AFFORMATIVE, AFFORMANCE, AFFORMATIVITY: THE CRITIQUE OF PERFORMATIVITY IN WERNER HAMACHER'S WORK[1]

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Werner Hamacher attempted to explore a dimension of language which he called the afformative. He defined it in opposition to performativity as well as to language's communicative, representational domain. His concept of afformativity enables a critical view of the self-grounding power of language utterance by pointing out an abyss that always separates language from action and representation. These considerations are opening up a path for deconstructive thought opening a possibility to reflect on language, literature, politics and justice in a different way than that typical of the economics of performativity. This article aims to demonstrate how the concept of the afformative can be interpreted in relation to the context of Hamacher's thought. The conclusion discusses the praxis of the humanities from the perspective of Hamacher's œuvre.

Positing

No approach describes Hamacher's thinking so profoundly as the thought on the pre-structure of language. However, the fact that language precedes utterance or inscription, oral or written communication, and that the users of language cannot be imagined as sovereign agents, since they are (at least partly) subjected to the operations of language in almost every utterance, is far from being able to function for Hamacher as an epistemologically reliable, stable foundation. This also means

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that, in contrast to philosophical hermeneutics,[2] language, according to Hamacher, can never posit anything absolutely by means of self-positing and the super- or autoperformative, understood as prerequisites for potential performative actions.[3] For Hamacher, the pre-structure of language reveals the groundlessness, or, at the very least, the ungroundability, of a statement and performativity. Exposing the deactivation of language's positing power (erasing even the possibility of self-referentiality), it opens up the aporia of the impossibility of functional language.

From the beginning of the 1980s, this notion, as well as the range of operations which characterize positing (*Setzung*), are regularly approached by Hamacher from the act of promise. The structure of the promise does not only make it visible when the autoperformative operation of positing comes into action, but also when this positing activity leads to the abandonment of the promise. In several works Hamacher links the basic model of positing to an example from Kant's philosophy. One can say that a significant part of Hamacher's *oeuvre* can be described as a steadfast and exceptionally consistent attempt to account for transcendental philosophy. Hamacher cannot stress enough that when Kant defined being as "absolute position or positing" ("absolute Position oder Setzung"),[4] he implied a context in which the fundamental act of absolute positing became responsible for all further possibilities of being – and with them, for all further positing. In particular, Hamacher refers to two of Kant's statements. One of them appears in the *Critique of Pure Reason*: "Being is obviously not a real predicate, i.e., a concept of something that could be added to the concept of a thing. It is merely the positing of a thing or of certain determinations in themselves."[5] The other is found in a 1763

[2] Hamacher strongly criticises Hans-Georg Gadamer's philosophy. See his "Prämissen" (Premises), *Entferntes Verstehen: Studien zu Philosophie und Literatur von Kant bis Celan* (Distanced Understanding: Studies in Philosophy and Literature from Kant to Celan) (Frankfurt am Main: Suhrkamp, 2011) 42. See also Werner Hamacher, "For – Philology," trans. Jason Groves, *Minima Philologica* (New York: Fordham University Press, 2015) 117-18.

[3] The use of the term "superperformative" follows Andrzej Warminski, "'As the Poets Do It': On the Material Sublime," *Material Events: Paul de Man and the Afterlife of Theory*, ed. Tom Cohen, Barbara Cohen, J. Hillis Miller and Andrzej Warminski (Minneapolis and London: University of Minnesota Press, 2001) 26.

[4] Werner Hamacher, "The Promise of Interpretation: Remarks on the Hermeneutic Imperative in Kant and Nietzsche," *Premises: Essays on Philosophy and Literature from Kant to Celan*, trans. Peter Fenves (Stanford, CA: Stanford University Press, 1999) 98; Werner Hamacher, "Das Versprechen der Auslegung: Zum hermeneutischen Imperativ bei Kant und Nietzsche" (The Promise of Interpretation: Remarks on the Hermeneutic Imperative in Kant and Nietzsche), *Entferntes Verstehen* 67.

[5] Immanuel Kant, *Critique of Pure Reason*, trans. Paul Guyer and Allen W. Wood (Cambridge: Cambridge University Press, 1998) 567 (A598/B626).

text entitled *The Only Possible Argument in Support of a Demonstration of the Existence of God*: "The concept of positing or setting is perfectly simple: it is identical with the concept of being in general."[6]

Although the manner in which Hamacher approaches Kant's definition of being creates, as we shall see later, an obvious link between his and Walter Benjamin's works (Hamacher reads Benjamin often and from various perspectives), primarily it is Martin Heidegger's magisterial reading of Kant that is used by Hamacher to interpret both of Kant's statements.[7] Tracing the course of Kant's contemplation of being, Heidegger ties it to an act which determines everything else, to a synthesis that stands as the performance of transcendental apperception: "This synthesis is the primal act of cognitive thought."[8] Since being for Kant is always posited as a relation, it signifies the relationship between subjectivity – the cognitive self – and the object. In this context, the object always appears as an already posited object, an object which is established in the structure of subjectivity. For this reason, one's own being is inseparable from the transcendental apperception, which underlies every sort of logical judgment and every act of positing and thus ultimately affirms the subjectivity of the perceiving and thinking subject. In Heidegger's reading of Kant, "the primal act of cognitive thought" defines being – the being of a thing – as the act of positioning[9] or "original positing" ("der ursprünglichen Setzung").[10] Being can thus be interpreted in relation to this operation. When Hamacher makes a contrast between afformativity and this conception of positing, he puts the original founding act of being and its innate connection to a subject into a critical perspective, but above all, he investigates the philosophical concept of being and existence derived from the operativity of the act or the activity.

The model of performative language becomes an object of criticism for Hamacher exactly because for J.L. Austin – who, in Hamacher's opinion, appears

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6 Immanuel Kant, "The Only Possible Argument in Support of a Demonstration of the Existence of God," *Theoretical Philosophy 1755-1770*, ed. and trans. David Wallford and Ralf Meerbote (Cambridge: Cambridge University Press, 1992) 119.

7 Hamacher, "Das Versprechen der Auslegung," *Entferntes Verstehen* 67; Werner Hamacher, "Der ausgesetzte Satz: Friedrich Schlegels poetologische Umsetzung von Fichtes absolutem Grundsatz" (Position Exposed: Friedrich Schlegel's Poetological Transposition of Fichte's Absolute Proposition), *Entferntes Verstehen* 204.

8 Martin Heidegger, "Kants These über das Sein" (Kant's Thesis on Being), *Gesamtausgabe, I.9: Wegmarken* (Complete Works, I.9: Pathmarks), ed. Friedrich-Wilhelm von Herrmann (Frankfurt am Main: Vittorio Klosterman, 1976) 469.

9 Heidegger, "Kants These" 450.

10 Heidegger, "Kants These" 469.

as the successor of a tradition represented by Thomas Hobbes, David Hume, Immanuel Kant and Johann Gottlieb Fichte[11] – this kind of language presupposes, first and foremost, a conscious self, and more importantly, an "*absolute act* or *pure doing*" – as Rodolphe Gasché's analysis also reveals.[12] The performative act is an act in which the transcendental primordiality of positing may manifest itself.

On the one hand, Hamacher's interpretation of *How to Do Things with Words* can be doubtlessly criticized, especially when one recalls the dominant role that conventions, and the ritual and ceremonial uses of language conditioned by the erasure of the singularity of the act and the self, play in the constitution of speech acts as described by Austin. On the other hand, it seems unquestionable that Austin's conventions themselves also refer to performative acts, namely those of installation and verification. Following this logic, it is most reasonable that performatives, though they have to comply with conventions, are eventually enabled again by performatives. In this infinite chain of acts collapsing into one another, any kind of action can be executed on condition that there is a real or at least thinkable act that enables all the others by its absolute or pure, non-preceded performativity.[13] From this perspective, theories of performativity necessarily allocate the structural point of *Setzung* or "original positing," the position of "absolute act."

Moving closer to Hamacher's reading of Kant, first published in 1983, which is a great example of exposing the simultaneously philosophical and linguistic theoretical connection between the positing/positioning and performative acts, it becomes apparent how Hamacher's analysis of the operation of the promise holds together the above context and turns it into an object of criticism.

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[11] Werner Hamacher, "LINGUA AMISSA: Vom Messianismus der Warensprache" (Lost Language: The Messianism of Commodity Language), *Zäsuren – Césures – Incisions*, 1 (November 2000): 92; Hamacher, "Das Versprechen der Auslegung" 65; Werner Hamacher, "Wild Promises: On the Language 'Leviathan,'" trans. Geoffrey Hale, *CR: The New Centennial Review*, 4.3 (2004): 235.

[12] Rodolphe Gasché, *The Wild Card of Reading: On Paul de Man* (Cambridge, MA, and London: Harvard University Press, 1998) 14. See also: Émile Benveniste, *Problems in General Linguistics*, trans. Mary Elizabeth Meek (Miami, FL: The University of Miami Press, 1971) 236.

[13] Zoltán Kulcsár-Szabó,"Konvenció és szuperperformatívum Austinnál" (Convention and Austin's Super-performative), *Performa*, 6 (2017), http://performativitas.hu/res/austinkonvencio_kulcsar-szabo_kl_kj_v2_imp.pdf (accessed 12 April 2020); György Fogarasi, "Performativitás/teatralitás" (Performativity / Theatricality), *Apertúra* 6.1 (2010), http://uj.apertura.hu/2010/osz/fogarasi-perfomativitas-teatralitas/ (accessed 12 April 2020).

When Hamacher discusses the self-grounding operativity of Kantian will – foregrounding the matter of interpretation and understanding – he introduces the promise as an essential case of self-grounding. As such, the promise is the speech act which "lets the will conclude a contract with itself" and creates its own existence and autonomy by doing so.[14] In this structure, which belongs to the self-grounding operativity of practical reason, the promise is nothing but the basis of subjectivity folding onto itself and its universalization. If in the promise the will makes a contract with itself, this contract can only be possible because they who make a promise necessarily certify that their promise coincides with what they want. In other words, they at the same time express loyalty to what they want and to the universal law of the promise. This latter operation is most formal, for it articulates nothing else than that a promise must be a promise: "In every promise, the promise makes a promise to itself to be a promise."[15]

Accordingly, in Hamacher's interpretation of Kant, promise has a dual structure. While we can make promises that align with our will and the law of subjectivity, every promise must also correspond to the formal or universal law of the promise, which establishes the act of promise itself. Since the promise – and Austin seems to agree with this despite his doubts[16] – not only provides its own law (one has to promise something that corresponds to their will), but also becomes a law itself (a promise has to be a promise) creating a universal ground and subjectivity, it can be considered a "transcendental speech act."[17] From this point of view, law is the rallying point of positing acts, and since for Kant being is "the absolute position or positing," law "is the original collection of all Being."[18]

As a transcendental speech act, the promise is an exemplary manifestation of subjectivity's self-grounding operations and the original division of being into subjects and objects. No speech act can be imagined without it.[19] Furthermore, the promise exceeds the world of speech acts due to its dual structure along the axes

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[14]   Hamacher, "The Promise of Interpretation," *Premises* 97; Hamacher, "Das Versprechen der Auslegung," *Entferntes Verstehen* 65.

[15]   Hamacher, "The Promise of Interpretation," *Premises* 97; Hamacher, "Das Versprechen der Auslegung," *Entferntes Verstehen* 65.

[16]   J.L. Austin, *How to Do Things with Words*, ed. J.O. Urmson and Marina Sbisà (Cambridge, MA, and London: Harvard University Press, 1975) 9-11.

[17]   Hamacher, "The Promise of Interpretation," *Premises* 97. Hamacher, "Das Versprechen der Auslegung," *Entferntes Verstehen* 65.

[18]   Hamacher, "The Promise of Interpretation," *Premises* 98-99. Hamacher, "Das Versprechen der Auslegung," *Entferntes Verstehen* 67.

[19]   Hamacher, "The Promise of Interpretation," *Premises* 98-99. Hamacher, "Das Versprechen der Auslegung," *Entferntes Verstehen* 67.

of language and of being. However, Hamacher leaves no room for doubt that the promise's dimension which promises promise as a promise cannot be imagined on the basis of performativity theories. The operation of promising a promise enables every subjective act of promise creating thus a peculiar case of self-affection: if language has to come into being and become functional, it has at first to make contact with itself, it must "promise" itself.[20] This, however, also means that the operation of the promise, strictly speaking, no longer exists in the dimension of performativity as a foundation of performative language. Although it is the self-grounding of language that opens up the possibility of speech acts, the operation of self-grounding cannot be viewed as identical with them. The power of the promise – and, from Hamacher's perspective, its dangers – lie exactly there. The promise simultaneously posits the dimension of linguistic action, where speech acts are performed, and the domain serving as the basis of that dimension, where the pure self-referentiality of language predominates. What it does in this sense is connecting words and actions, the world of language and acts, covering up their originally separate nature.[21] For Hamacher, this structure of the promise is a model of the original positing, of the absolute, auto-performative act.

Deactivation

This explains why Hamacher returns to the trope of the promise again and again in his articles collected in the volume *Entferntes Verstehen* as well as in his later works. As a model of the original, transcendental positing, the promise not only determines the conceptualization of language and being, but – as the basic foundation of both – also the conventional structures of thinking about historical, political and ethical terms. Here the departure of Hamacher's thought from Heidegger's philosophy becomes evident. Whereas Heidegger talks about the abstract foundation of the structure of being (in transcendental apperception), Hamacher emphasizes a linguistic one (in a transcendental speech act). Unlike Heidegger, Hamacher believes that from Heraclitus to Wittgenstein, philosophy is always the philosophy of language.[22]

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[20] Hamacher, "The Promise of Interpretation," *Premises* 97. Hamacher, "Das Versprechen der Auslegung," *Entferntes Verstehen* 65-66.

[21] Hamacher, "The Promise of Interpretation," *Premises* 97. Hamacher, "Das Versprechen der Auslegung," *Entferntes Verstehen* 66.

[22] Zoltán Kulcsár-Szabó and Tamás Lénárt, "Az irodalom az igazságosságért folytatott harc aktivitája: Beszélgetés Werner Hamacher professzorral" (Literature is the Activist of the Fight for Justice: An Interview with Werner Hamacher), *Prae,* 2 (2012): 78.

The promise, as Hamacher's article entitled "'Lectio': de Man's Imperative" outlines, necessarily falls into its own suspension. Having analyzed at length various uses of "should" and the imperative, as well as expressions of demand in Paul de Man's works, Hamacher recognizes that the aporetic way of de Man's thinking about language consists in the fact that although language itself is originally imperative in nature, it is unable to relate to itself.

As a consequence, language has two simultaneously present and intersecting laws of the referential and the figural function. While the former prescribes the existence of meaning and cognition, the latter keeps suspending or voiding their possibilities. No matter how much it would ease the situation, one cannot reliably distinguish between referentiality and figurality. The imperative of meaning strives for its own totalization which at the same time suffers from fragmentation. Thus language may create a possibility for a certain programme, but it also remains exposed to an ever-imminent contingent event, ready to suspend or destroy the programme's performance.[23] Of course, this does not mean that language cannot function at all, even though the price of that is language's epistemological unreliability. A meaningful and understandable language must exist due to its imperative character, which calls for meaning and cognition even if it is impossible. In de Man's approach, emphasizes Hamacher, the law of referentiality continuously puts language into this perspective. But since language does not exist before the imperative of meaning, being only demanded and promised, and thus belonging to the future, it cannot perform any operation at present. Therefore the act of promise – and through it language and cognition – misses itself. It does not coincide with itself, but postpones, suspends itself.[24] Nonetheless, for language to be functional, falling for the trick produced by this act is necessary. As de Man accentuates,[25] if it is about language, we always fall for it: the constitution of meaning can be based exclusively on language's metaleptic structure, which is groundless since it originates from the future.[26]

When Hamacher makes a connection between Heidegger's famous statement and a "misunderstanding" regarding language, he holds against Heidegger's idea

[23]   Werner Hamacher, "'Lectio': De Mans Imperativ" ("Lectio": de Man's Imperative), *Entferntes Verstehen* 175-77.

[24]   Hamacher, "'Lectio,'" *Entferntes Verstehen* 189-90.

[25]   Paul de Man, "Shelley Disfigured," *The Rhetoric of Romanticism* (New York: Columbia University Press, 1984) 117-18. See also: J. Hillis Miller, *Speech Acts in Literature* (Stanford, CA: Stanford University Press, 2002) 147-49.

[26]   Hamacher, "'Lectio,'" *Entferntes Verstehen* 191.

that "[d]ie Sprache spricht" (language speaks),[27] because the formula presupposes a language that always already exists, and – directly by fitting into the Kantian tradition – answers itself in full.[28] This criticism stems from de Man's ironic paraphrase of Heidegger, "[*d*]*ie Sprache verspricht (sich)*" (language promises/slips [itself]).[29] What is at stake in this shift from Heidegger's position is no longer the question whether for Kant being is posited in an abstract or linguistic manner. De Man's critique concerns the conceivability of language itself, as discussed in Heidegger's late philosophy. In connection with the same ironic shift, Derrida says that the statement "[d]ie Sprache verspricht (sich)" illuminates the core of de Man's concept of language. For de Man, the promise (seen in analogy to the Freudian slip) is nothing less than the essence of language. This means that there is no originally given language, a language that, strictly speaking, would not permanently exist in the process of its constitution. Hamacher stresses that there is no language that would not misspeak, betray itself and become distorted (all this is implied in the connotations of the German prefix *ver-*). There is no activity in language that does not turn and drift towards the future. None that could transcend the future's unpredictable nature, none that is liberated by the irony of language. Consequently, if one is to take the Heideggerian formula truly and seriously, no language can be imagined that would anticipate the promise, the promise of language.[30] Nonetheless, one cannot claim that this structure of the promise complies with what we have seen in Hamacher's interpretation of Kant. De Man's promise is not a transcendental speech act, since it exposes the very lack of grounding in the realm of subjectivity and cognition, and highlights, in terms of meaning, language's compulsory, but "necessarily misleading,"[31] nature: its imperative but epistemologically illegitimate being.

For Hamacher, all this means that language's most fundamental operation is its own deactivation. The earliest systematic exposition of this idea – although the motif of the promise's deactivation had already appeared in the *œuvre* before – can be found in an exceptionally rich footnote in "Afformative, Strike":

[27] Martin Heidegger, "Die Sprache" (Language), *Unterwegs zur Sprache* (On the Way to Language) (Pfullingen: Neske, 1959) 10.

[28] Hamacher, "'Lectio,'" *Entferntes Verstehen* 190-91.

[29] Paul de Man, *Allegories of Reading: Figural Language in Rousseau, Nietzsche, and Proust* (New Haven, CT, and London: Yale University Press, 1979) 277.

[30] Jacques Derrida, *Mémoires: for Paul de Man*, rev. edn, ed. and trans. Avital Ronell and Edoardo Cadava (New York: Columbia University Press, 1989) 97.

[31] de Man, *Allegories of Reading* 277.

But if one assumes that language as such is not the executive organ of nonlinguistically posited institutions, while at the same time insisting it is essentially performative, then one must also assume that it posits itself in an act of absolute autothesis: that in order to be a language, it must always presuppose itself. Thus, language, understood as absolute autothetic and autotelic performance would, rather than simply positing itself, permanently – and this is the sign of its finitude – announce itself, speak before itself, speak itself as a language which is always arriving and always yet to come, one which, having never yet arrived, would never yet be language *itself* [nie schon die Sprache selbst wäre]. This prestructure of language (*Sprache*) would make language as such into a promise (*Versprechen*) of itself. The absolute performative of language would be the promise of language. Language does not speak; or rather, language speaks precisely in that it promises itself. […] But if language in its absolute performativity always promises itself, then it does not, strictly speaking, promise itself, but promises its promise [verspricht ihr Versprechen]: the fact that it is infinitely yet-to-come coincides with its infinite nonarrival [ihre unendliche Künftigkeit ist ihre unendliche Unkünftigkeit] – so it always does not yet promise. It does not perform – and performs the not, and the always-not-yet, of its performation. The absolute performativity of language, its unconditional being-ahead-of-itself, accordingly implies – constitutively for language, deconstitutively for language as act – a dimension in which language itself does not correspond to itself *as act* [sich selber *als Handlung* nicht entspricht] and in which, instead of acting, language abstains from any action. This abstention from action is that dimension of language which is here […] called afformative.[32]

As evident from the above interpretation of Kant's two passages, for Hamacher, language's pre-structure manifests itself in the dual referentiality of the promise. The language of the promise, on the one hand, makes a promise, but, on the other hand, this promise can only be realized if language promises itself in the first place. In view of the above interpretation of Kant, the transcendental act initiates instability in language, establishing thus the ungrounded trait of this grounding operation highlighted in Hamacher's interpretation of de Man. As it is clear from

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[32] Werner Hamacher, "Afformative, Strike," trans. Dana Hollander, *Cardozo Law Review*, 13 (1991): 1142-43, 16n; Werner Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* (What Does It Mean "To Represent"?), ed. Christiaan L. Hart Nibrig (Frankfurt am Main: Suhrkamp, 1994) 363.

the above passage, Hamacher leaves no doubt that his understanding of promise is not Kantian, but he accepts de Man's observation instead, although that does not mean that he would abandon the theoretical model of language including the dual structure of the promise (the transcendental speech act of promise remains a point of reference in his entire *œuvre*). However, unlike de Man, who in his analyses repeatedly calls attention to the violent, blind, inhuman and automatic mechanisms of language, and to the connection between meaning and the absolutely arbitrary nature of language, Hamacher finds questionable the functionality of language itself. If it is true that the promise is the essence of language – "Die Sprache verspricht (sich)" –, language cannot function without drawing its working principle from its futurity inseparable from the promise, and, consequently, from the structural deficit of its own presence. To make a promise, the language which makes the promise must promise itself. Still, this promise, the "absolute performativity" of language, calls for a kind of language due to its inherent 'infinite' futurity, a language that is not yet existent and perhaps will never be, since only that which is absent can be called for. Language, by grounding the possibility of its mechanism in the promise, in its own promise, in the promise of the promise, totalizes the lack of its own presence in an auto-performative operation, oversteps itself, exceeds itself as language and risks its implied breakdown. From Hamacher's perspective, the fact that the performativity of language is based on the promise of a promise, that is, a performance which can never be realized, entails that in a sense, language is fundamentally unable to act.

Aspiring to provide a foundation to language, being, subjectivity and cognition, the promise, as the central operation of language, inevitably suffers the consequences of the operation's inherent failure. Even before it could make a promise, language gets suspended during its own grounding, executes abandonment and deactivates. The deactivation of the promise opens up a dimension of language where no operation can be imagined apart from the omission of action, a sort of inertia or idleness – inaction. Hamacher calls this dimension – identified as the "structure of language"[33] – the afformative. The afformativity of language, revealed in the suspension of the promise, deactivates the operations of positing. "[W]hat language itself is in the sphere of language" ("in der Sprache die Sprache selbst"), as Hamacher says, is afformative.[34] The deactivation of positing, therefore, exposes language's truly linguistic sphere,

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[33]   Hamacher, "LINGUA AMISSA" 100.

[34]   Hamacher, "Afformative, Strike" 1150; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 353.

which is not operative, yet it determines linguistic mechanisms by means of its simultaneously constitutive and deconstitutive functioning.

Accordingly, the language of positing is not simply contaminated and compromised by its own original defects. Rather, its coming into play cannot be linked to the structures of subjectivity; moreover, strictly speaking, it cannot even be imagined. Its operation is based on its self-deactivation. Of course, language is often conceived (especially in Western metaphysics) as something under our control (fundamentally as an agent of sovereignty). In our worst moments we imagine language as something at our disposal; something we can use. We are language *users*, linguistic *actors*; we *have* mother tongues. In this sense, as language prescribes its own practical, already act-related dimension, we see a tool in it, a means to express our thoughts and produce a cognitive order founded in the structure of subjectivity. As opposed to that, Hamacher thinks that language originally precedes the possibility of any positing, it is something that is yet to exist and perhaps never will, and to which every human being turns in spite, or because of all this. Language as such cannot be a proper tool, since it is not present in its own totality: it cannot be, it cannot yet be, and perhaps never will be.[35]

This is the reason why Hamacher discards Aristotle's definition which characterizes man as a creature in possession of language ("*zōon logon echon*"; *Politics*, 1253a), and suggests instead "*zōon logon euchomenon*" ("a being appealing for language, longing for it") and as the motivations of that become clear later on, he eventually proposes the formula of "*zōon philologon*" (a being whose "longing for language […] exceeds every given language").[36] Thus, humans are defined by the attraction towards language, by longing for it. All this, however, also means that humans cannot own language. Even though they turn to language – always a language to come –, they can never possess it. As a result, the afformative nature of language implies that the human being which should possess language is primarily defined by the ungraspable and absent nature of language, by its withdrawal, the self-deactivating and self-eliminating operation of positing, and by a prospective language that makes sense by the reason of not coming. Instead of affirming itself, Hamacher's conception of a language turns against itself, says no to itself as act,[37] and suspends itself as such: it "is" in its own absence –

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[35] Hamacher, "Wild Promises" 243.

[36] Werner Hamacher, "Ninety-five Theses on Philology," trans. Catharine Diehl, *Minima Philologica* (New York: Fordham University Press, 2015) 22; Werner Hamacher, *95 Thesen zur Philologie* (95 Theses on Philology) (Frankfurt am Main: Urs Engeler, 2010) 21.

[37] Hamacher, "LINGUA AMISSA" 100; Werner Hamacher, "The Relation," trans. Roland Végső, *CR: The New Centennial Review*, 3 (2008): 30-31, 34; Werner Hamacher, "'Now':

"Philology: in the pause of language" ("*Sprache ist ihr Ausstand*").[38] This language or rather the very 'linguisticality' of language cannot be interpreted from the perspective of giving, or gift, but of the structural withdrawal of giving.

Language's Strike

What Hamacher calls the afformative dimension of language can be modelled by the deactivation of the promise. This approach is linked with the critique of violence formulated by Walter Benjamin, which enriches the above linguistic theory with legal and political viewpoints, further burdening it with the questions of law and justice. In his essay entitled "Critique of Violence," an exceptionally challenging paper written after the First World War (1921), Benjamin differentiates between the "lawmaking and law-preserving" ("rechtsetzend," "rechtserhaltend") "violence."[39] Later he replaces this difference with the distinction between the "mythic violence," identified with "lawmaking," and "divine, law-destroying […] violence."[40] These distinctions delineate the framework, where it is possible to clearly distinguish between language's performative and afformative dimensions, and grasp the relationship between them.[41]

Walter Benjamin on Historical Time," trans. N. Rosenthal, *Walter Benjamin and History*, ed. Andrew Benjamin (London and New York: Continuum, 2005) 64-65, 67.

[38] Werner Hamacher, "The Right Not to Use Rights: Human Rights and the Structure of Judgments," trans. Tobias Boes, *Political Theologies: Public Religions in a Post-Secular World*, ed. Hent de Vries and Lawrence E. Sullivan (New York: Fordham University Press, 2006) 690; Werner Hamacher, "Vom Recht, Rechte nicht zu gebrauchen: Menschenrechte und Urteilsstruktur," *Sprachgerechtigkeit* (Justice in Language) (Frankfurt am Main: Fischer, 2018) 125. Hamacher, "Ninety-five Theses," *Minima Philologica* 46. Hamacher, *95 Thesen zur Philologie* 48.

[39] Walter Benjamin, "Critique of Violence," trans. Edmund Jephcott, *Selected Writings, vol. 1 (1913-1926)*, ed. Marcus Bullock and Michael W. Jennings (Cambridge, MA, and London: The Belknap Press of Harvard University Press, 1996) 242; Walter Benjamin, "Zur Kritik der Gewalt" (Critique of Violence), *Gesammelte Schriften* (Collected Writings) *II/1*, ed. Rolf Tiedemann and Hermann Schweppenhäuser (Frankfurt am Main: Suhrkamp, 1991) 190.

[40] Benjamin, "Critique of Violence," *Selected Writings 1* 249; Benjamin, "Zur Kritik der Gewalt," *Gesammelte Schriften II/1* 199-200.

[41] For a vehement critique of Hamacher's reading see Alison Ross, "The Distinction between Mythic and Divine Violence: Walter Benjamin's 'Critique of Violence' from the Perspective of Goethe's *Elective Affinities*," *New German Critique*, 1 (2014): 101-105.

For Benjamin, the "lawmaking violence," which is at work at the origin of every contract, is necessarily linked to "law-preserving violence." As Hamacher highlights, this is caused by the fact that "lawmaking violence" is unable to grant legality and legitimacy to any juristic act. "Law-preserving violence" produces these by sustaining the "lawmaking violence," which would otherwise fall in on itself. Therefore, the actual transition from the "lawmaking violence" to the "law-preserving violence" always appears as the transition to the sphere of instrumentality: the establishment of the legality and legitimacy of an act or an action. However, this relationship between the "lawmaking" and "law-preserving violence" is by no means unproblematic, when approached from the position of the critique of violence. The "law-preserving violence" erodes the positing power of the "lawmaking violence" while preserving it. The "law-preserving violence," which, in this sense, is inseparable from the "lawmaking violence," although not identical with it – since a law that cannot be imposed could barely be considered a law –, thus not only obstructs the recognition of the sphere of pure, unmotivated, non-instrumental means (which is the practical implication of Benjamin's essay), but also weakens the act of lawmaking, causing the slow dissolution of violence from inside.

Seen from this perspective, violence is sentenced to death ever since its first appearance in the form of an institution, or, as Hamacher emphasizes, ever since it has been integrated into the structures of representation. It is destined to be eventually swept away by another lawmaking act. Hamacher identifies this movement as the law defining "the historical dialectic" of positing (lawmaking), and thereby violence. Therefore, history for Benjamin is the field of dialectic positing and decay, which is opened up by the positing/positioning acts that establish being. The origin of the historical dialectic of violence, the driving-force of history, should be looked for principally in the act of positing: "Historical change always proceeds from the inner structure of positing violence; it requires that this violence decay in its very positing. What is called history is nothing other than the decay of positing violence, the fall of positing."[42]

Hamacher ties the above dialectic – the cycle of positing and decay – to the theories of performativity. Moreover, he calls it the "dialectic of performance."[43] If creating and maintaining law belongs to the realm of performativity, the act of lawmaking (or "law-positing," "Rechtsetzung") can be treated – in the light of

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[42] Hamacher, "Afformative, Strike" 1136; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 343.

[43] Hamacher, "Afformative, Strike" 1138; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 345.

Hamacher's interpretation of Kant – as a transcendental speech act. Benjamin's "mythic violence" is the field of positing.

Here one may easily recognize the dual operativity of the promise (presented above), as well as the analogy of the dual structure of the "lawmaking" and the "law-preserving violence." While establishing itself as a law, the promise enables the will (as shown above) to experience itself in relation to this law. As a consequence, in the act of promise the will appears as a subjectivity instrumentalizing the language (making it a means of will) that pertains first of all to itself. From this point of view, the relationship between the "lawmaking" and "law-preserving violence" is made conceivable by the dual binding of the law's autoperformative self-foundation and instrumentalization. The prevalence of the "lawmaking violence" is absolute positing, the law's self-affection, the foundation of the transcendental basis. The "law-preserving violence" links itself to this act of grounding: it comes into being in relation to this act. During the process, the "law-preserving violence" projects and stabilizes the dimension of the law's subjectivity (its intentionality, instrumentality and practical applicability), creating and inhabiting it.

However, at this point the system cannot be viewed as complete. Just as the self-decaying deactivation of the act has proved to be ineluctable in the dual structure of the promise, the "lawmaking" and the "law-preserving violence" are exposed to something that precedes and exceeds them. Recalling the passage in Benjamin's essay about the deactivation of legal order,[44] Hamacher discovers the possibility of exiting the dialectic of performance and the operativity of positing by means of "deposing" (*Entsetzung*).[45] In the conclusion of his essay, Benjamin uses this term, establishing a link between "the suspension of law with all the forces on which it depends as they depend on it, finally therefore on the abolition of state power," and the "violence outside the law […], pure immediate […] revolutionary violence."[46] Hamacher's interpretation of "pure violence" – as a law-annihilating type of violence, differentiated from the mythic "lawmaking" type – is contrasted with the cycle of "lawmaking" and "law-preserving" – the history of positing: "Pure violence does not posit ["setzt nicht"], it 'deposes'

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[44] Benjamin, "Critique of Violence," *Selected Writings 1* 252; Benjamin, "Zur Kritik der Gewalt," *Gesammelte Schriften II/1* 202.

[45] Hamacher, "Afformative, Strike" 1138. Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 345-46.

[46] Benjamin, "Critique of Violence," *Selected Writings 1* 251-52; Benjamin, "Zur Kritik der Gewalt," *Gesammelte Schriften II/1* 202. In the English translation "Entsetzung" is rendered as "suspension."

["entsetzt"]; it is not performative, but afformative."[47] In Hamacher's interpretation of "Critique of Violence," the "afformative" is identical with what Benjamin calls "pure violence."[48] Accordingly, it is the "non-positional, pure, afformative violence" itself that deposes/depositions the constitutive operations of positing. The process of the promise's deactivation discussed earlier has demonstrated how this happens.[49]

The dimension of afformativity – just like that of "pure violence" linked with the "lawmaking violence" in Benjamin[50] – is not external to performative language.[51] As it exceeds instrumental violence, the realm of performativity is originally nonviolent. Because of that it cannot be identified with the structural move bringing decay to the "lawmaking violence." Whereas the language of performativity is linked to instrumentality and ultimately to the self-preserving power of violence, "pure violence," the afformative, tends to disrupt the logic of instrumentality and the cycle of violence. "Pure violence," which is able to suspend the dialectic of performance at its foundations – that is, to disconnect the world of means and ends – can be represented only by pure instruments. According to Benjamin, language is such an instrument, but only before its fall, its decay into the structures of representation.[52] When Hamacher defines the "afformative mediacy" as equal to "what language itself is in the sphere of language," he focuses on the non-instrumental sphere of "pure mediacy (Mittelbarkeit)," "pure impartability (Mitteilbarkeit),"[53] and not on the commu-

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[47] Hamacher, "Afformative, Strike" 1138; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 346.

[48] Cf. Hjalmar Falk, "Violence, Divine or Otherwise: Myth and Violence in the Benjamin-Schmitt Constellation," *The Meanings of Violence: From Critical Theory to Biopolitics*, ed. Gavin Rae and Emma Ingala (New York and London: Routledge, 2019) 34; Ilit Ferber, "Werner Hamacher: Wandering about Language," *Philosophy Today*, 61.4 (2017): 1008.

[49] Hamacher, "LINGUA AMISSA" 110-11.

[50] Cf. Zoltán Kulcsár-Szabó, "Politik der reinen Mittel: Walter Benjamin" (Politics of "Pure Means": Walter Benjamin), *Ereignis Literatur: Institutionelle Dispositive der Performativität von Texten* (The Event of Literature: Institutional Deployments of Textual Performativity), ed. Csongor Lőrincz (Bielefeld: transcript, 2011) 267.

[51] Hamacher, "Afformative, Strike" 1151-52; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 355.

[52] Walter Benjamin, "Über Sprache überhaupt und über die Sprache des Menschen" (On Language in General and the Language of Men), *Gesammelte Schriften II/1* 152-54. See also Benjamin, "Critique of Violence," *Selected Writings 1* 243-44; Benjamin, "Zur Kritik der Gewalt," *Gesammelte Schriften II/1* 191-93.

[53] Hamacher, "Afformative, Strike" 1150, 1141, also 13n; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 353, 347.

nicative, representation-based approaches in linguistic theory. This language structured by afformativity runs out in the possibility of mediacy.[54] Nonetheless, it is important to remember that this element of sheer mediacy or "impartability" is not structured as the promise of a promise: the linguistic nature of language, in this sense, appears as a simple chance of imparting, as a sort of pure mediality, because it just "offers itself as a form of mediacy between speakers."[55] As such, it does not promise its own truth, the transcendental establishment of subjectivity, and does not offer a gift either, but revokes itself – allows its own alteration to happen – in the speakers' language. Allowing "something to happen" is exempt from functions.[56]

From Hamacher's perspective, the possibility of language functioning can be imagined as an asymmetrical correlation between the instrumental, performative language and the afformative, sheer linguisticality understood as pure means. The former communicates, while the latter allows communication, which can never be independent from the afformative realm. Although the afformative offers a mere possibility of mediacy, it can be understood as the condition of the possibility of communication.[57]

Here lies the Hamacherian aporia of language.[58] According to Hamacher, it is possible to posit, to open up the world of subjectivity, cognition and knowledge, if the operation of positing also includes its own deposing, which it is always exposed to: "Whoever speaks is afformed and afforms."[59] As a result, the performative is "biformative," as Hamacher notes.[60] The space of performance can only unclose through involving the notion of its own suspension, which means that it is subjected to its own deactivation and structured in a fundamentally afformative manner.[61] From this perspective, the possibility of performativity, the

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[54] Hamacher, "Wild Promises" 235.
[55] Hamacher, "Afformative, Strike" 1144; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 348.
[56] Hamacher, "Afformative, Strike" 1139, 12n; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 359.
[57] Hamacher, "For – Philology" 131.
[58] Cf. Mauro Senatore, "Introduction: Positing, the Performative and the Supplement." *Performatives after Deconstruction*, ed. Mauro Senatore (London and New York: Bloomsbury, 2013) 31.
[59] Hamacher, "Afformative, Strike" 1144; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 349.
[60] Hamacher, "LINGUA AMISSA" 100; Hamacher, "For – Philology" 152.
[61] Hamacher, "LINGUA AMISSA" 109.

autoperformative exposure of being, is comprised in its own inherent impossibility, its afformativity.[62]

The comparison of afformativity and Benjamin's conception of pure violence may entail further consequences. A footnote in "Afformative, Strike" [63] elaborates on the term "afformative," offering a series of differentiations summarized below.

1. The afformative is not *a priori* independent from performativity and the world of action. More importantly, however, it opens up as a domain that does not have a common ground with the operation of positing, since the afformative precedes and exceeds it. In this sense, we cannot claim that there "is" afformativity. In view of the Kantian definition of being discussed above, "it 'is' not in the manner of being."[64]

2. The afformative cannot be integrated into the paradigm of action, since it is not the order of positing that imposes its limits. That which operates in an afformative fashion, does not do, but allows, lets happen, thus preceding all action. The afformative introduces a possibility of the linguistic act of positing, but at the same time it is pre-positional and due to this it can suspend this possibility at any time. This is the reason why performative language can present afformative events only through negative means, with omissions, pauses and interruptions. These rhetorical phenomena, however, are not identical with the event, the effects of which they represent.

3. It follows from the above that the concept of afformativity cannot be linked to the domain of phenomenology (according to Hamacher, Benjamin's language philosophy is an "aphenomenology").[65] Similar to "pure violence," the afformative event has no phenomenal dimension that could expose this event as such (the afformative is originally "afigurative," as Hamacher notes in one of his essays).[66]

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[62] Hamacher, "Afformative, Strike" 1152; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 355.

[63] Hamacher, "Afformative, Strike" 1139-40, 12n; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 361.

[64] Hamacher, "Afformative, Strike" 1139-40, 12n; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 361; Werner Hamacher, "Dike – Sprachgerechtigkeit" (Dike – Justice in Language), *Sprachgerechtigkeit* 8.

[65] Hamacher, "Intensive Languages," trans. Ira Allen and Steven Tester, *Modern Language Notes*, 127.3 (2012): 539.

[66] Hamacher, "LINGUA AMISSA" 109; Hamacher, "Ninety-five Theses," *Minima Philologica* 59; Hamacher, *95 Thesen zur Philologie* 57.

Whereas representation (*Darstellung*) can always be traced back to positing operations and is "essentially performative in character,"[67] the afformative can never be integrated into the systems of representation. This entails an extraordinary hardship especially in the practical application of this language model, for example in literary analyses. Nevertheless, the fact that Hamacher talks about the Kantian sublime as "a mode" of the afformative may provide some footing to this question.[68] In an earlier essay, Hamacher directly identifies Heinrich von Kleist's novella "The Earthquake in Chile" ("Das Erdbeben in Chili," 1807) as the "narrative analysis" of the sublime.[69] The relationship between afformativity and the sublime, the nature of "negative presentation," can be understood from Hamacher's interpretation of Kleist's novella. Further perspectives on this matter can be found in Hamacher's commentary on Kafka's story "The Test" ("Die Prüfung," 1936).[70]

4. The afformative necessarily differs from itself, turns into something else, and opens up a possibility for its own alteration. The transition from afformative to performative language emerges as the transition from the sheer possibility of language, from the sphere of "pure mediality," into instrumental language. As afformativity does not manifest the order of positing, but functions as a principle which allows being, it allows itself not to become itself (and therefore in a sense not to function at all). However, this does not mean that the performativity of language is able to eliminate afformativity. If the existence of functional language relies on the afformative as a sheer possibility of language, then the order of positing (and being imagined as its correlation) will forever stay indebted to the domain of afformativity. Such is the debt of the communicative language. It is unable to reveal itself in any other way than the repetition of this debt – the mark of its own structural impossibility. Yet, even if performativity relies on afformativity, and the linguistic nature of language can be identified in the afformative, this domain, as Hamacher emphasizes, cannot be considered as the essence of language (as a category of being, essence is still the product of

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[67]   Hamacher, "Afformative, Strike" 1139, 12n; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 361.

[68]   Hamacher, "Afformative, Strike" 1139, 12n; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 361.

[69]   Hamacher, "Das Beben der Darstellung: Kleists *Erdbeben in Chili*" (The Quaking of Presentation: Kleist's "Earthquake in Chile"), *Entferntes Verstehen* 258.

[70]   Hamacher, "Ungerufen: Kommentar zu Kafkas *Prüfung*" (Uncalled: A Commentary on Kafka's "The Test"), *Neue Rundschau*, 118.2 (2007): 132-53.

positing).[71] The concept of the afformative exposes the groundlessness of functional language, and, what is more, the impossibility of its grounding. Therefore it can be interpreted as a signifier of the "abyss [Abgrund] of language."[72]

The domain of afformativity extends beyond the realm of speech acts. As illustrated by the example of the promise, it cannot be a speech act, since the deactivation of the act, the suspension of carrying it out, the deposing of positing can be named as its most important operation. From this perspective, afformance, interpreted as "pure violence," can only be a language that lacks the dimension of positing. The afformative language is untouched by subjectivity, being, or act, which means that if understood as speech, it is a pure language or pure mediality. As shown above, in Hamacher's approach, Benjamin's "pure violence" establishes a language which is not compromised by pure, positing acts. A language, whose operation is certified only by the positing/positioning which manifests its own practical impossibility. However, this assertion can be a mere testimony of silence and must therefore end in silence.[73] As it is unable to manifest itself, it reveals the irony of afformance.[74]

The silence surrounding afformativity is an inherent threat of semiological models of language. There is no available immunizing process that could negate or counter this threat. In Hamacher's theory, the afformative is the radical other which "'is' not in the manner of being" and cannot be transformed into the realm that comes to existence as the outcome of performance's dialectic. The question raised by the afformative is analogous with the philosophical questioning of the relationship between being and nothingness,[75] and even if it is not necessarily identical with it, it can be certainly considered as a variant. From this perspective, it is important to see that the method and procedure of Hegel's *Phenomenology of Spirit* (discussed by Hamacher), which place nothingness outside the realm of being, and thus immunize being against non-being by mobilizing the "law of

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[71] Ferber (1008) misunderstands the afformative as the essence of language.

[72] Hamacher, "Afformative, Strike" 1143, 16n; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 363.

[73] Hamacher, "Wild Promises" 225.

[74] Hamacher, "'Lectio,'" *Entferntes Verstehen* 192. Hamacher, "For – Philology" 111.

[75] This is highlighted by the asymmetrical duplication of thesis 48 or thesis 91 in Hamacher's "Ninety-five Theses" falling silent in mid-sentence. In these cases it is impossible to decide whether a performative or an afformative event was realized. Hamacher, "Ninety-five Theses," *Minima Philologica* 51, 94; Hamacher, *95 Thesen zur Philologie* 50-51, 98.

inversion,"[76] cannot work in the case of the afformative. Or, better put, it misses what makes afformativity what it is. As shown, afformance cannot be restrained, it cannot be integrated into the structure of being. As a result, the ontic radicalism of Hegel's *Encyclopaedia*, which represents *Dasein* as the "unity" of being and nothingness,[77] cannot be accepted from Hamacher's perspective either.

Afformance as a structural basis – or insubstantiality – of language cannot be linguistic in the same sense as a language that keeps repeating the operations of positing. Neither can the two be reduced to the same category. Afformativity is the name for the nonviolent domain that subverts, suspends, and thus threatens from inside not only the linguistic order of positing, but also being as its other.

This also explains why the general strike discussed in Benjamin's "Critique of Violence" becomes an eminent example of afformativity in "Afformative, Strike." As Hamacher writes,

> [t]he proletarian general strike, whose method is the unconditional suspension of state power (*Staatsgewalt*) and whose form is justice, would be, in the political sphere, the violence of the political itself. It would thus be what language itself is in the sphere of language: afformative mediacy.[78]

As it is known, Georges Sorel's distinction between the political general strike and the proletarian general strike provides the basis of Benjamin's conception of pure means.[79] Indeed, the proletarian general strike appears as pure means in Benjamin's essay, for, unlike the political general strike, it does not include the potential of blackmailing. It does not aim at a political-legal rearrangement. While the political general strike reaches its purpose by successful blackmailing of the state and leaves the government untouched after it has granted the advantages or rights demanded by the strikers, the proletarian general strike does not aim at any similar rearrangements. Moreover, it has nothing to do with lawmaking. It aims

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[76] Werner Hamacher, "Die Sekunde der Inversion: Bewegungen einer Figur durch Celans Gedichte" (The Second of Inversion: Movements of a Figure through Celan's Poetry), *Entferntes Verstehen* 326-28, 333.

[77] Georg Wilhelm Friedrich Hegel, *Werke 8: Enzyklopädie der philosophischen Wissenschaften im Grundrisse I* (Works 8: An Outline of an Encyclopaedia of Philosophical Disciplines I) (§89), ed. Eva Moldenhauer and Karl Markus Michel (Frankfurt am Main: Suhrkamp, 1986) 193-95.

[78] Hamacher, "Afformative, Strike" 1150; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 353.

[79] Georges Sorel, *Reflections on Violence*, ed. and trans. Jeremy Jennings (Cambridge: Cambridge University Press, 1999) 143-73.

to overthrow and abolish the established government and legal order. It is a means of the annihilation of law, "severing of relations" ("Abbruch von Beziehungen").[80] Accordingly, it stays out of the range of positing, lawmaking and law-preserving, violence and the dialectic of performance. It is a pure, nonviolent means with no intentions, belonging to the sphere of pure violence and afformativity.[81]

Afformative, strike, which Hamacher imagines as pure means without purpose, in other words, "what language itself is in the sphere of language," is "a manifestation of the political as such."[82] In Hamacher's reading of Benjamin, deposing of the law promotes a structure of language as a model of interpersonal relationships. Strike subsequently manifests the pure mediality of language in the field of politics. As long as it disrupts history, as well as political and legal terms established and governed by the operations of language, the possibility of this event can be connected to the pure mediality of language. In this sense, language is responsible not only for operating the positing/positioning domain of social being, but also for exposing its historical and political sphere which is not controlled by the laws of positing/positioning acts.[83] Benjamin's trope of the proletarian general strike offers crucial perspectives for understanding the afformative, since, to reverse what has been said, it provides, in the world of political phenomena, a model of the aphenomenal operativity of the afformative, which has been discussed as linguistic operativity in the case of the promise.

Following Judith Butler,[84] the annihilation of mythical violence by the pure violence of the proletarian general strike can be imagined with the help of an alternative version of a Greek myth. Niobe, the Queen of Thebes, was punished by Leto for offending her. She also lost her children by the hands of Apollo and Artemis. Although she herself was spared, she turned to stone due to grief. Her offence did not consist in a mere refusal to offer sacrifices, she had also claimed for herself what had been sacrificed to Leto and had boasted of having more children than the goddess. The motivation behind her actions has been explained

[80] Benjamin, "Critique of Violence," *Selected Writings 1* 239; Benjamin, "Zur Kritik der Gewalt," *Gesammelte Schriften II/1* 184.

[81] Hamacher, "Afformative, Strike" 1148-50; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 351-53.

[82] Hamacher, "Afformative, Strike" 1150; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 353.

[83] Hamacher, "Afformative, Strike" 1150; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 353.

[84] Judith Butler, "Critique, Coercion, and Sacred Life in Benjamin's 'Critique of Violence,'" *Political Theologies* 201-19.

by the absence of the distinction between gods and humans in her time.[85] In Benjamin's interpretation, the lawmaking operativity of mythical violence makes Niobe guilty exactly by sparing her. Although she has not directly caused her children's demise, her life – from which she cannot be freed even in the petrified form – is burdened with the guilt of her children's death. Turned to stone, Niobe is a "mute bearer" of the committed sin, and as such, she represents the boundary between gods and humans, which, according to the mythical power system, cannot be crossed.[86] For Benjamin, the mythical violence that befalls Niobe possesses lawmaking power. It establishes and places its subject, the subject of law, in the created symbolic order. "Imagine" – writes Butler referring to Hamacher's reading of Benjamin – "if you can, that Apollo and Artemis tell their mother to get a grip and refuse to obey her command […]."[87]

If Apollo and Artemis went on strike and committed themselves to the paradigm of non-action instead of action, mythical violence would never be enforced. Although the act of lawmaking might have happened also in this case, enforcing the law – as the means of violence and the task of Apollo and Artemis – would not be possible. As a consequence, the mythical power system would not be able to establish a law. The mythical, lawmaking violence would be suspended, abandoned and deactivated due to the purity of means and their strike leading to a nonviolent annulment of violence. Just like the afformative, strike disconnects the world of language and acts, means and ends, judgment and execution.[88] The afformative is the strike of language, the "pause" (*Ausstand*) of its communicative structure. Recalling Benjamin's memorable distinction between mythical and divine violence, one could say that as such, it does not work *against* but *for* language, as opposed to the performative domain that destroys language, pushing it into the cycle of violence.[89]

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[85]   Karl Kerényi, *Die Mythologie der Griechen: Götter, Menschen, Heroen* (The Mythology of the Greeks: Gods, Humans, Heroes) (Stuttgart: Klett-Cotta, 2013) 164.

[86]   Benjamin, "Critique of Violence," *Selected Writings 1* 248; Benjamin, "Zur Kritik der Gewalt," *Gesammelte Schriften II/1* 197.

[87]   Butler 219.

[88]   On the question of the judgement and execution see Werner Hamacher, "Guilt History: Benjamin's Sketch 'Capitalism as Religion,'" trans. Kirk Wetters, *Diacritics* 32.3-4 (2002): 102-103.

[89]   Cf. Benjamin, "Critique of Violence," *Selected Writings 1* 249-50; Benjamin, "Zur Kritik der Gewalt," *Gesammelte Schriften II/1* 200.

The "Real State of Emergency"

For Hamacher, the possibility of justice, central to his late period, is based on the disruption of the self-referential structure of law and the suspension of judgment, on their postponement, delay and deposing as deactivation. Moreover, it coincides with all these aspects. This thought certainly opposes the Western ontotheological tradition, which – as Dante's angels expelled for their inaction from Hell might remind us – favours intervention with respect to justice, as well as action, decision, sovereign actors and the world of performativity. It is not by chance that Hamacher sharply criticizes human rights, proposing their modifications,[90] as well as law and order in general as the means of establishing social justice.[91]

In so far as the establishment and maintenance of law and order belong to mythical violence (or as in Kant, to the positing/positioning acts that bring about law's self-foundation[92]), the language of performativity, the constitution of human rights (by means of series of lawmaking acts) and the modern Euro-Atlantic culture, as well as individual subjects rooted in it, no matter how good-intentioned they are, miss the essence of justice.[93] In this context, law is introduced as the most peculiar field of performativity, because, as Hamacher points out, the Kantian definition of law served as a model for Austin when he elaborated on the concept of performative language. From this perspective, the language of performativity is "barely more than" a mere "rephrasing" of the language of Kantian law.[94] The act of lawmaking is a performative, performatives are law-positing by nature, the world of law is the world of performativity and vice versa: "The language of rights is not the right language/the language of justice" ("Die Sprache des Rechts ist nicht sprachgerecht."[95]).

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[90] Hamacher, "Vom Recht," *Sprachgerechtigkeit* 115-16.
[91] The fact that human rights try to make human beings imaginable as essentially "legal factors," as Hamacher writes, is a "scandal" ("Vom Recht," *Sprachgerechtigkeit* 98), since a sort of "structural totalitarianism" originally pertains to the realm of rights and its forms manifest in political history like ethnicism, communism, liberalism, socialism or democratism. Werner Hamacher, "The one right no one ever has," *Sprachgerechtigkeit* 358.
[92] Werner Hamacher, "Recht ist eine Form: Bloßes Reden keine (Kant)" ("Right Is a Form: Mere Talking Is Not"), *Sprachgerechtigkeit* 256.
[93] Hamacher, "Vom Recht," *Sprachgerechtigkeit* 109; Hamacher, "Guilt History" 103-104; Hamacher, "Afformative, Strike" 1152-53; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 349-50.
[94] Hamacher, "Recht is eine Form," *Sprachgerechtigkeit* 264.
[95] Hamacher, "Recht is eine Form," *Sprachgerechtigkeit* 265.

From Hamacher's perspective, connecting language and justice becomes possible if it is imagined not in the domain of a positing or a performative language, but instead in a language without a predicative structure, a language which is not intentional, not signifying, and thus in no way determined. Such a language is afformative: it manifests its own aporetic character. For Hamacher, only such a language that fulfils these conditions may possess the plurality and openness offering an alternative to the inherently exclusive and anti-historical legal order:[96] the possibility of the arrival of a truly singular – afformative – event.[97] In the German thinker's late works, this language offers a new, radically subversive perspective for reflections on philology, one that directly references Luther's 95 theses, as also indicated by a seminal paper's title ("Ninety-five Theses"). In this respect, Hamacher's conception of philology is afformative in practice: "Orpheus is a philologist when he sings."[98] This is the very reason why man, through the definition of this practice, appears as a *zōon philologon*. If "whoever speaks is afformed and afforms"[99] and human existence can be imagined as constantly drawn towards language, human beings can never be anything but the afformative domain of language, a "language" that is yet to become a language. Therefore, they are defined by the domain that manifests the sheer possibility of language. Orpheus is afformed and afforms when he sings.

According to Hamacher, the possibility of justice lies precisely in the above described openness – allowing the afformative to be. In the fight for justice, whose "activist" and "quiet soldier" is literature,[100] a "*different* philology" (than the traditional one serving "juridicism, classism, racism, and sexism"[101]) is a front-line fighter. Justice in this sense can only be imagined "*as* a process," which also means that it must not fall into conclusions or judgments.[102] This is why Hamacher identifies industrialism, and journalism as its eminent form, as an arch-enemy in the fight for justice.[103] In this respect, Hamacher's concept of justice can only exist

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[96]   Hamacher, "Vom Recht," *Sprachgerechtigkeit* 98.

[97]   Hamacher, "Vom Recht," *Sprachgerechtigkeit* 124-25.

[98]   Hamacher, "Ninety-five Theses on Philology," *Minima Philologica* 79; Hamacher, *95 Thesen zur Philologie* 77.

[99]   Hamacher, "Afformative, Strike" 1144; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 349.

[100]   Kulcsár-Szabó and Lénárt, "Az irodalom" 77.

[101]   Hamacher, "Ninety-five Theses on Philology," *Minima Philologica* 89; Hamacher, *95 Thesen zur Philologie* 93.

[102]   Hamacher, „Vom Recht," *Sprachgerechtigkeit* 123.

[103]   Hamacher, "Ninety-five Theses on Philology," *Minima Philologica* 93; Hamacher, *95 Thesen zur Philologie* 97.

(not independently from Derrida[104]) when the decision over justice is kept open. Consequently, what is just must not or cannot make a decision or judgment on something, for example, on its own rightfulness. Along these lines, language can only be just if it corresponds to what is linguistic – afformative – in itself. When understood as the language of decision, judgment and law, justice misses language, as it is made clear by Hamacher's reading of Aristotle. As such, it emerges as a language without language: "The language of decision speaks *about* others, not *with* them" ("Die Sprache der Entscheidung spricht *über* Andere, sie spricht nicht *mit* ihnen.").[105] "What language itself is in the sphere of language,"[106] in contrast, deactivates and suspends the possibility of action instead of carrying out a decision or judgment. Hamacher names prayer, wish and poetry as the exemplary spheres that conform to the linguistic aspect of language, and consequently, to justice.[107] However, poetry, as the absolute openness and beginning, the origin and pattern, stands out among these: "Poetry is *prima philologia*."[108] As soon as we step out of poetry's zone – a language that incessantly clashes against its own borders, at times transgressing them, manifesting the impossibility of representation and transgressing the terms of representation[109] –, as soon as judgment is made (as the act of foreshadowing and stabilizing an order), we find ourselves in the realm of positing and performativity. In this regard, being just equals to a withdrawal into the afformative realm of deposing and poetry. Thus it can preserve the purely ethical nature of justice, language as language, against its representative and performative dimension – to preserve language's aporia and allow it to exist.

As a result, in Hamacher's theory, only the deactivation of existing systems of knowledge, government apparatuses, decision- and judgment-based legal-political and ethical systems can grant the possibility of justice. As evident from the above argument, language has been implicitly and inevitably carrying out this task, although its absolute afformativity, just like pure violence, has never been

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[104] Jacques Derrida, *Gesetzeskraft: Der "mystische Grund der Autorität,"* trans. Alexander García Düttmann (Frankfurt am Main: Suhrkamp, 1991) 46-53.

[105] Hamacher, "Dike – Sprachgerechtigkeit," *Sprachgerechtigkeit* 48-49.

[106] Hamacher, "Afformative, Strike" 1150; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 353.

[107] Hamacher, "Ninety-five Theses on Philology," *Minima Philologica* 11; Hamacher, *95 Thesen zur Philologie* 8.

[108] Hamacher, "Ninety-five Theses on Philology," *Minima Philologica* 17; Hamacher, *95 Thesen zur Philologie*, 15. See also Hamacher, "For – Philology" 111, 124, 139-40.

[109] Ferber 1007–1008.

directly accessible to cognition.[110] Nonetheless, the chief problem of this approach is that the afformative structure of language, which is responsible for every deactivation preceding an action, is not *a priori* guaranteed.[111] From this perspective one may understand another significant aspect of afformance as a form of justice, manifesting itself very consistently in Hamacher's later works. Justice in language (*Sprachgerechtigkeit*)[112] must be connected to strike during its first and, if philology as an afformative practice is disregarded, also the last systematic discussion:

> It should thus also be clear that the strike which Benjamin discusses in his piece has little in common with the "state of emergency" (*Ausnahmezustand*) represented by the strike in the political theory of Carl Schmitt. For Benjamin, the strike is no state of emergency, is not the exception (*Ausnahme*) to a rule in need of protection, of the state's monopoly over violence, but the "exception" of any system that can still operate with the political opposition of legal norm and state of emergency.[113]

Strike and the afformative as the absolute other, the "exception," which definitely cannot be imagined from the perspective of the state of emergency as described by Carl Schmitt,[114] and obviously not as a legal power emerging directly, prior to any legal order,[115] do not work according to the rules of the world and as a result they cannot be integrated into it either. From Hamacher's perspective, the dialectic of norm and exception is still that of performance, in other words, of the cycle of lawmaking and the law's decay. Strike breaks this cycle, appearing as an "exception" to the legal-political order established by lawmaking acts, and ultimately as the

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[110] Hamacher, "Afformative, Strike" 1155; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 358.

[111] Hamacher, "For – Philology" 154.

[112] This concept of the language as justice arises from the works of Benjamin ("Justice is language" [Gerechtigkeit ist Sprache]). Hamacher, "Dike – Sprachgerechtigkeit," *Sprachgerechtigkeit* 7). It appears in the essay "Afformative, Strike," where Hamacher identifies the structure of justice as the structure of language: Hamacher, "Afformative, Strike" 1147; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 350.

[113] Hamacher, "Afformative, Strike" 1149, 34n; Hamacher, "Afformativ, Streik," *Was heißt "Darstellen"?* 367.

[114] Carl Schmitt, *Politische Theologie* (Berlin: Duncker & Humblot, 2004).

[115] Carl Schmitt, *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum* (The Nomos of the Earth in the International Law of the Ius Publicum Europaeum) (Berlin: Duncker & Humblot, 1974) 42.

exception to being based on positing – an exception to being itself, discussed before. One could say that for Hamacher, this "exception" is the "real state of emergency," which Benjamin discusses in Thesis VIII on the philosophy of history,[116] and which he calls "revolutionary violence" (*revolutionäre Gewalt*) at the end of his critical analysis.[117]

Benjamin's critique that touches upon the concept of history significantly influences Hamacher's thinking. As far as history is the history of positing/lawmaking acts, afformance is antihistorical in the deepest possible sense. And yet, if we take Hamacher's claim seriously, paradoxically it is only this a-trope of history that is able to open it up, on which act the possibility of singularity entirely depends. The "real state of emergency," "pure, divine violence," "revolutionary violence" and their mastertrope, the afformative, do not posit, but, as if from beyond the realm of positing, simply open up the way to something else. Thus they set up the conditions for a random, undetermined event outside the logic of instrumentality, manifesting the possibility of a new ethics.[118]

Whereas for Kant time is "nothing other than the form of inner sense, i.e., of the intuitions of our self and of our inner state"[119] – and as such, it must originally belong to the order of positing –, the domain revealed by the afformative points out of time.[120] As a result, Hamacher offers another notion of time, which relies on the logic of the afformative. In this sense, Hamacher's concept cannot even be properly called time. As Hamacher writes:

> Historical time is nothing but the delay, impediment, and ultimately the prevention of consequences, successions, and descendancies in the moral world; it is the liberation of ethical singularity as well as the *epoché* of economy and all of its branches – within natural science, natural law, and natural economy.[121]

Similar to the linguistic which deactivates language, to a suspended political action which becomes political, to justice which can never be subsumed under the order of ethics, Hamacher thinks that "historical time" could be used only for what

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[116] Kulcsár-Szabó, "Politik der reinen Mittel" 297; Walter Benjamin, "Über den Begriff der Geschichte" (On the Concept of History), *Gesammelte Schriften I/1* (Collected Works), ed. Rolf Tiedemann and Hermann Schweppenhäuser (Frankfurt am Main: Suhrkamp) 697.

[117] Benjamin, "Critique of Violence," *Selected Writings 1* 252; Benjamin, "Zur Kritik der Gewalt," *Gesammelte Schriften II/1* 202.

[118] Hamacher, "Guilt History" 104.

[119] Kant, *Critique of Pure Reason* 163 (B50).

[120] Hamacher, "Intensive Languages" 538-39; Hamacher, "LINGUA AMISSA" 110.

[121] Hamacher, "Guilt History" 104-105. See also: Hamacher, "'Now,'" *Walter Benjamin and History* 48.

points out of time, halts and deposes/depositions history's progression. Consequently, neither language, nor politics, nor ethics, nor time are essential as invariant zones available for action and produced by action. It is their opening to the afformative domain that precedes and suspends, allows, alters and preserves the plurality and heterogeneity of every positing/positioning act. As the afformative's eminent worldly manifestation, poetry stands in the centre of this domain – exemplified, for Hamacher, by Paul Celan's poems. Facing literature is the most proper opportunity for the "real state of emergency."

Reading, as Hamacher notes interpreting Heidegger in one of his late works, is a pure means and thus manifests pure violence. Just like the afformative or Hamacher's conception of philology, pure violence does not belong to language's semantic, representational domain, to the world of producing and rearranging meaning, but to the linguistic aspect of language: to language's (self)omission, (self)missing, to its pauses.[122] Delay, inaction, lingering and suspension, detachment from the basis and its abandonment are not the deficiencies which can be avoided when dealing with literature. They are parts of a praxis that offers the most radical critique of the linguistic aspect of language and thereby that of positing, of linguistic and non-linguistic acts, and of performativity. Hamacher's exceptional *œuvre* shows that to read is to open a path to the linguistic aspect of language, and in this way to historicity, the political, and justice, thus bringing forth the "real state of emergency" – to be afformed and to afform. Reading therefore is the most proper means, one could say the structural centrepiece, of the humanities. If the humanities wish to preserve for posterity their historical task of studying cultural phenomena in opposition to the research-governing, theme-prescribing and essentially question-pre-answering imperative of the economic order (that is, of a fundamentally performative economy), they should, according to Hamacher, start to think about their praxis and their descriptive apparatus in an entirely different, radically critical, originally and profoundly deconstructive manner[123] based on the linguistic sphere of language, and on the praxis of reading. From the Hamacherian point of view this is the only chance for language, literature, politics, and justice – as well as for the humanities.

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[122] Werner Hamacher, "Diese Praxis – Lesen –" (This Practice – Reading –), *Lesen: Ein Handapparat* (Reading: A Seminar Folder), ed. Hans-Christian von Herrmann and Jeannie Moser (Frankfurt am Main: Vittorio Klostermann, 2016) 97.

[123] Werner Hamacher, "Freistätte: Zum Recht auf Forschung und Bildung" (Asylum: On the Right to Research and Culture), *Unbedingte Universitäten: Was Passiert? Stellungnahmen zur Lage der Universität* (Unconditional Universities: What Has Happened? Positions on the Situation of Universities), ed. Johanna-Charlotte Horst (Berlin and Zürich: Diaphanes Verlag, 2010) 217-47.