just who he was and the crisis he created, which affects our epoch to this very day today (Taubes 2013). The State of Exception or State of emergency is a term popularized and made infamous with the collapse of the Weimar Republic, the rise of Nazi Germany, and with its unlimited powers given to Hitler, Germany existed as an uninterrupted state of exception for the entirety of its standing until its collapse near the end of World War II (Agamben, 2008).

It is a destituent power of this sort that Benjamin has in mind in his essay *On the critique of violence* when he tries to

work made note of the Schmittian state of exception, which was utilized and repeated by the neo-conservatives in the Bush administration in granting themselves emergency powers that never went away. Much like Hitler's regime kept the powers to itself, so too has the Presidency of the United States been granted creeping growing powers that branch from the emergency powers of the Patriot Act after September 11th. (Agamben, 2008).

In drawing upon Benjamin's work *Critique of Violence*, which itself was posited as the opposition of the Jurist Carl Schmitt. To note, the opposite of fascism is not communism but anarchism in its purest state, likewise the similarities yet inverted of each other is theocratic anarchism, anarchism guided by a belief in Judeo-Christianity as opposed to fascism which worships false idols and anti-Christ in the political, theological as well as spiritual realms.

Agamben's work on destituent power has influenced many academics and contemporary anarchists, utilizing destituent power as a way out of the paradigms between the totalities of the nation-states and authoritarianism which arises from it and a way to resist neoliberalism, neo-fascism, and other forms of nation-state authoritarianism, that are birthed by the Nation-State.

A form of destituent power is hiding immigrants or housing the persecuted in homes, churches, synagogues, or temples. This pierces a clink in the armor of the Nation-State, deactivating the authoritarianism not by fighting but by deactivating the rule of law by negating it freely by risking one's life with imprisonment to preserve the life of the other. This is a microcosm of destituent power, but it can link and formulate a community of individuals who deny and create a chasm in the sovereign escaping notice and being able to joyfully take part in acts of destituent power, by preserving the lives of the others with whom the state of exception looms over. It is essential to make note of the link of the state of exception alongside the notion of demo-

even expanded slowly as technology grew in power, creeping to grant even more capabilities to the regime in power. Butler's analysis and nonviolent protest lack the teeth needed to enact change or enforce praxis to support people who are facing oppression, such as Latin immigrants and migrants. Butler's injection of Jewish ethicists with Benjamin's divine violence as a way to negate Benjamin's anarchistic perspective lacks what Agamben's destituent power can achieve, namely the protection and restoration of dignity to Latin immigrants and migrants. Correspondingly Derrida's analysis of deconstruction as justice itself is too focused on or ungrounded in its freezing up of praxis, for any form of actual change to occur.

Both these writings are essential as they provide a foundation of ideas that eventually gave birth to the destituent power found in these writings (Agamben, 2008, 52- 53). Schmitt's state of exception, as well as political theology that all politics is secularized theological concepts, more specifically Benjamin's paper *Critique of Violence*. Schmitt's work *Political Theology* can be read as a distorted mirror to Benjamin's anti-authoritarian notion of divine law-annihilating violence (Agamben, 2008, 54). Schmitt's implementation of the state of exception gave unlimited powers to Germany's autocrat Hitler, which led to the collapse of the Weimar Republic into the fascist regime of Nazi Germany. The Nazi regime was essentially a state of exception that lasted for a length of time until the regime collapsed, and denazification was in progress post-WWII.

The book *The State of Exception* by Agamben is essential as it links to Benjamin, once again opposes Schmitt in his last work, the *Thesis of the Philosophy of History*, where Benjamin writes a Messianic-filled hope for redemption of creation as well as a hope to install a challenge to the norm of the state of exception by bringing out about an actual state of emergency in the fight against fascism (Benjamin, 1940). Benjamin's concept of negating authoritarianism with the rule of laws is to collapse the idea by flipping God as ruler on its head with God

as liberator, with the idea of divine violence, Benjamin's quote from his text *The Critique of Violence* is as below,

God is opposed to myth in all spheres, so divine violence runs counter 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 and explicates at the same time, divine violence de-expiates if the former is bloody, the latter is in a bloodless manner. (Benjamin, 2021, 57).

The state of exception is in Agamben's eyes essential as it lays the groundwork for a genealogy of the development of the dominant nomos of the earth, which is the camp according to Agamben's reading of Schmitt's state of exception. Power is focused on regimes that have spread, as can be seen in America's authoritarian Patriot Act that gave unlimited wide-reaching powers that were never dissipated. Some of these abuses of powers provided the capacity to conduct drone strikes without trial and imprison individuals without trial in Guantanamo Bay or other "black sites" utilized by the American regime which are hidden across the globe for clandestine activities.

Destituent power has arisen from Agamben's reading of German-Jewish theorist Benjamin's work in the *Critique of Violence*. The development of Benjamin's work, *Critique of Violence* into destituent power provides a practical middle ground for many attempts at developing a form of tactics separated from establishing a new regime that will fall back into tyranny as history has shown time and time again.

It is interesting to note that spiritual students of Walter Benjamin's work have found an imperative to seek out and provide counter-arguments to give examples to the author of the collapse of the Weimar Republic, Schmitt. This can

be seen in Jacob Taubes and Giorgio Agamben as scholars of Benjamin and spiritual students of his. Agamben reads Benjamin through the lens of an anti-authoritarian perspective from Benjamin's earlier period, all sharing a concern with the resistance of authoritarian states that consume and feed upon the lives of others to enforce the myth of the omnipotence of their false idols. Jacob Taubes was a spiritual student of Walter Benjamin who wrote on the topic of political theology, while also engaging in debate person to person with the Nazi Jurist Carl Schmitt. Taubes eventually struck up a correspondence and meeting with Nazi Jurist Carl Schmitt after 30 years of refusing to meet with him. This mirrored the exchange of influences that Schmitt and Benjamin had on one another in the early years before Schmitt became a part of the history that initiated the collapse of the Weimar Republic into Nazi Germany. Taubes engaged in a meeting with Schmitt, where Taubes rebutted Schmitt's anti-Semitic genocidal authoritarianism with a sort of theocratic anarchism that challenged all claims to authority in political theology and as such, challenged Schmitt's authoritarianism about his political theological conceptions of which his theories rest (Taubes, 2013 49–58).

Benjamin as well as Agamben and Taubes, each takes seriously Carl Schmitt's notion that all politics are secularized political concepts, as cited in Schmitt's book *Political Theology*, however, they oppose the ends of authoritarianism and Schmitt's political proclivities (Schmitt, 2008, 1). Benjamin wrote a letter to Schmitt thanking him for his work on political theology influencing his work, as well as his book on dictatorship which influenced Benjamin's philosophy of art and state which overlapped with Schmitt on some level according to Benjamin himself. (Taubes, 2013, 98).

Agamben was born in 1942; the theorist has made it his life project to resist the premise. The nomos of the world as it exists today is a concentration camp in Agamben's eyes. Agamben's