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**Irreducible Justice: Benjamin, Derrida, and the Tension of
Divine Violence**

Master's Thesis in Philosophy

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Number of Characters: 87,837 (with spaces)

Tartu 2026

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Introduction

In his 1921 essay *Toward the Critique of Violence* (*Zur Kritik der Gewalt*), Walter Benjamin introduces the concept of divine violence. Unlike legal violence, which establishes and preserves the legal order, divine violence does not found a new legal order. Rather, it is realized by interrupting or even destroying the legal order. For Benjamin, divine violence, rather than legal violence, is connected with the realization of justice. However, in his view, the final realization of divine violence is beyond human recognition and control.

Benjamin's violence essay did not receive wide attention in English-language scholarship until Jacques Derrida's lecture at Cardozo Law School in 1989.¹ At this colloquium, Derrida distributed his famous essay *Force of Law: The "Mystical Foundation of Authority"*. In this essay, Derrida develops his own account of justice and offers a detailed reading and critique of Benjamin's violence essay. For Derrida, the strict distinction Benjamin draws between legal violence and divine violence is impossible to maintain. As a result, divine violence may be confused with the violence it is supposed to interrupt, or even used to justify extreme violence.

This thesis focuses on the disagreement between Benjamin and Derrida concerning divine violence, law, and justice. My first core claim is that this disagreement presupposes their shared position: justice cannot be fully reduced to law, and the legal order cannot realize justice by itself. In other words, for them, justice contains an irreducibility that cannot be fully absorbed by the legal order. This irreducibility of justice allows Benjamin and Derrida to criticize the legal order's tendency to enclose itself as ultimate and self-sufficient.

My second core claim is that this irreducibility should not be understood as a simple transcendence outside law. For Benjamin and Derrida, justice exceeds law, but it also has a relation to law. The irreducibility of justice can therefore only be understood within a tensional relation of justice and law, which I call *immanent irreducibility*.

¹ For a more detailed discussion of this point, see Ross (2014, 93-94).

My third core claim is that, on the basis of the tension of immanent irreducibility, there is also a tension within divine violence. On the one hand, divine violence has a *practical meaning*: it concerns how divine violence relates to real politics and historical action. On the other hand, divine violence has a *critical meaning*: it concerns how the idea of divine violence provides a basis for criticizing the self-enclosing tendency of law. I will argue that the meaning of divine violence should be understood in the tension between its practical meaning and its critical meaning. Therefore, the tension of divine violence is not a defect that needs to be eliminated, but a basic feature of divine violence. I will further show that, because this tension is continuous, any interpretation of the practical meaning of divine violence continuously risks weakening or overlooking its critical meaning. For this reason, we need a reminder that can continuously keep us aware of this tension. I will then argue that Kafka's works, because of their special fantastic character, can perform this function.

This thesis has three chapters. Chapter 1 discusses Benjamin's account of divine violence. In the first section, I show that Benjamin does not understand law as a mediation toward justice. Rather, he reveals that legal violence serves the establishment and preservation of law itself. Therefore, there is a fundamental break between law and justice. It is from this break that Benjamin introduces divine violence as radically different from legal violence. The second section then examines the tension in Benjamin's account of divine violence. Divine violence must have significance within the secular world, because it opens a space for justice by interrupting or even destroying the legal order. But it cannot be identified, possessed, or executed with certainty by human beings. Thus, human action is required to relate to a realization that it cannot identify. This tension forms the basis of Derrida's later critique of Benjamin.

Chapter 2 discusses Derrida's critique of Benjamin. In the first section, I introduce Derrida's critical concepts, especially *différance* and *deconstruction*. The second section turns to *Force of Law* and explains Derrida's account of law and justice, as well as his critique of Benjamin's divine violence. For Derrida, Benjamin cannot maintain the strict distinction between mythic violence and divine violence. Divine violence may therefore be mistaken for the violence it is

supposed to interrupt, or even used to justify extreme violence. The third section then examines the difficulty in Derrida's own position. In order to avoid the appropriation and misuse of divine violence, Derrida weakens the possibility of justice as a decisive historical interruption.

Chapter 3 focuses on the shared position between Benjamin and Derrida. The first section argues that their disagreement presupposes their shared position that justice cannot be fully reduced to law. Their disagreement does not concern *whether* justice exceeds law, but *how* justice exceeds law. The second section further explains that the irreducibility of justice should be understood within a tensional relation between justice and law, which I call *immanent irreducibility*. The third section turns to divine violence and argues that its meaning should be understood through the tension between its practical meaning and its critical meaning, and explains why interpretations of the practical meaning of divine violence risk weakening and overlooking its critical meaning. The fourth section turns to Franz Kafka. It shows how Kafka's works become a shared reference for Benjamin and Derrida, and then uses Tzvetan Todorov's discussion of *the fantastic* to explain how Kafka's works preserve immanent irreducibility.

Chapter 1: Benjamin's Account of Divine Violence

This chapter explains how Benjamin introduces divine violence through his critique of legal violence. Section 1.1 demonstrates that Benjamin does not understand law as a mediation toward justice. Rather, he reveals that legal violence serves the establishment and preservation of law itself. Therefore, there is no natural continuity between law and justice but a fundamental break between them. It is from this break that Benjamin introduces divine violence as radically different from legal violence. Section 1.2 then examines the tension in Benjamin's account of divine violence. Divine violence must have significance within the secular world but cannot be identified, controlled, or executed with certainty by human beings. Thus, human action is required to relate to a realization that it cannot identify. This tension forms the basis of Derrida's later critique of Benjamin.

1.1 From Legal Violence to Divine Violence

At the beginning of *Toward the Critique of Violence*, Benjamin writes:

The task of a critique of violence may be described as the presentation of its relation to law and justice. For however effective a cause may be, it becomes violence in the impressive sense of the word only when it intervenes in moral relations. The sphere of these relations is designated by the concepts of law and justice. (Benjamin 2021, 39)

This passage sets the program for the entire essay. Benjamin situates violence within the sphere of moral relations, which is defined by law and justice. A common view holds that the ultimate goal of law is to realize justice in this world, and that law and justice have an intrinsic connection. Benjamin, however, focuses on the conflict between them, which becomes clear in his discussion of means and ends. Legal philosophy contains two main schools: natural law and positive law. The former holds that the legitimacy of means depends on whether their ends conform to natural law; the latter holds that the legitimacy of means depends on whether the means have been historically recognized. Benjamin points out that despite their disagreements, both schools share the same dogma: "just ends can be attained by justified means, and justified

means can be used for just ends.” (Benjamin 2021, 40) For both schools, justified means always have an intrinsic relationship with just ends. In contrast, Benjamin breaks this assumed continuity between justified means and just ends: “Reason, after all, never decides on the justification of means and the justice of ends; rather, fateful violence decides on the former, while God decides on the latter.” (Benjamin 2021, 54)

For both natural law and positive law, the legitimacy of means depends on their relation to just ends. According to this view, legal violence is a *mediated means* of realizing justice: it serves and derives its legitimacy from the realization of just ends. Benjamin argues, however, that law uses violence not primarily to realize justice, but to protect its own authority. This point is shown by law’s tendency to monopolize violence. He notes that in Europe at the time, individual violence used to pursue private ends was seen as dangerous by law. For this reason, law tends to take violence away from individuals and monopolize it. What law sees as dangerous, Benjamin claims, is not illegal violence, but any violence independent of law, whether or not it is justified. He explains:

[O]ne would perhaps have to consider the surprising possibility that law’s interest in monopolizing violence vis-à-vis the individual is explained by the intention not of preserving legal ends, but rather of preserving law itself. This is the possibility that violence, when it does not lie in the hands of law, poses a danger to law, not by virtue of the ends that it may pursue but by virtue of its mere existence outside of law. (Benjamin 2021, 42)

Benjamin claims that violence has special functions that make the legal system see violence beyond its control as a threat. First, violence has a *law-positing* function: it can destroy or modify existing legal systems and establish new ones. Second, violence has a *law-preserving* function: once a new legal system is established, it relies on violence to maintain its operation and protect its authority. Benjamin draws on examples such as strikes, military law, the death penalty, and the police to show that law and violence are closely intertwined. He asserts: “All violence as a means is either law-positing or law-preserving. If it lays claim to neither of these predicates, then it forfeits all validity.” (Benjamin 2021, 48)

If the primary aim of legal violence is to establish and preserve the legal order, then legal violence is structurally oriented toward law itself rather than justice. Thus, it cannot guarantee

that it serves justice. This reveals a break between law and justice. Benjamin's understanding of this break must be read in light of his distinction between the secular world and the divine order.

In *Theological-Political Fragment*, he states this point more directly:

Only the Messiah himself completes all history [...] For this reason, nothing that is historical can relate itself, from its own ground, to anything messianic. Therefore, the Kingdom of God is not the telos of the historical dynamic; it cannot be established as a goal. [...] Therefore, the secular order cannot be built on the idea of the Divine Kingdom, and theocracy has no political but only a religious meaning. (Benjamin 2006b, 305)

The Messiah and the Divine Kingdom cannot become goals that secular forces achieve by their own efforts. Therefore, true justice is not something the legal order can attain. For Benjamin, since violence as a means is always drawn into the structure of law, and since law is divided from justice, the search for justice requires asking whether there is a violence that is no longer a means:

Since, however, every representation of any conceivable solution to human tasks, to say nothing of a redemption from the spell encircling all previous world-historical existential situations, cannot be accomplished if each and every form of violence is fully excluded in principle, the question necessarily arises concerning other kinds of violence than those envisaged by all legal theory. (Benjamin 2021, 54)

What is this violence other than legal violence? Since it concerns justice beyond law, understanding it requires clarifying how Benjamin understands justice. Benjamin writes:

For ends that are just for one situation, universally recognized and in this sense valid universally, are so for no other, even if in other respects the situation is ever so similar. (Benjamin 2021, 54)

By emphasizing the incommensurability between different situations, Benjamin rejects the view that justice can be reduced to a general principle and applied uniformly to different cases. Justice, for him, cannot become a general goal of secular action. Since violence as a means always works by serving a determinate end, the violence Benjamin is seeking cannot be another mediated means. It must be a different form of violence: a violence that does not serve any particular goal, but appears as an *immediate* manifestation.

What does it mean for violence to be an immediate manifestation? A simple example is a violent outburst caused by anger, such as throwing things or hitting someone. Because this violence is not meant to achieve a predetermined goal, it is "not a means but a manifestation."

(Benjamin 2021, 54) Benjamin then turns to *mythic violence*, which at first seems to have this immediate character. This is clearly illustrated in the story of Niobe. Niobe was proud of her fourteen children and mocked the goddess Leto, who had only two. As punishment for her arrogance, Leto's children, Apollo and Artemis, killed all of Niobe's children. Overwhelmed by grief, Niobe transformed into a stone and wept eternally. The violence that befell her was not law-preserving, since she had not violated any pre-existing law, but law-positing: the punishment itself established a new law. Mythic violence "closes in upon Niobe from the uncertain, ambiguous sphere of fate." (Benjamin 2021, 55) As a judgment, it does not appear to serve justice. By any reasonable standard, only Niobe herself should have been punished, yet her innocent children were killed while she survived. The violence that befell Niobe is therefore not a manifestation of justice, but an assertion of the gods' authority. Mythic violence is not the violence as manifestation that Benjamin is seeking, but the prototype of legal violence. For mythic violence reveals that "[t]he positing of law is the positing of power" (Benjamin 2021, 56): what law confirms and protects is not justice, but power itself. Therefore, mythic violence only appears to be immediate. In fact, it is still a mediated means that belongs to the very structure from which Benjamin wants to break away.

For Benjamin, if mythic violence is the prototype of legal violence, then the violence that can open a relation to justice cannot repeat the law-positing and law-preserving structure of legal violence. It must be understood as the antithesis of mythic violence: it interrupts law rather than founding or preserving it. Only such an interruption can open the possibility of liberation from the oppressive order. Benjamin claims that this liberation requires "a pure, immediate form of violence that might be capable of putting a halt to mythic violence" (Benjamin 2021, 57). This form of violence is what Benjamin calls *divine violence*, which I will examine in the next section.

1.2 The Tension in Benjamin's Account of Divine Violence

For Benjamin, divine violence as immediate manifestation has the power to interrupt or even destroy the legal order. It is therefore the antithesis of mythic violence that is the prototype of legal violence:

Just as God is opposed to myth in all spheres, so divine violence runs counter to mythic violence. Indeed, divine violence designates in all respects an antithesis 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 simultaneously incriminates and expiates, divine violence de-expiates; if the former threatens, the latter strikes; if the former is bloody, the latter is lethal in a bloodless manner. (Benjamin 2021, 57)

Divine violence is not a higher form of legal violence. Its significance does not lie in establishing a new legal order. Rather, it interrupts or destroys the legal order precisely because this order presents itself as capable of fully realizing justice. For Benjamin, however, law cannot fully realize justice. Divine violence is not a means for realizing justice. Instead, it opens a space for justice by interrupting or even destroying the legal order. In this respect, divine violence differs from ordinary political violence, which aims to establish or change a legal order.

However, divine violence should not be understood as a force that comes from a divine realm completely independent of the secular world. Benjamin is not merely offering a theological explanation of justice. He insists that divine violence, as well as the justice and redemption associated with it, is not under human control.² Its effects cannot be recognized by human beings with certainty:

Not equally possible, and also less urgent for human beings is, however, the decision concerning when pure violence was realized in a particular case. For only mythic violence, not divine violence, can be recognized as such with certainty, unless it be through incomparable effects, for the de-expiating force of violence is not disclosed to human beings. (Benjamin 2021, 60)

This means that divine violence cannot simply be treated as the appearance of a divine order that human beings can identify within the secular world. Its divine character and redemptive effects are not disclosed to human beings in a determinate way. For this reason, Benjamin's account of divine violence is not a straightforward theological explanation in which a divine realm directly appears and eventually realizes justice.

If the final realization of divine violence cannot be determined by human decision,³

² This claim is not limited to Benjamin's account of divine violence. A similar view also appears in his writings on language, translation, and truth, where pure language and truth, because of their relation to the divine state, cannot be fully realized by human beings. See Benjamin (2004a; 2004b; 2019, 1-39).

³ We should note that Benjamin leaves an opening here: human beings cannot recognize divine violence "unless it be through incomparable effects," but what counts as "incomparable" remains unclear.

then divine violence cannot be understood as something that human action can simply control. However, Benjamin also insists that human action is necessary, because secular practice has an indirect relation to the coming of redemption:

If one arrow points to the goal toward which the secular dynamic acts, and another marks the direction of messianic intensity, then certainly the quest of free humanity for happiness runs counter to the messianic direction. But just as a force, by virtue of the path it is moving along, can augment another force on the opposite path, so the secular order - because of its nature as secular - promotes the coming of the Messianic Kingdom. (Benjamin 2006b, 305)

Therefore, Benjamin is neither presenting divine violence as a purely religious solution nor reducing it to ordinary political action. His account of divine violence is marked by a tension. On the one hand, divine violence cannot be understood as a political force that human beings can identify, control, or execute with certainty. On the other hand, it cannot be placed in a divine realm wholly beyond the secular world because it must have significance within the secular world by breaking the totality of the secular order and opening a space for justice. Thus, *human action is required to relate to a realization it cannot identify*. This tension is not limited to the violence essay. It also continues into Benjamin's later work. In *On the Concept of History*, he still insists on the need to bring together historical materialism and theology (Benjamin 2006a, 389), even though they seem to point in opposite directions: the former emphasizes liberation in the secular world through human action, while the latter emphasizes liberation that comes from a divine dimension. As Peter Gordon points out, this reconciliation is difficult to sustain:

Benjamin, then, was a theorist of ambivalent secularization, poised in indecision between Marxism and messianism. If we cannot resolve this tension it is because he simultaneously radicalizes both elements to such a degree that they become strict polarities. When they are defined in mutual opposition, no true reconciliation is possible. (Gordon 2020, 53)

This tension explains both the necessity and the danger of divine violence in Benjamin's account. Divine violence is necessary because it breaks open the self-enclosure of the legal order. At the same time, divine violence is dangerous because it cannot be securely identified by human beings. Once it is claimed by a political subject as a recognizable and executable form of violence, it may become a theological justification for different forms of extreme violence and fall back into the structure of legal violence.

The tension in Benjamin's account of divine violence is the core problem in Derrida's later critique of Benjamin. Benjamin needs divine violence in order to show that justice cannot be exhausted by law. But this also makes divine violence difficult to distinguish from mythic violence. Precisely because divine violence is not grounded in human judgment, Benjamin cannot provide a reliable criterion by which human beings can identify it. This raises two questions: how can we distinguish divine violence from mythic violence in history? And how can we prevent the idea of divine violence from being used to justify mythic violence? For Derrida, Benjamin cannot adequately answer these questions. The next chapter will discuss Derrida's critique of Benjamin. I will also argue that, in criticizing Benjamin and trying to avoid the danger in Benjamin's thought, Derrida falls into another difficulty.

Summary

This chapter has shown that Benjamin's critique of violence begins from the break between law and justice. Legal violence does not serve justice, but establishes and preserves law itself. Divine violence is introduced as the opposite of legal violence: it opens a space for justice by interrupting or even destroying the legal order. However, this also produces a tension in Benjamin's account of divine violence. Divine violence must have significance within the secular world, but it cannot be identified, possessed, or executed with certainty by human beings. Human action is therefore required to relate to a realization it cannot identify. This tension becomes the core problem in Derrida's later critique of Benjamin.

Chapter 2: Derrida's Critique of Benjamin

In this chapter, I discuss Derrida's critique of Benjamin based on his two-part essay *Force of Law: The "Mystical Foundation of Authority"*. At the 1989 colloquium on *Deconstruction and the Possibility of Justice* held at Cardozo Law School, Derrida distributed this text but only presented the first part, in which he discusses his own view of justice. At the 1990 colloquium on *Nazism and the "Final Solution": Probing the Limits of Representation*, he presented the second part, which focuses on Benjamin's violence essay.

Benjamin needs divine violence to remain distinct from mythic violence. For Derrida, however, Benjamin cannot maintain this strict distinction. Since divine violence cannot be recognized with certainty in history, it may be confused with the very violence it is supposed to interrupt, and may even be used to justify extreme violence. Derrida's critique of Benjamin depends on his own position. Section 2.1 briefly introduces Derrida's basic position and his critical terms *différance* and *deconstruction*. Section 2.2 turns to *Force of Law* and explains Derrida's account of law and justice, as well as his critique of Benjamin's divine violence. Section 2.3 then turns to the difficulty in Derrida's own position: in trying to avoid the danger of divine violence, Derrida also weakens the possibility of historical interruption.

2.1 Différance and Deconstruction

To understand Derrida's view of justice, we need to first understand his basic position. A central target of Derrida's theory is what he calls *logocentrism*. Logos (λόγος) carries multiple meanings, including word, reason, and speech. In Western philosophy, logos is closely linked to rationality, truth, and presence, and represents a definite foundation that guarantees the stability of meaning. Logocentrism tries to construct a metaphysical system by taking a form of logos (such as the Forms, God, the cogito) as its foundation. Derrida calls this metaphysics the *metaphysics of presence*.

This position, in Derrida's view, runs throughout Western metaphysics in different forms. It consistently links truth to speech while excluding writing:

[T]he history of (the only) metaphysics, which has, in spite of all differences, not only from Plato to Hegel (even including Leibniz) but also, beyond these apparent limits, from the pre-Socratics to Heidegger, always assigned the origin of truth in general to the logos: the history of truth, of the truth of truth, has always been [...] the debasement of writing, and its repression outside “full” speech. (Derrida 1997, 3)

The metaphysics of presence excludes writing because meaning, understood as pure presence and as the supposed foundation of the metaphysical system, is thought to have the closest affinity with voice, while written signs are seen as secondary. In this structure, meaning is understood as something essentially unaffected by signs. Thus, the concept of the sign contains the distinction between the signifier (signs) and the signified (meaning). This distinction, for Derrida, “belongs in a profound and implicit way to the totality of the great epoch covered by the history of metaphysics.” (Derrida 1997, 13) Within signifiers, however, there is also another hierarchy. Voice is privileged because, although it is also a sign, it is thought to have direct intimacy with meaning and to express it immediately, while writing, seen as a sign of voice, can at most be a mediated representation of meaning.

Pure presence is thought to be unaffected by signs while guaranteeing their meaning. It is therefore understood as independent of concrete empirical conditions. The meaning of a mathematical equation such as $1+1=2$, for instance, is not affected by who says it or in what context. Edmund Husserl describes this kind of objectivity as *ideality* and defines it as that which maintains identity through repetition. (Husserl 2008, 195) Husserl is relevant here because Derrida’s theory begins with his reflection on Husserl’s phenomenology. Unlike traditional metaphysics, which tends to posit pure presence as something eternal and independent of the empirical world, Husserl connects ideality with repeatability. This means that the objectivity of ideality must be confirmed through repetition in the empirical world.

However, Husserl still wants to maintain the purity of ideality, and it is here that Derrida sees an internal tension. On the one hand, Husserl insists on a pure ideality essentially independent of concrete signs. On the other hand, to maintain this ideality, which is essentially repeatable, he has to rely on concrete signs. For Derrida, this tension means that such purity, that is, the absolute difference between ideality and signs, cannot *actually* be maintained. Husserl

wants ideality to remain independent of concrete signs, but this ideality can preserve its identity only through repetition, which relies on signs. Signs therefore cannot be treated as merely external supplements to ideality. What pure presence tries to exclude is already necessary to its own constitution. Within anything present, there is fundamentally a trace of what is absent, and presence becomes itself only through this relation to what is not present. Within so-called pure presence, there is always an interval:

An interval must separate the present from what it is not in order for the present to be itself, but this interval that constitutes it as present must, by the same token, divide the present in and of itself, thereby also along with the present, everything that is thought on the basis of the present, that is, in our metaphysical language, every being, and singularly substance or the subject. In constituting itself, in dividing itself dynamically, this interval is what might be called spacing, the becoming-space of time or the becoming-time of space (temporization). (Derrida 1982, 13)

This spatial and temporal structure of presence and absence, the present and the non-present, is what Derrida marks as *différance*. The word is coined by changing the *e* in *différence* to an *a*, a difference that “remains purely graphic” because “it is read, or it is written, but it cannot be heard.” (Derrida 1982, 3) In this sense, *différance* is not a name that captures the essence of an object, but a word that performs the movement it tries to indicate. Its meaning depends on its difference from *différence*, but this difference can be shown only in writing and cannot be heard immediately in speech. The word therefore shows that meaning is never simply present in itself, but is always disturbed by difference and deferral.

Différance undermines the foundation of the metaphysics of presence. Derrida’s position, however, is not to advocate destroying those systems from the outside. Such external destruction is in fact impossible: any attempt to destroy existing structures from a so-called outside presupposes a new structure of meaning according to which those structures should be destroyed. The so-called destruction is still a new construction. Derrida therefore rejects the idea of a pure outside from which a system could be absolutely interrupted.

What Derrida tries to do is show, *from within*, that the metaphysics of presence contains an internal tension at its very foundation. This is what *deconstruction* does. Deconstruction is

therefore not the destruction of the system.⁴ Derrida explains it as “the undoing, decomposing, and desedimenting of structures” (Derrida 1988, 3): it traces and reveals the *différance* operating at the origin of a system. Since deconstruction must begin from within specific structures conditioned by *différance*, it is itself conditioned by *différance* as well. Just as *différance* has no absolute beginning or end, deconstruction is an ongoing enterprise.

This introduction of *différance* and deconstruction is necessary for understanding Derrida’s view of justice. As we will see, Derrida’s account of law and justice follows the same logic of *différance*, and his claim about the relation between deconstruction and justice can only be understood against this background. The next section turns to Derrida’s account of justice and his critique of Benjamin in *Force of Law*.

2.2 Derrida on Law, Justice, and Divine Violence

In the first part of *Force of Law*, Derrida mainly discusses the relationship between law and justice. In French, both *loi* and *droit* can mean law. More specifically, *loi* refers to “a rule and a command given by an authority empowered to enact it,” (Cassin 2014, 551) while *droit* refers to “a body of rules considered to be just or legitimate.” (Cassin 2014, 235) The former focuses on the concrete norm itself, while the latter concerns the legitimacy of norms. Derrida’s concern is mainly the relationship between *droit* and justice. Like Benjamin, he refuses to identify justice with law. For Derrida, however, the difference between law and justice does not appear as an external force that directly interrupts or destroys the legal order. Rather, law and justice stand in a tension:

But the paradox that I’d like to submit for discussion is the following: it is this deconstructible structure of law (*droit*), or if you prefer of justice as *droit*, that also insures the possibility of deconstruction. Justice in itself, if such a thing exists, outside or be-yond law, is not deconstructible. No more than deconstruction itself, if such a thing exists. Deconstruction is justice. (Derrida 1992, 14-15)

Law (*droit*) is deconstructible because it is a historical and institutional structure. Justice, by contrast, is undeconstructible, but this does not mean that justice exists as a fully present object

⁴ This understanding of destruction seems more applicable to Benjamin, who explicitly defines his own position as a kind of nihilism. See Benjamin (2006b, 306).

outside law. For Derrida, justice is not another stable foundation beyond law. Rather, as the previous section has shown, every system and institution is affected by *différance* at its foundation. Law is therefore never a closed and self-sufficient system. The task of deconstruction is to expose this incompleteness and to prevent law from concealing the dimension of justice by presenting itself as complete. In doing so, deconstruction keeps law open to the dimension of otherness that it cannot contain. Justice, for Derrida, lies in this openness, which is maintained through the deconstruction of legal structures. It is in this sense that Derrida claims that “deconstruction is justice.” (Derrida 1992, 15)

Derrida develops this openness through three aporias⁵ of legal decision. These aporias show that a just decision must pass through law, rules, and calculation, but can never be fully guaranteed by them.

The first is the aporia of rules. A just decision must follow rules, but it cannot be reduced to the mechanical application of rules. A decision without rules would be arbitrary, but a decision that simply applies general rules cannot be fully just, because the generality of rules conflicts with the singularity required by justice. As Derrida writes, “Each case is other, each decision is different and requires an absolutely unique interpretation, which no existing, coded rule can or ought to guarantee absolutely.” (Derrida 1992, 23) A just decision must therefore both conserve the rule and suspend it.

The second is the aporia of decision. A decision must rely on rules; without rules, it would be arbitrary. But a just decision cannot simply be the result of rules or calculation. If a decision merely follows a calculable procedure, it may be legal, but it is not fully just. For this reason, a just decision must pass through what Derrida calls *the undecidable*:

The undecidable is not merely the oscillation or the tension between two decisions; it is the experience of that which, though heterogeneous, foreign to the order of the calculable and the rule, is still obliged [...] to give itself up to the impossible decision, while taking account of law and rules. (Derrida 1992, 24)

⁵ Derrida explains that an aporia is a “non-road,” a situation that does not allow passage. Since experience normally means a traversal toward a destination, the “experience of aporia” is paradoxical: it is an experience of what cannot be properly experienced. However, Derrida holds that there is no justice without this experience of aporia. This is why he calls justice an “experience of the impossible.” See Derrida (1992, 16).

The undecidable is therefore not simple hesitation between two choices, but an experience in which a decision is required but cannot yet be made. This is the aporia: a just decision must pass through the undecidable, but as long as it remains in the undecidable, no decision has yet taken place. Once the decision is made, however, it re-enters the order of rules, justification, and calculation, and its justice can no longer be guaranteed. The decision therefore leaves the undecidable behind only in a practical sense; it cannot erase the undecidability through which it had to pass. The undecidable remains “lodged” like a ghost in every decision, preventing the decision from becoming certain of its own justice. (Derrida 1992, 24-25)

The third is the aporia of time. Justice requires urgency: “a just decision is always required immediately.” (Derrida 1992, 26) But every responsible decision also requires time for interpretation, calculation, and deliberation. A decision made immediately without deliberation risks becoming mere impulse, while a delayed decision already fails the demand for immediacy.

These three aporias point to the same structure: justice must pass through law, but law can never fully secure justice. A just decision must involve rules, calculation, and determinate judgment, yet it cannot be reduced to them. Justice is therefore never fully present in law; it remains as a demand that prevents law from presenting itself as complete and requires law to remain open.

This view of justice directly shapes Derrida’s critique of Benjamin. In the second part of *Force of Law*, Derrida turns to Benjamin’s violence essay. His central concern is Benjamin’s attempt to draw strict distinctions between different forms of violence, especially between mythic and divine violence. Derrida argues that these distinctions cannot be maintained because the forms of violence they separate are always already contaminated by each other.

Derrida first shows this problem through Benjamin’s distinction between law-positing and law-preserving violence. For Benjamin, this distinction seems to presuppose a pure founding moment that separates the establishment of law from its preservation. Against Benjamin, Derrida claims that the establishment of law is never fully completed in a single moment. According to Derrida, every moment simultaneously confirms what has already been

established and promises what is yet to come. (Derrida 1992, 38) Thus, any present moment is intrinsically connected with, and contaminated by, both the past and the future. Since the distinction between law-positing and law-preserving violence depends on the purity of the founding moment, this contamination, which Derrida calls *différentielle contamination*, makes it impossible to maintain the distinction rigorously.

The problem becomes more serious when Derrida turns to Benjamin's distinction between mythic and divine violence. This distinction is crucial for Benjamin's separation between law and justice. For Derrida, however, this separation cannot be secured either. As the first chapter has shown, Benjamin's account of divine violence is marked by a tension: divine violence must have a relation to the secular world and to human action, but its final realization cannot be recognized or determined by human beings. This means that there is a constitutive contamination between divine violence and the secular world. Divine violence is not first a purely divine force that only later enters the secular world; rather, its relation to the secular world is part of what makes it significant as divine violence. Therefore, divine violence cannot remain uncontaminated by the secular order it interrupts. Its difference from mythic violence might still be claimed conceptually, but it cannot be secured as a strict and pure distinction in reality.

Derrida finds this tension between ideal purity and historical actuality at the end of Benjamin's essay, where Benjamin writes:

But *if*, with respect to violence, its standing resource as pure immediate violence is also secured beyond law, this proves that, and how, there is a possibility of revolutionary violence, which is the name reserved for the highest manifestation of pure violence through human beings. (Benjamin 2021, 60; emphasis added)

Derrida emphasizes the conditional form of this sentence. Benjamin seems to preserve the possibility that divine violence may be manifested "through human beings." However, he does not allow the final realization of divine violence to be determined by human beings:

Not equally possible, and also less urgent for human beings is, however, the decision concerning when pure violence was realized in a particular case [...] Once again, all eternal forms that myth bastardized with law stand free and open to pure divine violence. (Benjamin 2021, 60)

Benjamin needs divine violence to remain radically distinct from mythic violence. However, since divine violence must be realized by acting upon the secular order, it cannot preserve this radical separation in a pure form. Derrida finds this problem already in Benjamin's own wording: "Mythic droit [...] is a violence that will have 'bastardized' the 'eternal forms of pure divine violence.' Myth has bastardized divine violence with droit." (Derrida 1992, 56-57) The purity of divine violence is therefore already exposed to contamination by mythic violence. This tension continues to operate within Benjamin's thought, and leads to a further problem. If divine violence cannot remain entirely separate from mythic violence, then what prevents mythic violence from presenting itself as divine violence?

Derrida makes this concern explicit in the postscript to *Force of Law*.⁶ There he points to a disturbing similarity between Benjamin's description of divine violence and the Nazi extermination. Focusing on Benjamin's description of divine violence as *bloodless*, Derrida writes:

When one thinks of the gas chambers and the cremation ovens, this allusion to an extermination that would be expiatory because bloodless must cause one to shudder. One is terrified at the idea of an interpretation that would make of the holocaust an expiation and an indecipherable signature of the just and violent anger of God. (Derrida 1992, 62)

For Derrida, this horrifying possibility follows from the operation of *différance* within Benjamin's distinction. Benjamin needs divine violence to remain radically different from mythic violence,⁷ but it is impossible to provide a precise criterion by which this strict difference can be secured. Divine violence may therefore be confused with the mythic violence it is supposed to interrupt, and mythic violence or even more extreme violence can be interpreted or justified as divine violence.

2.3 The Difficulty in Derrida's Position

Through his deconstructive reading of Benjamin, Derrida finds a tension within Benjamin's

⁶ It should be noted that Derrida's attitude toward Benjamin in *Force of Law* is complex. In the main text, he reads Benjamin largely as an interpreter and a moderate critic. In the postscript, however, he takes a much stronger distance from Benjamin. This complex attitude reveals the tension between Derrida and Benjamin: Derrida is at once close to Benjamin and distant from him. As I will show in the next chapter, this tension stems from the fundamental position they share.

⁷ In the postscript, Derrida writes that Benjamin's violence essay "is still too Heideggerian, too messianico-marxist or archeo-eschatological" (Derrida 1992, 62). For Derrida, Benjamin's thought still remains within the shadow of the metaphysics of presence.

account of divine violence. This tension leads to a real danger because it may allow extreme violence to be justified in the name of divine violence.

However, Derrida's position has also been criticized. One direct criticism is that, when he connects Benjamin's divine violence with Nazi extermination, he exaggerates the potential danger of divine violence. First, for Benjamin, divine violence is not violence carried out through the state apparatus. Rather, divine violence is characterized by the interruption, or even annihilation, of law and sovereign power. Robert Zacharias points out that, since the "Final Solution" "was undertaken *by* the German state, *through* the state's system of command, and justified as a defence *of* that state," it is in fact an extreme example of law-preserving violence, which Benjamin condemns and seeks to destroy. (Zacharias 2007, 113) Second, Derrida's understanding of *bloodless* tends to be too literal. James Martel argues that, for Benjamin, blood does not merely refer to physical blood, but is a symbol of "mere life," or bodily life. Therefore, "the fact of blood is not in and of itself the key to mythical violence." (Martel 2011, 164) The defining feature of mythic violence, then, is not whether blood is physically shed, but whether violence turns life into an object to be controlled, managed, and even sacrificed. In this sense, "the Nazi regime represents the sovereign impulse at its most unconstrained, its most mythical." (Martel 2011, 164) Therefore, although Derrida convincingly points out that Benjamin's distinction is difficult to maintain, he still seems to weaken this distinction too much when he connects divine violence with the "Final Solution."

The second criticism, however, is more serious, because it suggests that Derrida's position may also lead him into a difficulty. The danger in Benjamin's thought is that he cannot strictly prevent divine violence from being appropriated by human beings. Derrida's difficulty, by contrast, is that he understands justice as endlessly deferred and always to come. This avoids Benjamin's difficulty, but it also weakens the force of justice, because in this view the possibility of a historical interruption is seriously weakened, or even excluded. On this point, Agamben writes:

The success of deconstruction in our time is founded precisely on its having conceived of the whole text of tradition, the whole law, as a *Geltung ohne Bedeutung*, a being in force without significance. [...] The law thus becomes ungraspable-but, for this reason, insuperable, ineradicable ("undecidable," in

the terms of deconstruction). We can compare the situation of our time to that of a petrified or paralyzed messianism that, like all messianism, nullifies the law, but then maintains it as the Nothing of Revelation in a perpetual and interminable state of exception, “the ‘state of exception’ in which we live.” (Agamben 1999, 170-171)

Agamben’s criticism reveals the other side of Derrida’s justice. Derrida tries to avoid the danger in Benjamin’s thought: for him, justice is not an external destruction of the legal order, but deconstruction operating within it. However, this may lead to a “paralyzed messianism.” Deconstruction weakens the authority of law, but at the same time allows law to continue operating. By limiting its task to preventing the legal order from closing upon itself, deconstruction also weakens the possibility of an interruption of the legal order. If the legal order is oppressive, deconstruction may question and destabilize the legitimacy of this oppression, but it cannot fully break away from this oppressive order.

Martel’s analysis of Derrida’s view of sovereignty can be understood in this context. He points out that Derrida maintains an ambivalent attitude toward sovereignty. On the one hand, Derrida remains critical of sovereignty; on the other hand, he is unwilling to give up sovereignty entirely because of “his realization that sovereignty has its value despite the challenges that it poses.” (Martel 2012, 38) This problem also applies to Derrida’s attitude toward law. Derrida refuses to identify justice with law, but he cannot affirm a force that decisively interrupts law. In doing so, he inevitably preserves the rule of the legal order, even while criticizing it.

This ambivalence is not accidental. It follows from Derrida’s own understanding of justice. For Derrida, justice is not present in a transcendent realm. However, Derrida still insists that justice cannot be fully reduced to law, rules, or calculation. In this sense, he remains close to Benjamin: both thinkers refuse to identify justice with law. Their difference lies in how they understand the concrete form of justice. However, the tension in both thinkers has a similar structure. They both hold two claims at once: justice cannot be fully reduced to the legal order, and it must have significance in relation to that order. This tension forces both of them to confront the conflict between the ideal and the actual. They cannot fully resolve this conflict; nor can they simply abandon it.

However, this tension is not simply a weakness, because the irreducibility of justice gives

both Benjamin and Derrida a standpoint from which they can criticize the secular order and prevent it from closing upon itself. In the next chapter, I will begin from this point and examine how we should understand their conflict and common ground.

Summary

This chapter has examined Derrida's critique of Benjamin's divine violence. Like Benjamin, Derrida also refuses to identify justice with law. However, he argues that Benjamin's distinction between mythic violence and divine violence cannot be strictly maintained. This distinction cannot remain pure because of *différance*. Therefore, divine violence may be mistaken for mythic violence, or even used to justify extreme violence. Derrida's critique reveals the danger in Benjamin's account, but Derrida's own position also produces a difficulty. By keeping justice as always to come, Derrida is able to avoid the potential danger of divine violence, but he weakens the possibility of justice as a decisive historical interruption.

Chapter 3: The Irreducibility of Justice

This chapter focuses on the shared position between Benjamin and Derrida. Section 3.1 argues that their disagreement presupposes their shared position that justice cannot be fully reduced to law. Section 3.2 further explains that this irreducibility of justice should be understood within a tensional relation that I call *immanent irreducibility*. Section 3.3 then turns to divine violence. It argues that the meaning of divine violence should be understood through the tension between its practical meaning and its critical meaning. It also argues that divine violence cannot be transformed into a clear political program without impairing its critical meaning. Section 3.4 shows how Kafka's works become a shared reference for Benjamin and Derrida, and uses Todorov's discussion of *the fantastic* to explain how Kafka's works preserve immanent irreducibility.

3.1 The Shared Position between Benjamin and Derrida

The previous two chapters have shown that Benjamin and Derrida have fundamentally different views about the concrete form of justice. For Benjamin, justice takes the form of divine violence, which interrupts or even destroys the legal order. For Derrida, justice takes the form of deconstruction, which continuously disturbs the legal order and preserves an openness within it.

However, this difference presupposes a shared position. Benjamin and Derrida do not disagree over *whether* law can fully realize justice. For both thinkers, the legal order cannot realize justice by itself. Justice must therefore be understood through a dimension that cannot be fully reduced to the legal order. If law is thought of as capable of fully realizing justice, then the critique of law remains internal to the legal order: it could criticize particular laws, institutions, or judgments, but it could not question whether law itself can serve as the final framework of justice. Only because justice contains an irreducible dimension can Benjamin and Derrida criticize law, sovereignty, and other forms of secular authority at a more fundamental level.

This shared position is logically prior to their differences, because their disagreement does not concern *whether* justice exceeds law, but *how* justice exceeds law. For Benjamin, the excess of justice over law appears as the interruption and destruction of the legal order. For Derrida, this excess appears as the deconstruction within the legal order. In other words, their differences are different answers developed within the same framework: if justice is not identical with law, *how* does justice relate to law? To clarify this shared position, the next section specifies the structure of this irreducible dimension.

3.2 Immanent Irreducibility

The shared position described above requires further clarification. The irreducibility of justice involved in this position is not a simple transcendence outside law. In other words, justice does not stand completely outside the legal order and remain unrelated to it. For both Benjamin and Derrida, justice exceeds law, but it must take effect in relation to law. The irreducibility of justice can only be understood within this tensional relation. To avoid the possible metaphysical or theological misunderstanding caused by the term “transcendence,” I call this tensional relation *immanent irreducibility*. It is *irreducibility* because justice is not identical with law. It is *immanent* because this irreducibility does not stand outside law, but operates in relation to law within the secular world. Therefore, immanent irreducibility is neither a divine order that guarantees the arrival of redemption nor something that can be directly transformed into a political program. It is first of all a tensional relation in which justice is located. This relation allows Benjamin and Derrida to criticize the self-enclosure of the legal order. Law always tends to present itself as the final form of justice, while immanent irreducibility prevents law from completing this self-enclosure.

Since immanent irreducibility cannot be fully absorbed by the legal order or possessed by human subjects, neither Benjamin nor Derrida provides a concrete guarantee for the justice or redemption that may come. Benjamin insists that the final realization of justice and redemption is not within human power. Although divine violence can be thought of as a force that interrupts law, human beings cannot identify or execute it with certainty. Derrida understands justice as an openness toward the unknown future. Justice is always to come, and

for this reason law cannot present itself as final justice.

If justice should be understood within immanent irreducibility, then divine violence, as a manifestation of justice, should also be understood within this tensional relation. The next section will discuss the meaning of divine violence.

3.3 The Tension of Divine Violence

Divine violence should be understood within the tensional relation of immanent irreducibility. This tension requires us, at least conceptually, to distinguish between two meanings of divine violence. On the one hand, divine violence has a *practical meaning*: it concerns how divine violence can be related to real politics, historical action, and concrete political programs. On the other hand, divine violence has a *critical meaning*: it concerns how the idea of divine violence provides a basis for criticizing the self-enclosure of the legal order.

However, this distinction cannot be made strictly. The practical meaning and the critical meaning of divine violence are not two completely separable levels. Rather, they are intertwined within the tension. If divine violence is deprived of practical meaning, it becomes an abstract idea. But if its meaning is completely reduced to practical meaning, it loses its power to criticize the self-enclosure of law. Therefore, the meaning of divine violence should be understood in the tension between its practical meaning and its critical meaning.

Many studies of divine violence do not treat it merely as a theological concept, but understand it in relation to secular questions of politics, ethics, history, and law. This is especially clear in discussions that connect divine violence with political issues such as revolution, violence, sovereignty, and legal authority.⁸ These studies usually revolve around two questions. First, does divine violence have practical meaning? Second, if it does, how should this practical meaning be understood? In other words, in what form, if any, can divine violence enter real politics? Many interpretations tend to assume that divine violence has at least some practical relevance, and therefore focus more on the second question. However, as we will see, the

⁸ For example, Butler (2006; 2012), Žižek (2008), Hirvonen (2011), Martel (2012), Tomba (2017), and Lehmann (2024).

difficulties encountered by these interpretations also reopen the first question: whether divine violence can be understood, in a stable way, as a concept with practical meaning remains an open question.

Any interpretation that tries to explain the practical meaning of divine violence has to face at least four requirements:

First, it should remain faithful to Benjamin's text. That is, it should at least accord with Benjamin's key claims about divine violence. Otherwise, it is no longer really an interpretation of Benjamin's divine violence, but only a new claim that borrows his concept.

Second, it should preserve the radical and critical meaning of divine violence. The key feature of divine violence is that it is not an internal correction of the legal order, but a force that can interrupt or even destroy the legal order. If an interpretation weakens or even removes this interruptive power, then the possibility of liberation from oppression is also weakened or excluded. Such an interpretation would repeat the difficulty in Derrida's position discussed in Chapter 2.

Third, it should preserve the practical meaning of divine violence. Divine violence cannot be merely an abstract formal concept. It must be able to have a concrete relation to real politics.

Fourth, it should respond to criticisms concerning the real danger of divine violence. If it cannot do so, divine violence becomes a dangerous concept, because it may be used to justify legal violence, or even extreme forms of violence in reality. In that case, even if divine violence still has practical meaning, this meaning becomes highly questionable.

These four requirements are difficult to satisfy at the same time, because there are internal conflicts among them. First, Benjamin's text itself contains a tension that is difficult to eliminate. On the one hand, divine violence must have a relation to the secular order; on the other hand, its realization cannot be identified or executed with certainty by human beings. Therefore, any interpretation that tries to remain faithful to Benjamin's text must also preserve this tension. But this tension conflicts with the demand to provide a clear and workable political

interpretation.

Second, there is also a conflict between the critical meaning of divine violence and its real danger. The more divine violence is interpreted as a destructive and interruptive force, the more it can preserve its critical force against the legal order. At the same time, however, it becomes more difficult to respond to Derrida's worry that divine violence cannot be clearly distinguished from the legal or extreme violence it is supposed to oppose. Conversely, if an interpretation weakens the destructiveness of divine violence in order to avoid this danger, it risks repeating Derrida's difficulty: it reduces the danger of misuse, but also weakens the possibility of liberation from oppression.

Finally, there is also a potential conflict between the practical meaning of divine violence and its real danger. If an interpretation tries to avoid the real danger of divine violence as much as possible, it often tends to give divine violence a relatively formal definition. In this case, although it may still claim to preserve practical meaning, it has difficulty explaining clearly how this meaning can be concretely applied to real politics. Conversely, if an interpretation tries to affirm a connection between divine violence and concrete political events, such as revolution, strike, or rebellion, it must again face Derrida's criticism of divine violence, which remains difficult to answer.

The tension contained in divine violence therefore seems to be fundamentally in conflict with the demand to clarify its practical meaning. Interpretations of divine violence often achieve relative coherence by emphasizing some requirements while weakening others.⁹ However, none of these interpretations fully resolves the tension at the center of divine violence.¹⁰ This has led some scholars to adopt a skeptical position toward the practical meaning of divine violence. For

⁹ For example, Žižek (2008) connects divine violence with revolutionary rupture and concrete political action. He even treats it as a political act that may involve killing. This reading preserves the radicality and practical meaning of divine violence, but it also makes it difficult to distinguish divine violence from other forms of political violence. Swiffen (2025) argues that Žižek cannot maintain the boundaries of this distinction, while Bernstein (2013, 62-65) suggests that Žižek's examples seem closer to mythic violence than to divine violence. Butler (2006; 2012), by contrast, interprets divine violence as a nonviolent interruption of coercive law, rather than as a direct act of revolutionary destruction. This reduces the danger of treating divine violence as destructive political violence, but it also risks weakening Benjamin's emphasis on divine violence as law-annihilating. For criticisms of Butler, see Bernstein (2013, 57-63), Weaver (2023), and Swiffen (2025).

¹⁰ For an overview of representative interpretations of divine violence, see Swiffen (2025).

example, Weaver (2023) argues that since Butler's nonviolent reading of divine violence still fails to respond adequately to Derrida, the idea of divine violence "should be repelled into the realm of the divine" before a sufficient response is provided. Swiffen (2025) also points out that attempts to clarify divine violence instead make it more ambiguous. She therefore questions whether the internal ambiguity of divine violence allows it to become a meaningful and useful category in political and legal theory.

These doubts are reasonable because they point to the unavoidable difficulty involved in the political actualization of divine violence. However, they also involve a potential risk. If the meaning of divine violence is judged mainly according to whether it can be given a stable practical meaning, then once this practical meaning is questioned, divine violence itself may also be devalued or abandoned as a whole. In that case, the critical meaning contained in divine violence would also be ignored.

The point, then, is not to strictly separate the practical meaning from the critical meaning, but to keep their tension visible. Divine violence must have a relation to the secular, but it cannot be fully reduced to the secular. For this reason, divine violence can hardly be transformed into a clear and safe political program.

I am not claiming that existing studies ignore the critical meaning of divine violence, nor that they simply reduce divine violence to a political program. Most scholars do not simply ignore or deny the critical meaning of divine violence. On the contrary, my point is that precisely because this critical meaning is often accepted as a background assumption, it can easily be weakened in concrete interpretations. As long as an interpretation tries to explain the practical meaning of divine violence in a reasonable way, it inevitably has to make divine violence clearer, safer, and easier to incorporate into a practical framework. This process can continuously, in practice, lead to the neglect of its critical meaning.

Therefore, awareness of this tension between the two meanings cannot be guaranteed by a one-time theoretical statement. As long as divine violence is placed within the question of its practical meaning, this tension continuously exposes us to a risk: in trying to explain how

divine violence enters real politics, we may unconsciously weaken its critical meaning.

My aim is not to provide an interpretation that can completely resolve this tension. In fact, if divine violence is constituted by this tension, then eliminating the tension would also eliminate the idea of divine violence itself. My point is rather that, if this tension is continuous, then the risk of neglecting this tension and the critical meaning of divine violence is also continuous. What we need, then, is a reminder that can continuously keep us aware of this tension and prevent us from overlooking it.

I argue that Franz Kafka's works can perform this function. It is well known that Kafka is an important shared reference for comparing the differences between Benjamin and Derrida. However, I think we also need to ask *why* Kafka's works can function as such a reference. In other words, what allows Kafka's works to provide a common site in which the differences between Benjamin and Derrida can coexist without being dissolved? In the next section, I will demonstrate that the special fantastic character of Kafka's works plays a crucial role in this question.

3.4 Kafka as a Shared Reference

As the previous discussion has shown, the tension of divine violence cannot simply be resolved. It should instead be preserved, because divine violence would otherwise lose its critical meaning. Kafka's works are important here not because they offer a theoretical solution to this problem, but because they provide a textual site in which such a tension can remain visible. This section first discusses Benjamin's reading of Kafka, and then turns to Derrida's analysis of Kafka's *Before the Law*. Finally, I argue that Kafka's works can function as a shared reference for both thinkers because of their special fantastic character.

3.4.1 Benjamin and Derrida on Kafka

Benjamin's interpretation of Kafka first excludes two possible approaches. In *Franz Kafka: On the Tenth Anniversary of His Death*, Benjamin writes:

There are two ways to miss the point of Kafka's works. One is to interpret them naturally, the other is the supernatural interpretation. Both the psychoanalytic and the theological interpretations equally

miss the essential points. (Benjamin 2007, 127)

For Benjamin, neither the psychological nor the theological interpretation truly grasps Kafka's works. The psychological interpretation reduces Kafka's world to the subjective experience, while the theological interpretation understands Kafka's works as an obscure expression of the divine. For Benjamin, however, Kafka's works can neither be incorporated into a completely secular framework nor reduced to an expression of traditional theology.

Benjamin explains this feature of Kafka's works through the relation between *Haggadah* and *Halakhah* in Jewish tradition. In a broad sense, Halakhah refers to the legal or normative dimension of Jewish tradition, while Haggadah refers to the non-legal, narrative, and interpretive dimension of that tradition. It is in this context that Benjamin writes:

The word "unfolding" has a double meaning. A bud unfolds into a blossom, but the boat which one teaches children to make by folding paper unfolds into a flat sheet of paper. This second kind of "unfolding" is really appropriate to the parable [...] Kafka's parables, however, unfold in the first sense, the way a bud turns into a blossom [...] they have, rather, a similar relationship to doctrine as the Haggadah does to the Halakah. They are not parables, and yet they do not want to be taken at their face value; they lend themselves to quotation and can be told for purposes of clarification. But do we have the doctrine which Kafka's parables interpret and which K.'s postures and the gestures of his animals clarify? It does not exist; all we can say is that here and there we have an allusion to it. (Benjamin 2007, 122)

Like Haggadah, Kafka's parables seem to be related to some doctrine that is not directly presented. Unlike Haggadah, however, these parables do not have a clearly present Halakhah as their final ground. This becomes clearer in Benjamin's 1938 letter to Gershom Scholem, where he writes:

Kafka's real genius was that he tried something entirely new: he sacrificed truth for the sake of clinging to its transmissibility, its haggadic element. Kafka's writings are by their nature parables. But it is their misery and their beauty that they had to become more than parables. They do not modestly lie at the feet of the doctrine, as the Haggadah lies at the feet of the Halakah. Though apparently reduced to submission, they unexpectedly raise a mighty paw against it. (Benjamin 2007, 143-144)

For Benjamin, Kafka's works are not simply parables that serve a determinate truth. They sacrifice the determinate content of truth, but preserve its transmissibility. Truth no longer appears as a doctrine that can be directly explained; rather, it remains obscure and indeterminate.

This point needs to be understood in relation to Benjamin's view of the relation between the secular and the divine. For Benjamin, the secular world is not a self-sufficient realm, but a state that comes after the fall from an original divine order.¹¹ Therefore, Benjamin does not think that truth can be fully realized within the secular world. For him, truth means the interruption or destruction of the secular order. In this sense, Kafka's works preserve the possibility of truth through a special ambiguity that dissolves the self-enclosure of the secular world. This is the critical significance of Kafka's works: secular law tends to present itself as an ultimate order, but Kafka's narrative interrupts this closure by presenting an ambiguity that secular law cannot incorporate or eliminate.

If Benjamin reads in Kafka a narrative that preserves the form of truth, Derrida reads in Kafka another critical structure. For Derrida, Kafka's *Before the Law* shows *différance* operating within law itself. Legal authority is not purely present. Rather, it maintains its authority precisely by continually deferring its own accessibility.

Derrida's analysis focuses on a specific scene in the parable: the man from the country comes before the law and asks to enter. The doorkeeper does not simply refuse him, but tells him "not at the moment." It is here that Derrida notices the way law operates: "As represented by the guardian, the words spoken by the law do not say 'no' but 'not yet,' indefinitely." (Derrida 2018, 53) Law maintains its authority neither by completely closing itself nor by fully opening itself. Rather, law presents itself as accessible, while entry into the law is continually deferred. This structure gives law its secrecy, which lies between openness and prohibition.

However, the secret of law is not a present object waiting to be revealed, but an effect produced by words. Derrida points out that the prohibition of entry is not a coercive prohibition: "The gateway is physically open, the guardian does not interpose himself by force. It is his words that are effective at this boundary, not to forbid directly, but to interrupt and delay entry or permission to enter." (Derrida 2018, 51) In this sense, legal authority depends on mediation because it operates through discourse. This is why Derrida writes: "Law's prohibition at the

¹¹ See Benjamin (2004a).

present time is therefore not a prohibition, in the sense of an imperative constraint, it is a différance.” (Derrida 2018, 50)

The man from the country stands before the law for his whole life, but he never enters it. For Derrida, this delay is not an accidental feature of law, but the very way law operates:

That which is deferred is not this or that experience, access to some pleasure, to something good, not even a supreme good, the possession or the penetration of something or of someone. That which is forever deferred, even until death, is entry into the law itself, which is nothing other than that which dictates the delay. By interfering and delaying, the law interdicts the “doing”, the rapport, the relationship, the reference. The origin of différance, that is what one must not and that cannot be approached, presented, represented, and above all, penetrated. That is the law of law, the trial of a law about which one can never say “there it is,” here or there. It is neither natural nor institutional. One never arrives there and, ultimately within its original and its own taking-place, it never arrives. (Derrida 2018, 53-54)

Thus, Derrida also reads in Kafka a critique of the self-enclosure of law. If legal authority relies on différance, then law cannot become a self-sufficient final order. Law maintains its authority by continually deferring its own accessibility. We may therefore say that, for Derrida, Kafka’s text reveals différance that operates at the foundation of law. Through the prism of Kafka’s parable, the movement of différance becomes more clearly visible.

Although Benjamin and Derrida find different structures in Kafka, their interpretations similarly point to the fact that Kafka’s works show that secular law is not self-sufficient. For Benjamin, Kafka preserves a trace of truth; for Derrida, Kafka shows the différance operating within law. Although their specific paths are different, Kafka’s works preserve for both of them a tension that cannot be fully absorbed by the secular, and that also cannot be clearly identified, determined, or appropriated. This is the dimension of immanent irreducibility. It is in this sense that Kafka can become a shared reference between Benjamin and Derrida, because immanent irreducibility is the basis of their shared critical position. The next question is *why* Kafka’s works are able to preserve this immanent irreducibility. I will answer this question through discussion of *the fantastic*.

3.4.2 Kafka’s Fantastic

In *The Fantastic: A Structural Approach to a Literary Genre*, Tzvetan Todorov attempts, from a

structuralist perspective, to define *the fantastic* as a literary genre. For Todorov, the fantastic begins with hesitation:

In a world which is indeed our world, the one we know, a world without devils, sylphides, or vampires, there occurs an event which cannot be explained by the laws of this same familiar world. The person who experiences the event must opt for one of two possible solutions: either he is the victim of an illusion of the senses, of a product of the imagination - and laws of the world then remain what they are; or else the event has indeed taken place, it is an integral part of reality - but then this reality is controlled by laws unknown to us. Either the devil is an illusion, an imaginary being; or else he really exists, precisely like other living beings - with this reservation, that we encounter him infrequently.

The fantastic occupies the duration of this uncertainty [...] *The fantastic is that hesitation experienced by a person who knows only the laws of nature, confronting an apparently supernatural event.* (Todorov 1973, 25; emphasis added)

Todorov further provides three formal conditions for fantastic literature (Todorov 1973, 33). First, the primary condition of the fantastic is the reader's hesitation between a natural and a supernatural explanation of a specific event. Second, the characters in the text may also experience this hesitation. This condition is not necessary, but Todorov believes that most works of fantastic literature satisfy it (Todorov 1973, 31–32). Third, fantastic literature requires the reader to adopt a specific attitude toward the text. On the one hand, the reader should not read it allegorically, in which case the reader understands the literal meaning of the text as referring to another meaning. On the other hand, the reader should not read it poetically, in which case the reader focuses on the literal arrangement of the text. Therefore, the fantastic presents an event within a seemingly real world and keeps the reader in a state of hesitation between natural and supernatural explanations.

The object of Todorov's discussion is a specific literary genre that appeared in the eighteenth and nineteenth centuries and "has had a relatively brief life span" (Todorov 1973, 166). Therefore, the fantastic he defines is a historical concept. In the final chapter of the book, Todorov raises another question: "What has become of the narrative of the supernatural in the twentieth century?" (Todorov 1973, 169) It is from this question that Todorov turns to Kafka's work.

In the fantastic, a strange event usually occurs in a normal world, and this event causes

the reader, and sometimes also the characters, to remain in hesitation. This hesitation is eventually reduced to a determinate result in different ways.¹² In Kafka's work, however, the situation is reversed. In *The Metamorphosis*, Kafka directly reports a supernatural event at the beginning: Gregor Samsa has turned into a giant insect. But in Kafka's world, "the most surprising thing is precisely the absence of surprise with regard to the unheard-of event that has befallen Gregor Samsa." (Todorov 1973, 169) Todorov argues that Kafka's story presents a process opposite to the movement from the natural to the supernatural in the fantastic:

If we approach this narrative with the categories previously elaborated, we see that it is sharply distinguished from the traditional fantastic stories. First of all, the uncanny event does not appear following a series of indirect indications, as the climax of a gradation: it is contained in the very first sentence. The fantastic started from a perfectly natural situation to reach its climax in the supernatural. "The Metamorphosis" starts from a supernatural event, and during the course of the narrative gives it an increasingly natural atmosphere - until at the end, the story has gone as far as possible from the supernatural. Thereby all hesitation becomes useless: its function had been to prepare the way for the perception of the unheard-of event, and to characterize the transition from natural to supernatural. Here, it is a contrary movement which is described: that of adaptation, which follows the inexplicable event and which characterizes the transition from the supernatural to the natural. Hesitation and adaptation designate two symmetrical and converse processes. (Todorov 1973, 171)

Through this reversed operation, Kafka's entire world becomes strange: "He treats the irrational as though it were part of a game: his entire world obeys an oneiric logic, if not indeed a nightmare one, which no longer has anything to do with the real." (Todorov 1973, 173) Hesitation is not simply an individual experience, but the general condition of the textual world. However, it is precisely this dreamlike logic that makes Kafka's world fundamentally resist rational reduction. Todorov quotes Sartre: "And our reason, which was to right the topsy-turvy world, swept into this nightmare, becomes itself fantastic." (Todorov 1973, 174) In this way, Kafka presents "a generalized fantastic which swallows up the entire world of the book and the reader along with it." (Todorov 1973, 174) In Kafka's world, the fantastic is no longer an exception, but the rule. I call this generalized fantastic *Kafka's fantastic*.

The core feature of the fantastic lies in a hesitation that cannot be excluded or fully

¹² Todorov notes that, at the end of the story, the reader will choose one of the two explanations and thereby leave the fantastic behind. If the reader accepts the natural explanation, the fantastic turns into *the uncanny*, and if the reader accepts the supernatural explanation, it turns into *the marvelous*. See Todorov (1973, 41-57).

reduced, and Kafka's fantastic makes this hesitation operate as a general rule within the textual world. The key consequence is that Kafka's textual world preserves an irreducible dimension within immanence. This dimension cannot be fully reduced to a natural, psychological, or social explanation; but neither can it be determined as a present supernatural or divine order. It is in this sense that Benjamin rejects both the psychological and the theological interpretations of Kafka. If we ask what this dimension "really is," we have already, to some extent, misunderstood Kafka's fantastic. This dimension is not an object that can be named, defined, or possessed. It appears only through the disturbance of certainty and presence.

This is also why Kafka's fantastic is relevant to the problem of divine violence. We can see two crucial consequences of Kafka's fantastic. First, in the context of real politics, uncertainty is usually viewed as something negative that needs to be overcome, because real politics requires judgment, decision, and calculation. In Kafka's works, however, hesitation and uncertainty form the basic tone of the entire world. They are not something that can simply be excluded. Second, Kafka's fantastic preserves and displays a dimension that cannot be completely reduced. This is possible because Kafka sets his stories within a secular world close to the one we live in. The worlds of Samsa and K. are certainly not identical with our real world, but neither can they be completely isolated as a purely fantasy world unrelated to real experience. They are composed of secular elements such as family, office, law, and bureaucracy. For this reason, Kafka's fantastic has an intrusive character: it occurs within scenes similar to our real world and therefore intrudes back into our understanding of the real world, making it impossible for us to understand law and authority simply as self-sufficient orders.

It is in this sense that Kafka's fantastic opens a gap within the secular world. This gap can neither be completely absorbed by the secular order nor fixed as a determinate theological dimension. It is the literary form of what I have called immanent irreducibility. Benjamin reads from this gap the trace of truth and the possibility that the dimension of redemption has not entirely disappeared, while Derrida reads from it the movement of *différance* within law. Their specific directions are different, but both depend on this irreducibility preserved by Kafka's fantastic.

If Kafka's fantastic can preserve immanent irreducibility, then fantastic literature may have a broader critical potential. This does not mean that all fantastic literature necessarily has political significance. Rather, some fantastic literature may become critical when it allows elements that cannot be explained or reduced to intrude into a world close to our own. In this way, fantastic literature can expose the non-self-sufficiency of the real order and preserve the possibility of criticizing, or even interrupting, that order. This is its indirect relation to the problem of divine violence: it does not solve the practical problem of divine violence, but it preserves, in literary form, the tension through which the critical meaning of divine violence remains visible.

Summary

This chapter has shown that the difference between Benjamin and Derrida should be understood through their shared position. I have argued that, for both thinkers, justice cannot be fully reduced to law, and that this irreducibility of justice should be understood within a tensional relation that I call *immanent irreducibility*. On this basis, I have further argued that the meaning of divine violence should be understood through the tension between its practical meaning and its critical meaning. Divine violence has practical meaning, but it cannot be transformed into a clear and safe political program without impairing its critical meaning. Therefore, the tension of divine violence is not a defect to be eliminated, but a basic feature that should be preserved. Kafka's works become important because they preserve this tension in literary form. They provide a shared reference for Benjamin and Derrida and show what immanent irreducibility may look like within the secular world.

Conclusion

This thesis has argued that the disagreement between Benjamin and Derrida should not be understood as an opposition between two external positions. There is indeed a clear difference between them on the question of divine violence. For Benjamin, justice interrupts or even destroys the legal order in the form of divine violence. For Derrida, by contrast, justice takes the form of deconstruction within law: it continuously disturbs law and preserves an openness within it. However, I have argued that this disagreement already presupposes a shared premise: justice cannot be fully reduced to law.

Chapter 1 showed that Benjamin introduces divine violence as radically different from legal violence. Legal violence establishes and preserves law itself, while divine violence opens a space for justice by interrupting or even destroying the legal order. However, this produces a tension in Benjamin's account of divine violence. For Benjamin, divine violence must have a relation to the secular order, but it also cannot be identified, possessed, or executed with certainty by human subjects. Human action is therefore required to relate to a realization that it cannot identify.

Chapter 2 demonstrated that, for Derrida, the strict distinction Benjamin tries to draw between mythic violence and divine violence cannot be maintained. Divine violence cannot remain pure and strictly separate from mythic violence once it is thought in relation to the legal order. Thus, it may be mistaken for mythic violence, or even used to justify extreme violence. Derrida's critique is powerful because it reveals the danger within Benjamin's account. However, it also leads to another difficulty. Derrida's understanding of justice can avoid the potential danger of divine violence, but it also weakens the historical possibility of liberation from oppression.

Chapter 3 further argued that the conflict between Benjamin and Derrida presupposes their shared position. Both thinkers refuse to let law fully possess justice. For them, justice contains an irreducibility that cannot be fully absorbed by law. This irreducibility of justice should be understood within a tensional relation that I call *immanent irreducibility*. Justice exceeds

law, but it also has an internal relation to law. At this point, their common ground and their difference appear together: both insist that justice cannot be identified with law, but they understand differently how justice acts upon law. From the perspective of immanent irreducibility, the tension of divine violence also needs to be reinterpreted. This tension is not a defect that needs to be eliminated, but a basic feature of divine violence. I argued that the meaning of divine violence should be understood through the tension between its practical meaning and its critical meaning. This tension of divine violence explains why interpretations of its practical meaning encounter difficulties and easily risk neglecting its critical meaning. Therefore, my aim is not to provide an interpretation that can finally resolve this tension, but to explain why this tension needs to be continuously preserved. Kafka's works play an important role in this argument. Kafka provides a shared reference for Benjamin and Derrida. Through Todorov's discussion of the fantastic, I further explained how Kafka's works can perform this function because of their special fantastic character.

This thesis does not directly resolve the tension of divine violence. On the contrary, it proposes that the key to understanding the meaning of divine violence does not lie in transforming it into a clear practical program, but in remaining aware of why it *cannot* be completely transformed in this way. The potential danger and the critical force of divine violence come from the same tensional relation. Kafka's works help to keep this tension visible: they preserve, in literary form, the immanent irreducibility that prevents the legal order from presenting itself as final justice. The justice manifested by divine violence can be properly understood only within this continuous tension between the secular and what cannot be reduced to the secular.

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Abstract

This thesis examines Walter Benjamin's concept of divine violence and Jacques Derrida's critique of it. Benjamin understands divine violence as a force that is connected with the realization of justice by interrupting or even destroying the legal order. Derrida argues that the purity of divine violence cannot be maintained. As a result, divine violence may be confused with the violence it is supposed to interrupt, or even used to justify extreme violence. However, I argue that their disagreement presupposes a shared critical position: justice cannot be fully reduced to law. This irreducibility of justice can only be understood within a tensional relation, which I call *immanent irreducibility*. On this basis, I argue that divine violence, as a manifestation of justice, should be understood through the tension between its practical meaning and its critical meaning. Therefore, the tension of divine violence is not a defect to be eliminated, but a basic feature to be preserved. Finally, by turning to Franz Kafka's works, I demonstrate that this tension can be preserved in literary form.

Annotation

This thesis examines Walter Benjamin's concept of divine violence and Jacques Derrida's critique of it. I argue that their disagreement presupposes a shared critical position: justice cannot be fully reduced to law. This irreducibility of justice can only be understood within a tensional relation, which I call *immanent irreducibility*. I further argue that the meaning of divine violence should be understood within a tension that needs to be preserved. Finally, I suggest that fantastic literature, such as Kafka's works, is able to preserve this tension of divine violence.

Keywords: Walter Benjamin; Jacques Derrida; divine violence; immanent irreducibility; Kafka's fantastic

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