

Political Theology and Pauline Law: Notes Toward a Sapiential Legality

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In 1979, on the thirty-ninth anniversary of the closing of the Franco-Spanish border at Port Bou and one day before the anniversary of the suicide of Walter Benjamin, Jacob Taubes and Carl Schmitt opened the Bible in the Sauerland. The two men sat down in Plettenburg to read St. Paul's Epistle to the Romans, chapters 9–11. As if in memory of Benjamin, they spoke "under a priestly seal": Schmitt, the most important state law theorist of the twentieth century, a Roman Catholic and sometime member of the Nazi Party; Taubes, a Jewish philosopher of a Messianic and oddly left-wing disposition. In a familiar "zone of anomie," the two men resurrected a debate on the rule of Law, the anarchic plenitude of "pure violence," and the political theology of the "state of exception"—a debate first textually manifested in 1923 when Benjamin cited Schmitt's *Political Theology* in *The Origin of German Tragic Drama*.¹

1. Walter Benjamin, *The Origin of German Tragic Drama*, trans. John Osborne (London: Verso, 1998), p. 265; Carl Schmitt, *Political Theology*, trans. George Schwab (Cambridge, MA: MIT Press, 1985). According to Giorgio Agamben, Schmitt's theory of the "state of exception"—as articulated in *Political Theology* (1922)—was formulated as a response to Benjamin's 1921 essay "Critique of Violence" (trans. Edmund Jephcott, in Benjamin, *Selected Writings*, vol. 1, 1913–1926, ed. Marcus Bullock and Michael W. Jennings [Cambridge, MA: Harvard UP, 1996], pp. 236–52). In "Critique of Violence," Benjamin articulated his notion of "pure violence," of an anomic/divine "action" or "force" outside the dialectic of the Law. Benjamin posited this "pure violence" as the "extreme political object" that paradoxically both threatens and establishes the "rule of Law." Agamben suggests that the Schmitt-Benjamin debate began here, and thus he reads it as *initiated* by Schmitt in the form of a response to Benjamin (and not the other way around, as it has usually been supposed). In this way, Agamben charges the logic of the plenitude/anarchy of "pure violence" with a kind of ontological priority over the restrictive authoritarian

And so it was in the Sauerland, in September 1979, that Taubes unfolded to Schmitt a strange Jewish reading of Paul through Sabbatianism and the liturgy of Yom Kippur. When he was finished Schmitt looked up at him and said: “Taubes, before you die, you must tell some people about this.”²

It took almost a decade for Taubes to act on Schmitt’s injunction, and it happened only weeks before his own death. In February 1987, so full of cancer that he could not stand up, Taubes broke the silence of his “priestly seal” to deliver his last lectures at Heidelberg University on the Epistle to the Romans, entitled, “Theory of Religion and Political Theology.”³

According to Taubes, Paul’s Epistle “carries a political charge” that is “explosive to the highest degree.”⁴ It is a polemical justification of “pneumatic rule,” a Messianic rule that suspends both *Imperium Romanum* and Torah through the establishment of a new subterranean society. Announcing the advent of a “third” politic—beyond Rome’s sovereign rule and Israel’s Law of religious ethnicity—Paul is said to declare the transvaluation of sovereignty: “It isn’t *nomos* but rather the one who was nailed to the cross by *nomos* who is imperator!”⁵ In this way Taubes offers a reading

legality of sovereign rule, thereby reading Schmittian logic as a reactive attempt to dialectically include the anomic truth of “pure violence.” Thus, the debate between Schmitt and Benjamin takes place in a “zone of anomie,” which continued after Benjamin’s death with Taubes in Benjamin’s stead. See Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: Univ. of Chicago Press, 2005), pp. 52–64.

2. Jacob Taubes, *The Political Theology of Paul*, trans. Dana Hollander (Stanford, CA: Stanford UP, 2004), p. 3.

3. The translation of these lectures makes up the bulk of *The Political Theology of Paul*.

4. Taubes, *The Political Theology of Paul*, p. 24. For more on the universal political implications of Paul (now from the point of view of the rootedness of his theology in Hellenistic political theory), see Bruno Blumenfeld, *The Political Paul: Justice, Democracy and Kingship in a Hellenistic Framework* (London: Sheffield Academic Press, 2001).

5. Taubes, *The Political Theology of Paul*, pp. 23–28; here, p. 24. For Taubes, *nomos* in Paul encompasses both the specificity of Torah and the universal function of the political rule of Law. Only in terms of this understanding can the declaration concerning “the one who was nailed to the cross by *nomos*” effectively suspend both *Imperium Romanum* and Torah. Taubes thus proposes an *expansive* understanding of Pauline *nomos* (one I would want to distinguish from the tendency to read Paul’s discussion of *nomos* in terms merely of a generalizable “moral law”). Taubes’s position would be considered contentious among certain Pauline scholars, not least N. T. Wright (to name just one example), for whom Paul’s use of the word “*nomos*” always and specifically signifies “Torah” in a restrictive and concrete sense. Cf. N. T. Wright, “The Law in Romans 2,” in James D. G. Dunn, ed.,

of Paul that outwits the logic of legality *tout court*. Paul transfigures a people into a new community through the “deactivation” of the Law by establishing the rule of *pneuma*, where the Law is no longer practiced but “studied” in a Benjaminian sense.⁶ The Pauline Epistle hereby bears witness to a revolutionary specter: a specter against which all the powers of the Old Mediterranean—Roman, Greek, and Jewish—are said to have entered into holy alliance to exorcise.⁷

In the eighth thesis of “On the Concept of History,” Benjamin famously recapitulated the Schmittian sovereign “who decides on the state of exception.”⁸ He declared: “[T]he real ‘state of emergency’ in which we live is

Paul and the Mosaic Law: The Third Durham Tübingen Research Symposium on Earliest Christianity and Judaism (Tübingen: Mohr, 1996), pp. 131–50.

6. “The law which is studied and no longer practiced is the gate of justice” (Walter Benjamin, “Franz Kafka,” trans. Harry Zohn, in *Selected Writings*, vol. 2, 1938–1940, ed. Michael W. Jennings, Howard Eiland, and Gary Smith [Cambridge, MA: Harvard UP, 1999], pp. 794–818; here, p. 815). Another way of understanding the Benjaminian “deactivation” of the Law, is as the evacuation of the “theological” content of the Law to the merely “philological,” or what Gershom Scholem would call “validity without significance.” Cf. Walter Benjamin, *The Arcades Project*, trans. Howard Eiland and Kevin McLaughlin (Cambridge, MA: Harvard UP, 2002), p. 460.

7. For Taubes, it is specifically Romans 8 that functions as Paul’s text of Messianic proclamation, and for him it is linked, in the spirit of the politics it justifies, to Benjamin’s “Theological-Political Fragment” (trans. Edmund Jephcott, in *Selected Writings*, vol. 3, 1935–1938, ed. Michael W. Jennings and Howard Eiland [Cambridge, MA: Harvard UP, 2002], pp. 305–306). On Taubes’s view, both Romans 8 and “Theological-Political Fragment” posit the futility of creation as a kind of negative political ground upon which Messianic/*pneumatic* redemption occurs, i.e., the “restitution in integrum” (Taubes, *The Political Theology of Paul*, p. 70). The Taubesian link between Paul and Benjamin is further substantiated by the recent work of Agamben, who has argued that the little dwarf controlling the puppet called “historical materialism” was always St. Paul. This suggests that something of Paul’s theology of the Law may have always underpinned the Benjamin-Schmitt debate. See Giorgio Agamben, *The Time That Remains: A Commentary on the Letter to the Romans*, trans. Patricia Dailey (Stanford, CA: Stanford UP, 2005), pp. 138–45.

8. Schmitt, *Political Theology*, p. 5. The decisionism/voluntarism of Schmitt’s theory of the rule of Law is rooted in his attempt to articulate a “human” notion of Law, as opposed to its “bureaucratic” degeneration under liberalism. In order to articulate this “human” aspect, Schmitt locates the Law wholly in the *will* of the sovereign, in the act of “pure decision.” Schmitt is crucially reliant on chapter 26 of Thomas Hobbes’s *Leviathan*, where Hobbes states that sovereign power/decision *makes* Law and therefore Law is not a matter of *truth* or *reason*. It is perhaps ironic that Schmitt, who was attempting to do battle against “modern” ideas of Law and sovereignty, would root his own notion of sovereignty so deeply in Hobbes, who, as John Milbank has shown, was himself a quintessentially *modern* political thinker. As Milbank notes, Hobbes represents a key modernizing

not the exception but the rule.”⁹ Thus, Benjamin transfigured Schmittian “decision” into the revolutionary “task” that should seek to bring about the “real state of exception.” Taubes extends this political theology, supplementing the eighth thesis with Gershom Scholem’s Sabbatianism (reading Paul as a Nathan of Gaza).¹⁰ The real state of exception is realized in the new community that recognizes sovereignty in the one anathematized by the Law (whether Sabbatai Zevi or Jesus of Nazareth). The force of Law is “deactivated” through the abjection of God’s sovereign, who is the concrete revelation that the exception is in fact the rule.

For Taubes, the command of Torah to love God and neighbor (cf. Deut. 6:5 and Lev. 19:18) is crucially reformulated by Paul into an injunction to love the “enemy” (cf. Rom. 11:28).¹¹ Only loving the “enemy” enacts the politics of Love beyond the rule of Law. It is thus that Taubes arrives at the sentence of deliberation between him and Schmitt: *as regards the Gospel, the Jews are enemies* (Rom. 11:28). By his own logic, Schmitt could only read the text in one way: “the political” is founded by the rule of exception

moment in political thought toward a notion of sovereignty imbued with the superstition of Enlightenment logic: collapsing sovereignty into “technical control” in imitation of Enlightenment science’s collapse of “truth” into the same. Just as “truth” is reified into “pure empirical grasp,” so sovereignty is reified into “pure power/decision.” Both cases bear witness to a dissociation of sensibility, a loss of the pre-modern sense of *wisdom’s mediation* of both the Law and sovereignty. For Schmitt’s use of chapter 26 of *Leviathan*, see Schmitt, *Political Theology*, pp. 32ff. On Hobbes, see John Milbank, *Theology and Social Theory: Beyond Secular Reason*, 2nd ed. (Oxford: Blackwell, 2006), pp. 10–23. This critique of Schmitt’s reliance on Hobbes was originally noted (in a slightly different way) by Leo Strauss, who, in his commentary on Schmitt’s *The Concept of the Political*, described Schmitt’s reliance on Hobbes as betraying the fact that he was yet “under the spell” of the liberalism he was apparently criticizing. See Leo Strauss, “Notes on Carl Schmitt, *The Concept of the Political*,” trans. J. Harvey Lomax, in Carl Schmitt, *The Concept of the Political*, trans. George Schwab (Chicago: University of Chicago Press, 1996), pp. 81–108.

9. Walter Benjamin, “On the Concept of History,” trans. Harry Zohn, in *Selected Writings*, vol. 4, 1938–1940, ed. Howard Eiland and Michael W. Jennings (Cambridge, MA: Harvard UP, 2003), pp. 389–400; thesis VIII at p. 392.

10. For Scholem’s Sabbatianism, see Gershom Scholem, *The Messianic Idea in Judaism and Other Essays on Jewish Spirituality*, trans. Michael A. Meyer and Hillel Halkin (New York: Schocken Books, 1971); and Gershom Scholem, *Sabbatai Sevi: The Mythical Messiah*, trans. R. J. Zwi Werblowsky (Princeton, NJ: Princeton UP, 1973). On the relation of the political theologies of Scholem and Benjamin, see Eric Jacobson, *Metaphysics of the Profane: The Political Theology of Walter Benjamin and Gershom Scholem* (New York: Columbia UP, 2003).

11. Cf. Taubes, *The Political Theology of Paul*, pp. 51–54 and 129–31.

and so on the sovereign decision of expulsion.¹² Schmitt does not “study” the text; rather, he adopts a folk tradition of anathematization and so sanctions the letter of exception in order to enforce the rule of Law that secures his vision of “the political.” When he gets to Romans 11:28, he stops in the middle of the verse, affirming the “racist theozoology” of the Führer.¹³

“As regards the gospel, they are enemies for your sake; but as regards election, they are beloved” (Rom. 11:28). Taubes writes: “The word ‘enemy’ also appears there, in the absolute sense but . . . connected with ‘loved’.”¹⁴ Taubes refuses the logic that founds “the political” through a

12. For Schmitt, “the political” signifies the sphere of human communal government lost under the rule of the modern-liberal State. It designates the human “we” as distinguished from the abstract anonymity of bureaucratic capitalism. More specifically, “the political” designates what Schmitt perceives as the authentic function of the Law as opposed to liberalism’s mechanized and disenchanting function of the Law. What Schmitt wants is *situational* Law, a Law personally embodied in sovereign decision and so un-abstracted from time and place. There is no room in the Schmittian scheme for a Kantian categorical imperative or a Kelsenian “universally valid law.” Thus, for Schmitt, “the political” is an artifice of will designating the “we” of the political community (beyond “bare life”) in the situational decision of the sovereign himself. Hence, “the political” is grounded in a distinction between, on the one hand, “friends”/“us” (with all the sovereign “rights” of the surplus of the artificial nature of “the political”) and, on the other hand, “enemies”/“them” (who exist as “bare life” and are thus rightless because they are outside the surplus of the artificial nature of “the political”). Concretely it is *this* conception of “the political” that is recapitulated by Taubes’s reading of Romans. (Nevertheless it should be noted that Taubes remains crucially *illiberal* and as resolved as Schmitt against the modern-liberalism of the bureaucratized State.) On “the political,” see Schmitt, *The Concept of the Political*. On overcoming the abstract mechanism of bureaucratized liberalism, see Schmitt, *Political Theology*, pp. 13ff. The blending here of Foucault’s notion of “biopolitics” with Schmittian exception follows the work of Giorgio Agamben, who first made this connection. Cf. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford UP, 1998), and Michel Foucault, *Naissance de la Biopolitique* (Paris: Seuil, 2004).

13. Taubes, *The Political Theology of Paul*, p. 51. Pointing to Schmitt’s August 1, 1934, newspaper article in support of Hitler, “Der Führer schützt das Recht,” Tracy B. Strong argues that it was Hitler’s “manifestation of sovereignty in the use of power that attracted Schmitt: *his understanding of law required that he support Hitler*” (emphasis is Strong’s). In this way Strong situates Schmitt’s adherence to National Socialism wholly within his logic of sovereignty: enemies of the regime are enemies of the German “we.” See Strong, “Foreword” to Schmitt, *Political Theology*, pp. ii–xxxiii; here, p. xxxi. Cf. Strong, “Foreword: Dimensions of the New Debate on Carl Schmitt,” in Schmitt, *The Concept of the Political*, pp. ix–xxviii. Cf. Raphael Gross, *Carl Schmitt and the Jews: The “Jewish Question,” the Holocaust, and German Legal Theory*, trans. Joel Golb (Madison: Univ. of Wisconsin Press, 2007).

14. Taubes, *The Political Theology of Paul*, pp. 112–13.

sovereign decision of expulsion, the abjection of an “enemy,” a scapegoat or *homo sacer*.¹⁵ Conceiving the new society of *pneuma* in terms of the expulsion of an “enemy,” for Taubes, is a grave misreading of Paul. One must “study” Romans 11 as far as the unequalizable mercy of God (cf. Rom. 11:31). God’s mercy is for the enemy, his beloved Israel (cf. Rom. 11:28). In this way, Taubes’s Benjaminian reading of Romans further exposes Schmitt’s inability to secure sovereignty beyond the Messianic state of exception. Nevertheless, if Taubes further exposes the limit of Schmittian sovereignty, I propose there is yet a more satisfactory mobilization of Paul at the service of deactivating the rule of Schmittian exception. My contention is that the political theology of the Benjaminian-Taubesian anomic *polis* does not fully overdetermine the old dialectic of Schmittian exception—especially insofar as the “rule of Law,” on the Benjaminian-Taubesian view, is situated itself as a term excluded from the political labor of the new subterranean society. Here, to my mind, Taubes is not Pauline enough: the “deactivated” Law does not yet establish the full newness of Pauline Law and does not outwit the voluntaristic logic of Schmittian sovereignty.¹⁶

At the heart of Romans, bound to Paul’s proclamation of the new people, is the conviction that in the ecclesia (the Messianic *polis*) the Law has been finally realized: “Do we then overthrow the Law by this faith? By no means! On the contrary, we establish the Law” (Rom. 3:31)—we “*histenomen*” the Law, we “cause it to stand upright,” we “confirm it.” The

15. I am correlating the logic of Taubes and Agamben with the *méconnaissance* of the Girardian “scapegoat mechanism”—that psychological concealment or suppression of the truth of the innocence of the victim which is the necessary condition of the possibility that victimization might work as *pharmakos*, that victimization might secure/establish the “peace” of the community. See René Girard, *Violence and the Sacred*, trans. Patrick Gregory (Baltimore: Johns Hopkins UP, 1977), pp. 309–18; and Girard, *The Scapegoat*, trans. Yvonne Freccero (Baltimore: Johns Hopkins UP, 1986).

16. See John Milbank, “Paul Against Biopolitics,” *Logos: A Journal of Eastern Christian Studies* 47, nos. 1–2 (2006): 9–52. My reading of the politics of Pauline Law is informed throughout by Milbank, who shows how Paul’s theology overcomes the “biopolitical paradoxes” that govern the logic of the liberal nation-state. For Paul, as Milbank shows, the horizon of the *polis* of the ecclesia is governed, not only by the antique justice of “natural law” in relation to “life,” but this fused into the “pneumatic spark” of undying goodness rooted in the Resurrection, a horizon of justice and forgiveness beyond every reduction of “the political” to the realm of “bare life.” For more on the category of “life” in theology, see Conor Cunningham, “The End of Death?” in James McGuirk, ed., *Yearbook of the Irish Philosophical Society* (Maynooth: National University of Ireland, 2005), pp. 19–42.

Law is established because the new community is founded in the Messianic fulfillment (*pleroma*).¹⁷ Jesus Christ, through his crucifixion and Resurrection, fulfills the Law in establishing the *polis* of pneumatic Love. For Paul, Christ is the *telos* of the Law because he is the fulfillment of the *arche* of creation: the One in whom all things hold together (cf. Col. 1:17; Rom. 10:4). Law and creation are correlative. This means that Romans 1:20—where Paul argues that *the invisible things of him from the creation of the world are clearly seen by the things that are made*—is integrally linked to Romans 2:15, where Paul claims that there is a Law *written on the human heart to which conscience naturally bears witness*.

Recognizing the link between Romans 1:20 and 2:15 means that Pauline Law is irreducible to the equivocity of the Law's threatened suspension. Whether the voluntarism of the "pure decision" of Schmittian "sovereignty" or the antinomian "pure violence" of Benjaminian "real exception," the rule of Law in both cases is conceived in terms divested from the integral relation that Paul posits between the Law and the *logos*

17. I should perhaps clarify my view in contradistinction to Hegel's exposition of Christ-as-*pleroma* in *Spirit of Christianity and its Fate* (in G. W. F. Hegel, *Early Theological Writings*, trans. T. M. Knox [Philadelphia: Univ. of Pennsylvania Press, 1975], pp. 182–301). For Hegel, Christ-as-*pleroma* both fulfills and annihilates Torah. What I am positing—in what will become my emphasis on the *sapiential* aspect of Law—suggests something rather different. I want to emphasise a sapiential fulfillment of Torah as *universal Law*, such that neither the particularity of Torah nor the Jewish people need to be replaced, but (in accord with Romans 11) can be thought of as transfigured into a witness to the eschatological promise of the outpouring of Sapiencia consummated in the ecclesial ingathering of all things at the end of time. My argument could thus be read as closer to that of Franz Rosenzweig's *Star of Redemption* (trans. Barbara E. Galli [Madison: Univ. of Wisconsin Press, 2005]). Michael Mack has described Rosenzweig's critique of Hegel primarily in terms of his rejection of Hegel's pseudotheology of nationalism—at the heart of which, of course, lies the issue of the Law. Mack shows how Rosenzweig counters Hegel with a notion of Jewish Law in which Law and creation are correlative. As Mack writes: "The law [for Rosenzweig] mediates between God and the world and thereby prohibits any violation of life." This is counter to what Mack describes as Hegel's "metaphysics of eating," according to which the Law is not intrinsically related to life; but rather, functions always as a prohibition—an obstruction—to the authentic life of human "autonomy." For this clarification I am indebted to conversations with Bruce Rosenstock and Michael Mack. On Hegel's notion of *pleroma*, see Werner Hamacher, *Pleroma: Reading in Hegel*, trans. Nicholas Walker and Simon Jarvis (Stanford, CA: Stanford UP, 1998). On Rosenzweig and Hegel, see Michael Mack, *German Idealism and the Jew: The Inner Anti-Semitism of Philosophy and German Jewish Responses* (Chicago: Univ. of Chicago Press, 2003), pp. 125–35; here, p. 134.

of being. For Paul, Law is an ontological category, an analogical term grounded in the good gift of creation's perfected exceeding.¹⁸ The Law is precisely that which cannot be "deactivated" or reduced to "decision."¹⁹ The Pauline task, therefore, is to establish the Law according to its unpredictable fullness: beyond the dialectic of exclusion and thus toward the delight of the Law's excessive perfection in the Messianic *polis*. This establishes the rule of Law as "doxological desire" in the sense of Psalm 119, where the Law itself delightfully fulfills every human longing

18. In this regard Thomas Aquinas is faithfully Pauline when he makes "Law" a transcendental predicate, a perfection of "Being" alongside "Beauty," "Goodness," and "Truth" (cf. *Summa theologiae*, II–I, qq. 90–93). Further on the Law in Aquinas, see Fergus Kerr, O.P., *After Aquinas: Versions of Thomism* (Oxford: Blackwell, 2002), pp. 97–113; Matthew Levering, *Christ's Fulfilment of Torah and Temple: Salvation According to Thomas Aquinas* (Notre Dame, IN: Univ. of Notre Dame Press, 2002), pp. 15–30; and especially Levering, *Biblical Natural Law: A Theocentric and Teleological Approach* (Oxford: Oxford UP, 2008), pp. 193–206.

19. Here I would want to caution against conflating the "voluntarism" of Schmittian "exception" with the "antinomianism" of Benjaminian "real exception." For Schmitt, "exception" involves an *idealism* wherein "decision" is actually a positive *reinvigoration* of "the political"; while for Benjamin, the role of "decision" (indeed the possibility of "decision") is complexified by the fact that "exception" is *already* the "rule." Benjamin's "rule" of exception can thus be read as the historical fact articulated in his ninth thesis in "On the Concept of History" (p. 392). There, the "angel of history" faces the "single catastrophe" of the past according to which history is despair: a "wreckage" that is already the "deactivated" Law of "exception" and "pure violence." On this reading, the Benjaminian "rule" is the storm that blows from Paradise and drives the angel into the future, to which the angel's back is crucially turned—he is transfixed by "the pile of debris" that is the past: "What we call progress is *this* storm." Paradise and eschaton are thus collapsed into a single "rule," what only the naïve bourgeois mind could call "progress." On this scheme pessimism is the ground of antinomianism in such a way that the possibility of "decision" is overdetermined by the violence of the storm of the "same" (because the exception is the rule). And this seems, at least in part, to be what Michael Mack is getting at when he writes of the "despairing gesture" (p. 156) of Benjamin's thought, in which "hope precisely resides in the hopelessness" (p. 155). Here, Schmittian "exception" is "deactivated" by an antinomian pessimism that destroys voluntarism by destroying the condition of the possibility of every "reinvigoration." For Taubes, however, there seems to be something of a retreat from Benjamin's "despairing gesture"; and in this way Taubes tends to return to Schmitt's voluntarism, taking up the "task" of bringing about the "real state of exception" (in the form of the decisionistic establishment of the subterranean society). If this reading is correct, then Taubes's antinomianism is more voluntaristic than Benjamin's because it is less pessimistic, which means that Taubes, in a certain sense, is more Schmittian than Benjaminian. In these comments I am again indebted to conversations with Michael Mack. On Benjamin's pessimism, cf. Mack, *German Idealism and the Jew*, pp. 155–67.

(cf. Ps. 119:174). Here, the Law becomes a term not of prohibition, but of Love, overflowing the dialectic of violence and exception that posits Law and Love in opposition.

To read Pauline Law in this direction is to travel past Romans 11:28, beyond both Schmitt's pause at "enemies for your sake" and Taubes's grasp upon the word "beloved"—it is to follow Romans 11 into the sapiential fulfillment of the Law at verse 33, where Paul names the Messianic outpouring of Sapiientia: "Oh, the depth of the riches of the wisdom and knowledge of God, how unsearchable is his Justice!" (Rom. 11:33).

In this text, Paul blends the apophatic Justice of the Holy One of Israel with the speculative tradition of thinking the Law in terms of Sapiientia (Sophia), a tradition with roots not only in Hebrew religion, but also in Greek philosophy.²⁰ According to this scheme, the Law is the "work of divine Wisdom" herself.²¹ This coheres with the correlative interrelation of Romans 1:20 and 2:15. Only in the authenticity of this sapiential aspect can the Law be fulfilled in the Messiah, who, because he is Wisdom, is himself the "end of the law" (Rom. 10:4). Here the integral relation between Law and reason—*Law-as-Wisdom*—is affirmed.

Unlocking the logic of the Law written on the human heart leads to the conclusion that, for Paul, there is an élan of being that already contains something of the sapiential delight of the Law's doxological fulfillment. Humanity does not merely invent the Law on the basis of calculation or expediency—nor, for that matter, does Torah drop fideistically out of the sky. Rather, humanity *discovers* the Law already present in things: in the soil of creation, in the depth of the human heart, and, ultimately, in the eschatological fulfillment of the Messianic Resurrection. This notion of Law presupposes a concept of nature ordered to the Good in such a way

20. Cf. Plato, *The Laws*, 3.690b–c. In proposing a sapiential (or sophianic) conception of Law, I am consciously following the speculative tradition of the Russian Orthodox "sophiologists," Vladimir Slovyov, Sergei Bulgakov, and Pavel Florensky. However, I am also gesturing toward filling a lacuna, as none of the sophiologists (at least not to the best of my knowledge) did significant work on the sapiential/sophianic aspect of Law. On sophiology, cf. John Milbank, "Sophiology and Theurgy: the New Theological Horizon," in Adrian Pabst and Christoph Schneider, eds., *Encounter Between Eastern Orthodoxy and Radical Orthodoxy: Transfiguring The World Through The Word* (Aldershot: Ashgate, 2008), pp. 45–85.

21. *Catechism of the Catholic Church*, par. 1950; and cf. Aquinas, *Summa Theologiae*, II–I, q. 91, a. 2, where Aquinas states explicitly that Law pertains to "reason" not "will."

that “nature and reason interlock” in their tending toward the perfection of the goodness of being.²² If the Law is rooted in being, then no political thought or action can be reduced to mere voluntarism. Politics occurs within the realm of *synderesis*: establishing or transgressing the Law written on the heart.²³ What is more, if the order of nature in which the Law is written is fulfilled in the Resurrection of a crucified man, then a new intensity of being and life has to be affirmed: the rule of Law can no longer function in terms of a biopolitical framework in which life is negatively defined by death.²⁴

The sapiential nature of Pauline Law is rooted in the Wisdom literature of the Catholic Old Testament (books “apocryphal” to the canons of both the Protestant and Hebrew Bibles).²⁵ There Sapientia herself is named “the Law that will endure forever” (Baruch 4:1). In the Wisdom literature, the Law functions as a unequalizable term, a plurivocal term beyond the legal dialectic; and this most strikingly in the Wisdom of Jesus Son of Sirach. Ben Sira writes that the Law of Moses “overflows like Pishon with wisdom, and like the Tigris at the time of the first fruits” (24:24–25). And just a few verses before, Sapientia herself hymns to creation:

22. Joseph Cardinal Ratzinger, *Values in a Time of Upheaval*, trans. Brian McNeil (New York: Crossroads, 2006), pp. 37–40; here at p. 37. Cf. Joseph Ratzinger, *A Turning Point for Europe? The Church in the Modern World: Assessment and Forecast*, trans. Brian McNeil, C.R.V. (San Francisco: Ignatius, 1994), pp. 28–29.

23. The term *synderesis* (a Latin deformation of the Greek word *synteresis*) comes from St. Jerome, who translated it “spark of conscience.” Thomas Aquinas writes: “For there to be rectitude in human actions, it is necessary that there be in them a permanent principle, of an unmovable rectitude, in the light of which all a man’s acts may be examined, [and that would be] of such a kind that this permanent principle resists everything evil and grants its assent to everything good. Such is synderesis, whose function is to reproach evil and incline toward the good; we must also allow that synderesis cannot sin” (*De Veritate*, q. 16, a. 1). Ratzinger has suggested that the more clearly defined Platonic concept of *anamnesis* can (perhaps with more precession) do the work of the Latin medieval notion of *synderesis*—and he makes this suggestion specifically in reference to Romans 2:14–15 (see Ratzinger, *Values in a Time of Upheaval*, pp. 90ff). On *synderesis* in Aquinas, see Jean-Pierre Torrell, O.P., *Saint Thomas Aquinas*, vol. 2, *Spiritual Master*, trans. Robert Royal (Washington, DC: Catholic Univ. of America, 2003), pp. 315f (the quotation from *De Veritate* is as quoted in Torrell).

24. See Milbank, “Paul Against Biopolitics.”

25. The Pauline debt to the Wisdom literature is signaled not least in the fact that Romans 1:20 is an important paraphrase from the Wisdom of Solomon 13:1–9. On the Law in the Wisdom literature, cf. Levering, *Biblical Natural Law*, pp. 63–65.

Come to me, you who desire me and eat your fill of my fruits. For the memory of me is sweeter than honey and the possession of me is sweeter than honeycomb. (24:19–20; cf. Matt. 11:28–30)

In the sensual delight associated with Sapientia—who is herself the universal Law—one can detect something of an integral overabundance that points to what it might mean for the Law to be fulfilled “all in all” (cf. Eph. 1:23; 1 Cor. 15:28). Here we begin to grasp the new resurrectional logic of the Law beyond the horizon of death, beyond every debt (every exception) save the gratuitous debt of Love (Rom. 13:8, 10).

In this way, a Pauline theology of Law opens into a theology of Sapientia, overdetermining the sovereign rule of exception by embodying something of the plenitude that lies beyond a merely prescriptive rule of Law defined by a negative horizon. This aspect of the Law fulfills and embodies the just transgression of whatever quasi-sovereign power would contradict the *synderesis* of the sapiential flourishing of the human person.²⁶ Here we can speak of sapiential transgressions of authoritarian rules of pure decisionism that restrictively function in the realm that Jacques Lacan identifies with the Law’s “paternal function.” However, beyond Lacan, the Wisdom tradition is suggestive of something like a “sapiential *jouissance*” within the Law itself, a *jouissance* that Lacan forecloses in his conception of the Law in wholly “phallic” terms.

According to Lacan the injunction of the Law is an impossible command: “The dialectical relationship between desire and the Law causes our desire to flare up only in relation to the Law, through which it becomes the desire for death.”²⁷ For Lacan, the Law functions in terms of the paternal metaphor, the realm of the symbolic, which involves the substitution of the *objet petit a* for the *jouissance* of the Other. Lacanian Law thus works through an operation of exclusion, through the exception of the Real object of desire. Paternal sovereignty is a particular rule of “Enjoy!—Don’t Enjoy!” The Law orders the subject according to this logic: “Jouis!” to which the subject responds “J’ouïs!”²⁸ *Jouissance* is unintelligible apart from the dialectical aporia that forecloses *jouissance*. And this is where

26. Cf. Thomas Aquinas, *Summa theologiae*, I–II, q. 95, a. 2; and Augustine, *De libero arbitrio*, 1.5.

27. Jacques Lacan, *The Ethics of Psychoanalysis, 1959–1960: Seminar of Jacques Lacan: Book VII*, trans. Dennis Porter (New York: Norton, 1992), pp. 83–84.

28. Jacques Lacan, *Écrits: The First Complete Edition in English*, trans. Bruce Fink (New York: Norton, 2006), p. 696.

Lacan invokes Paul: “I would not have known what it is to covet if the Law had not said, ‘You shall not covet’” (Rom. 7:7).²⁹ Here, the Lacanian notion of Law resounds with Benjaminian and Schmittian exception, but now in a slightly different key. For what is exceptional for Lacan is “male” *jouissance*, which is the desire of lack and the enjoyment of what the paternal function necessarily excludes. The tension in Benjamin and Schmitt between Law and exception is, in Lacan, a tension between Law and desire. In each case the Law names transgression and is sustained by the perpetual exclusion of the Other. This signals the creeping “pessimism” inherent in the ontological forgetfulness that underpins both the voluntarism of conceiving the rule of Law as “pure decision” as well as the antinomian conception of the Law as rooted in “pure violence.”

Lacan is explicit: “it is not the Law itself that bars the subject’s access to *jouissance*—it simply makes a barred subject out of an almost natural barrier.”³⁰ The Law is all there is of *jouissance*.³¹ *Jouissance* only exists as the excluded term of legality because the symbolic, in order to invent, must erase. The locus of speech is the locus of lack: “the being of language is the non-being of objects.”³² The Law prohibits what cannot in any case be done or accomplished. And so a Lacanian response to the antinomian attempt to “deactivate” the Law would insist that there cannot be “deactivation”: without the Law there is simply nothing.³³ In this light, a

29. Lacan, *The Ethics of Psychoanalysis*, pp. 83–84.

30. Lacan, *Écrits*, p. 696.

31. The following remarks on Lacan are guided by Conor Cunningham’s diagnosis of the negative ontology on which the premise of Lacanian logic rests: the fundamental and literal non-existence of *jouissance*. Conor Cunningham, “Lacan, Philosophy’s Difference, and Creation From No-One,” *American Catholic Philosophical Quarterly* 78 (2004): 245–79.

32. Lacan, *Écrits*, p. 524. Commenting on this quotation Cunningham writes: “We can easily discern this legacy, one initially inherited from Kojève, in Blanchot when he says: ‘The word gives me what it signifies, but first it suppresses it. . . . [I]t is the absence of being’ . . .” Cunningham, “Lacan, Philosophy’s Difference, and Creation From No-One,” p. 451 (quoting Maurice Blanchot, “La littérature et le droit à la mort,” in *De Kafka à Kafka* [Paris: Gallimard, 1981], pp. 36–37).

33. I take this realization to be already internal to the “despairing gesture” of Benjamin’s antinomianism (cf. note 19 above). But further, one way of parsing the “despairing gesture” of this “pessimism,” is by noticing how it fits Cunningham’s *Gestalt* logic of the “philosophies of Nothing” (cf. Conor Cunningham, *Genealogy of Nihilism: Philosophies of Nothing and the Difference of Theology* [London: Routledge, 2002]). For Cunningham, the *Gestalt* figure of the Duck/Rabbit is the logic of the dual-monomism of nihilism (here “pessimism”) according to which “something” is grounded in “nothing” such that nothing

theoretical overcoming of Schmittian exception requires that the plenitude of the real state of exception be theorized *within* the Law—radicalizing the rule of Law in the direction of establishing the unequalizable rule of the Law’s sapiential flourishing.

To argue for a political overdetermination of Schmittian exception along these lines is to make an argument for the Law embodied in Love. It is to argue not for something discretely beyond the Law, but rather for something delightfully beyond the legal dialectic, yet paradoxically grounded in the Law’s sapiential depth. It is an argument rooted in the Pauline conviction that Love fulfills the Law (cf. Gal. 5:6). Here the negative aspect of the Law, the dialectic of the “curse of the law” (Gal. 3:13), gives way to the plurivocity of Love’s transfiguration of the Law’s “yoke of slavery” (Gal. 5:1).

The apparent dissociation in Lacan between Law and Love is complexified by the fact that, in order to establish Lacan’s notion of Love’s *jouissance*, one must again return to Paul, for whom the negative aspect of the dialectic of the Law is just that: an *aspect*, a particular function of Law that is not the total content of all that the Law is. This signals the possibility that, through Paul, Lacanian Law can become tensively united to the *jouissance* it apparently excludes. As Slavoj Žižek comments:

Lacan’s extensive discussion of love in *Encore* should... be read in the Pauline sense, as opposed to the dialectic of the Law and its transgression: this second dialectic is clearly “masculine”/phallic; it involves the tension between the All (the universal Law) and its constitutive exception; while love is “feminine,” it involves the paradoxes of the non-All.³⁴

On one level this is entirely consonant with Paul: Love is beyond exception and therefore registers in the realm of the Lacanian “feminine.” And

can be thought of *as* something (as Plotinus grounds “being” in “non-being,” Kant grounds the “phenomenal” in the “noumenal” and Lacan the “symbolic” in the “Real”). The dualism of “nothing” and “something” is identified as a mere *Gestalt* effect and therefore betrays a fundamental monism that is unable to think real difference. Benjaminian “pessimism” fits Cunningham’s *Gestalt* scheme insofar as, by declaring that the “exception” *is* the “rule,” Benjamin posits the “exception” (whether of the Law or of antinomian revolution) as ultimately grounded in One “rule,” which is the monadic “stuff” of all that is (i.e., the “storm” of the angel of history). The monism that grounds the dualism of “exception” and the “rule” is the “rule” of the angel of history: the vanishing point out of which nothing escapes.

34. Slavoj Žižek, *The Fragile Absolute: Or, Why is the Christian Legacy Worth Fighting For?* (New York: Verso, 2000), p. 147.

yet, for Paul, the fact that Love is beyond the dialect of the Law does not mean that Love is *opposed* to the Law. On the contrary, Pauline Love opposes nothing but fulfills all things (cf. 1 Cor. 13:1–8). There cannot be a simple dichotomy or dialectical relation between Law and Love. If Messianic Love is beyond the dialectic of the Law, this is the case for Paul precisely because Love fulfills all desire and so paradoxically fulfills both the Law and the Law’s transgression. This means that, for Paul, the Law is not wholly captured by Lacan’s “masculine”/phallic dialectic; rather, for Paul, the Law exceeds the Lacanian “masculine” by including within itself the gratuity of “feminine”/sapiential *jouissance*. Love in a Pauline sense is not merely the Lacanian-Žižekian paradox of *pas-tout* (non-all); it is the paradox of *pas-tout* (non-all) tensively united to the paradox of *panta en pasin* (all in all).³⁵

The Pauline proclamation of the Law of Grace—the establishment of the Law of the Messianic *polis* beyond the decision of exception—exceeds the biopolitical logic of liberalism, of sovereignty conceived in terms of a power of decision over life. This biopolitical logic has been especially evident in the post-9/11 world, where “the political” has been distinguished by a rule of exception in the form of “states of emergency” declared in the name of “State security.”³⁶ In this context a renewed logic of *homo sacer* came to mark a geopolitical landscape in which Schmittian exception enjoyed an increasingly normative role—whether in the form of Abu Ghraib tactics and Guantánamo Bay standards of negating the “human person,” or in the form of pre-emptive warfare (and the threat thereof) as a tactical spectacle of a global sovereign power of decision that purported to be the sole arbiter of international Law. In this context, figures as diverse as Giorgio Agamben and Pope Benedict XVI warned against the tendency of liberalism to the recourse of securing itself by means that would in fact demolish both democracy and the legal category

35. This is to say something that hopefully correlates with Marcus Pound’s deployment of Thomas Aquinas to explore the formulae of sexuation as the transition from the Old Law to the New. Pound draws out the theology of the new truth revealed in Christ, which is “superabundant”/*excedentem* (*Summa theologiae*, I–II, q. 101, a. 2, ad. 2), in order to show how, for Aquinas, after the revelation of Christ, there is *too much truth* and therefore our sense of lack arises from *excedentem* (hence my claim on behalf of the paradoxical union of *pas-tout* with *panta en pasin*). See Marcus Pound, *Žižek: A Very Critical Introduction* (Grand Rapids, MI: Eerdmans, 2008), p. 63.

36. Cf. Giorgio Agamben, *State of Exception*, pp. 1–31; and Jean-Claude Paye, *Global War on Liberty*, trans. James H. Membrez (New York: Telos Press Publishing, 2007).

of the “human person.”³⁷ For at least a time, liberalism manifested afresh its internal capacity to transform itself into a new variant of quasi-fascism, wholly determined by an apparent sovereign power of decision over life.

The internal continuity between this biopolitical conception of sovereign power and the conception of human rights underpinning contemporary liberal bioethics should be noted, especially if we are to take seriously the organic capacity of late-capitalist liberalism to tend toward a quasi-fascist political voluntarism, a politics capable of reducing human persons to “bare life.” On the one hand, sovereignty is reduced to the total authoritarianism of the power of decision over life; while on the other hand, “the heart of liberty” is conceived as “the right to define one’s own concept of existence, of meaning, of the universe, of the mystery of human life.”³⁸

37. Agamben’s remarks are stated in his *State of Exception*. The Pope’s remarks are scattered, but his 2007 message for World Day of Peace clearly points to a conclusion essentially in agreement with Agamben’s. There the Pope speaks of the precarious new situation of international warfare, where wars increasingly are illegal and undeclared (i.e., they are either “terroristic” or “pre-emptive”—warfare in a “zone of anomie”). In this context, he warns of the severe danger posed to all humanity in the disconcerting new commonplace of bypassing “ethical limits restricting the use of modern methods of guaranteeing internal security”—thus warning precisely against the rule of the “state of emergency” in the name of “securing” democracy. All of what the Pope stated in this regard is rooted in the consistent resistance of the Vatican to the illegal American-led war against Iraq, more recently reiterated by Cardinal Jean-Louis Tauran in August 2007 when he again referred to the American invasion and occupation of Iraq as a “crime against peace” (lamenting the fact that Christians in Iraq were safer under the dictatorship of Saddam Hussein). In terms of the Pope’s view, one should also note the 2004 comment of then Cardinal Ratzinger, who, in the context of the phenomenon of terrorism and the war in Iraq, called for a reinvigorated *ius gentium* “without disproportionate hegemonies.” In what can be read as a thinly veiled critique of the American adventure, Ratzinger wrote: “It is impossible to overcome terrorism, illegal violence detached from morality, by force alone. . . . [I]n order that the force employed by law not itself become unjust [and therefore illegal], it must submit to strict criteria that are recognizable by all. It must pay heed to the causes of terrorism, which often has its source in injustices against which no effective action is taken. This is why the system of law must endeavor to use all available means to clear up any situations of injustice. Above all it is important to contribute a measure of *forgiveness*, in all, in order to break the cycle of violence” (*Values in a Time of Upheaval*, pp. 106–7). In specifying *forgiveness* as integral to the rule of justice, Ratzinger’s view correlates with Milbank’s diagnosis of the Pauline *resurrectional* horizon of justice rooted in a logic beyond every reduction of justice to “bare life” (cf. note 16 above).

38. *Casey v. Planned Parenthood of Southeastern Pennsylvania*, 112 Sup. Ct. 2791 at 2807. Cf. Robert Barron, *The Priority of Christ: Toward a Postliberal Catholicism* (Grand Rapids, MI: Brazos Press, 2007), pp. 15–16: “Martha Nussbaum, one of the most articulate contemporary defenders of the liberal/modern perspective, says that liberalism is

This continuity underpins the paradox of the new American administration, which promises at once to close Guantánamo Bay (an apparently symbolic end to the “state of emergency” of the previous administration), while asserting unequivocal support for a renewed American commitment to a bioethic that would subject the category of “life” to either the apparently inalienable “human right” of subjective decisionism or the scientific necessity of human “progress.” Here Agamben’s work on *homo sacer* connects with what Robert Spaemann has observed as the new deployment of the term “person” in contemporary ethical and philosophical discourse against the sanctity of human life.

According to Spaemann, the term “person,” since Boethius, served always as a *nomen dignitatis*, a term deployed to signify the sanctity of the human being. In the last century, however, its function was reversed. As Spaemann writes:

Suddenly the term “person” has come to play a key role in *demolishing* the idea that human beings, *qua* human beings, have some kind of rights before other human beings. Only human beings can have human rights, and human beings can have them only as persons. The argument then runs: but not all human beings *are* persons; and those that are, are not persons in every stage of life or in every state of consciousness.³⁹

This new role of the term “person” is manifestly not extrinsic to the modern politics of *homo sacer*. In this light it is no coincidence that the Nazi government—ruling as it did as a “state of emergency”—was not only a terrific innovator in deploying the logic of *homo sacer* through the hyper-acceleration of the “camp” into the “death camp,” but also (with America) the world leader in the realm of eugenics. Indeed, the “science”

essentially the valorization of the prerogative of the individual subject, more precisely, an affirmation of that subject’s right to choose, even the meaning of his or her own life. . . . We can see this paradigmatically in Descartes’s affirmation of the epistemological primordiality and meaning-creating capacity of the *cogito*. . . . It comes to perhaps clearest expression in Friedrich Nietzsche’s uncompromising elevation of the prerogative of the will (a perfect mirror of the voluntarist divine will in Occam) and the concomitant need of that heroic will to put the competitive God to death. . . . [T]he modern preference for the freedom of the individual is no more baldly and forcibly defended than in the U.S. Supreme Court’s judgment in the case of *Casey v. Planned Parenthood*.”

39. Robert Spaemann, *Persons: The Difference Between “Someone” and “Something”*, trans. Oliver O’Donovan (Oxford: Oxford UP, 2007), passim; here, p. 2 (emphasis is Spaemann’s).

of extermination used in the death camps was originally developed through the Nazi euthanasia program. The power of decision over life correlates the politics of *homo sacer* with a bioethic that would, in a concerted way, throw into question the sanctity of human life. This correlation exposes the cynicism and incoherence of both the “liberal” ideology of outrage over Abu Ghraib and Guantánamo Bay, on the one hand, and the “neo-conservative” ideology of “pro-life” rhetoric, on the other. What the “liberal” sows in the realm of bioethics (i.e., the erosion of the right to life in favor of “choice” and scientific “progress”), the “neo-conservative” reaps in the realm of politics (i.e., the illegality of *homo sacer* and the negation of the “human person” in the name of “security” and “democracy”). The threat of quasi-fascism posed by the rule of the “state of emergency” is internal to the “culture of death.”⁴⁰

In light of what has been rehearsed, the question of Pauline Law is relevant to the theoretical critique of the “state of emergency” and the voluntarism of the power of decision over life. And this all the more if the Lacanian answer to the effort to “deactivate” the Law holds true: if antinomianism is impossible because the exceptional *jouissance* the Law prohibits “is” only insofar as the Law makes it so. The Sapientia of Law needs to be re-theorized: we require a speculative ethos of reflection that will learn afresh the rational mediation of ontology and politics, Law and life in order to forge a pattern of virtue that resists the anomic sovereignty of the power of decision over life.⁴¹ The end of such reflection should aim

40. See John Paul II, *Evangelium Vitae*; cf. Michael Hanby, “The Culture of Death, the Ontology of Boredom, and the Resistance of Joy,” *Communio: International Catholic Review* 31 (2004): 181–99.

41. Writing of a “pattern of virtue” of resisting the politics of the power of decision over life, I am thinking of something like a MacIntyrian virtue ethic blended with a Milbankian economy of gift (the latter being essentially a work in Pauline ecclesiology). See Alastair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame, IN: Notre Dame UP, 1984); and John Milbank, “Can a Gift be Given? Prolegomena to a Future Trinitarian Metaphysic,” in L. Gregory Jones and Stephen E. Fowl, eds., *Rethinking Metaphysics* (Oxford: Blackwell, 1995), pp. 119–61, and Milbank, *Being Reconciled: Ontology and Pardon* (New York: Routledge, 2003). On the level of political praxis, what I am suggesting might be thought of as an injunction to update the spirit of Dorothy Day’s Catholic Worker. Most importantly, this political praxis would need to heed MacIntyre’s injunction for a passage beyond Trotsky’s “pessimism,” the potently nihilistic core of both the “pure violence” of antinomianism and the “pure decision” of the rule of the “state of emergency” (both of which Trotsky practiced and theorized in his notion of “permanent revolution”). For MacIntyre this pessimism is only overcome through the hopeful expectation of a new St. Benedict—a new rule of virtue.

to embody afresh what Paul calls the “letter from Christ,” which is written “not on tablets of stone but on tablets of human hearts” (2 Cor. 3:3).⁴² Here, in the patterned virtue of Sapiientia, Law and Love are perfectly united in the *synderesis* of Messianic rule. This sapiential mediation of Law into a practice of “virtue” is precisely what the “zone of anomie” cannot yield.⁴³

By way of conclusion: I want to reiterate my suggestion that the best way of overcoming the logic of Schmittian exception is through overcoming the negative ontology that underpins both Schmittian sovereignty and the antinomian effort to “deactivate” the Law. I have argued that a theoretically adequate response to Schmittian exception will need to retrieve the sapiential unity of Pauline Law, the analogical mode by which the Law tensively unites the *logos* of being with the *synderesis* of the human heart in the resurrectional unity of Messianic Love. This will involve an understanding of the Law as a term of ontological plurivocity, a term beyond both the antinomian reduction of the Law to an object of mere “study” and the totalitarian reduction of the Law to mere authoritarian “power.” What is left to sublimate is the nominalist ontology that fuels a conception of legality divested from Sapiientia, the soil of creation and the pneumatic spark of Resurrection. Such a notion of Law, floating free from the goodness of the gift of being, forecloses the delightful outpouring of that mercy and Love Paul was so sure Christ brought in bringing himself.⁴⁴

42. Cf. Aquinas, *Summa Theologiae*, I–II, q. 106, a. 1.

43. For Benjamin, the closest we get to anything like “virtue” is anarchic violence: “Once again all the eternal forms are open to pure divine violence, which myth bastardized with law. Divine violence may manifest itself in a true war exactly as it does in the crowd’s divine judgment on a criminal. But all mythic, lawmaking violence, which may be called ‘executive’, is pernicious. Pernicious, too, is the law-preserving, ‘administrative’ violence that serves it” (Benjamin, “Critique of Violence,” p. 252; as quoted in Mack, *German Idealism and the Jew*, pp. 166–67).

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