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Walter Benjamin's *Zur Kritik der Gewalt* ('On the Critique of Violence'): reception, relevance, and a mis-diagnosis?*

by Valerie Whittington

Abstract

Walter Benjamin's early essay *Zur Kritik der Gewalt* [*Zur Kritik*] first published in 1921 is a notoriously difficult text, but its relevance to contemporary politics makes it a text to which theorists repeatedly return. This reading takes issue with those critics, notably Axel Honneth, who see Benjamin's project in *Zur Kritik* as fatally, dangerously flawed. It is suggested here that Benjamin's text, despite the difficulties, still posits the possibility of a 'lookout point' - not prescriptive *per se* but in keeping with his abiding interest in literature, metaphorical and exegetical. There is no ground on which to stand that does not in effect constitute the lookout point of the place and times of the lookout, but this reading suggests that the Benjaminian lookout point is the lookout which is never fixed because it is not 'looking out' on but towards others, and is not merely addressing and prescribing, but talking with itself and others. That Benjamin embraces religious language to effect this move, perhaps suggesting, a lookout in judgment from a fixed point, from some 'higher' (transcendental) ground, certainly might be troubling for some, but it will be suggested these anxieties are misplaced.

In 2018, while the UK and USA condemned illegal killing by chemical weapons in the Syrian conflict they sanctioned a response through conventional ones (Graham et al., 2018). When the UK was condemning the alleged attempted murder by poison of one of its citizen by the agents of Russia (Barry and Pérez-Peña, 2018), inside Yarl's Wood immigration detention and removal centre, detainees, without any legal limit upon their detention were embarked upon hunger strikes (DV - detained voices, 2018) (Hacker, 2018) (Bulman, 2018). Hunger strike - that form of strike Benjamin did not consider in his essay, is a self-directed violent alternative to other-directed violent acts of resistance by those in State detention. Those for whom the right to labour for a wage is itself denied and so who cannot withhold it, threaten instead, self-violence and their potential 'martyrdom' through death by hunger strike: replacing the withdrawal of their labour with the withdrawal of their circumscribed 'mere life' from the State. In the economy of violence, past and present, the exchange of threats, peremptory extra-judicial and judicial execution and considered self-directed and other-directed harm, does Benjamin's text offer anything beyond the critical purchase already achieved by previous critics? Benjamin's presentation of the Biblical commandment 'Thou shalt not kill' challenges the reader to ask the worth of a commandment, any commandment, in the era of modernity when the pursuit of an agreed 'lookout point' for morally ballasted political legitimacy seems not only improbable but also inadvisable. The aim of this essay is to suggest that there is a reading of Benjamin's text that is neither aggressively religious (normative, prescriptive) nor aggressively atheistic (and pragmatic) and that suggests a way out of the potential theoretical impasse that results from either stance.

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While the main theorist addressed is Axel Honneth (Honneth, 2009), *Zur Kritik* has received close attention from numerous critics including, Giorgio Agamben ([1970], 2009), Judith Butler (2006), Jacques Derrida (1990), Marc de Wilde (2011), Jürgen Habermas (1979), Ari Hirvonen (2012/2013), Eric Jacobson (2003), Tracy McNulty, (2007) Darrow Schecter (2010) and Richard Wolin (1994). There is not space in this essay to address the individual positions of each of these critics, for anyone familiar with their comments on Benjamin's essay it will be clear where the present piece agrees and takes issue with these respective authors.

Reception

In his chapter on Walter Benjamin's *Zur Kritik* in *The Pathologies of Reason: On the Legacy of Critical Theory*, (2009) Axel Honneth offers both an insightful analysis and a flawed criticism of Benjamin's text and in the essay that follows his reading is cast as the 'misdiagnosis' of the title here. In his Chapter titled 'Saving the Sacred with a Philosophy of History: On Benjamin's "Critique of Violence"' Honneth recognises that Benjamin's text is one of 'vexing subtlety' (2009: 88). He identifies the circuitous methodology Benjamin adopts to reach his goal, initially cited only fleetingly at the start – the problematic of the 'philosophico-historical'. Under the guise of an exploration of the instantiation of violence under the Law, and the way in which 'lawful' violence obscures its genesis in the founding violence and maintenance of the State, Benjamin sets out a 'religio-philosophical' text. In Benjamin's view the founding violence of the State is the echo of the violence of mythical Gods in the lives of mankind and in the subsequent monotheistic religious settlement. As Honneth notes, Benjamin was writing in 1919, under the influence of having recently read Bloch's *Spirit of Utopia* (Bloch, [1918], 2000), in communication and conversation with Gershom Scholem, and after documented influences such as his readings of works by George Sorel, Charles Péguy and Erich Unger, which according to Honneth strengthened in Benjamin an already nascent anti-utilitarianism, identified in his 'Program of the Coming Philosophy' (Benjamin, [1917], 1996). Although each distinct, Honneth recognises these writers as 'united by their tendency to hold the concept of the political as far as possible from the pursuit of interests so as to equip it with the potential to radically disclose new intellectual and moral orders' (2009: 91). According to Honneth, this would have attracted Benjamin and encouraged the development of his thought along the lines it takes in *Zur Kritik*. Honneth observes: 'It is hard to imagine that Benjamin did not perceive such a political concept of the extraquotidian as a chance to explore the field of the political, as well as the model of religious intrinsicness' (2009: 92). Benjamin's reading material at that time, his observation of the failed revolution of 1918, the rising question of Palestine, and his experience of the 'pauperizing' effect of capitalism, led him Honneth believes to a conviction that 'breaking out of the apparently pathological contemporary society was only possible by concentrating on a radical redefinition of political action' (2009: 92).

Honneth claims Benjamin was inspired by the sacralisation of the notion of proletarian revolution poetically suggested in Bloch's *Spirit of Utopia*. Benjamin effects a reversal of the view that:-

any rational politics finds its limits in "violence", while in "law" it finds its legitimate starting point [...][Benjamin] revers[es] the polarity of these two concepts, so that violence appears as the course and fundament of politics and law, to the contrary, as its endpoint. The function of this proposed reinterpretation is to be able to interpret politics as an event that is in itself free of ends, detached from all human purposes, and to that extent is "religious".(Honneth, 2009: 94)

The placing of the word religious in inverted commas, indicates correctly the problematic identification between Benjamin's critical trajectory and the mapping of it upon schemas of what counts as religious in any effective or precise fashion. It is claimed here that in identifying Benjamin as engaged in a search to re-insert God and the 'non-instrumentality' of God into social reality, Honneth fails to get to grips with Benjamin's use of religious tropes. Merely to 'flag' the problems inherent by the placing of the term inside commas does nothing to address that difficulty in Benjamin's text, or in his more general use of religious discourse in his critical theory.

Judith Butler (2006) recognised that Benjamin applies to the commandment 'Thou shalt not kill' an exceptional exegesis and the present reading agrees with her view of the centrality of this move by Benjamin. She speaks of the perlocutionary; in this essay Benjamin's approach is taken as effectively treating the commandment as an interrogatory. It is argued here that Benjamin uses his example of the commandment to leverage history from under its metaphysical and theological wreckage to bring the ethical again into relation with context, time and in his own words towards a 'decisive approach to its temporal data' (Benjamin, 1978/2007: 300). This cannot be understood, without some observations on Benjamin's view of History as a theoretical praxis and his use of religious language in that context. There is a connection here with the later 'Über den Begriff der Geschichte' ('On the Concept of History') (Benjamin, [1940] 2014) which offers the image of an illusory linear history unfolding before the Angel of history's backward-looking face. Illusory because for Benjamin – History must be construed as a constellation in which the 'Jetztzeit' of the present is 'shot through with chips of Messianic time' (Benjamin, 1978/2007: 255). While the Angel is powerless to stop the carnage to assert its own 'totalising' repair job, the historian, in Benjamin's view has a better chance of success. While history may appear a fast and furious chain reaction irreducible to stillness, Benjamin insists, it is in the stillness of the critic, and the *Stillstand* of critical thinking, that the endeavour of understanding (and revolution) becomes possible. In the face of rapid and continuing change and manifest and intended violence both personal and political, despite the weight of linear cause-obsessed historiography, in this moment the historian can find a 'lookout point' from the position of *Stillstand* and 'blast open the continuum of history' (Benjamin, 1978/2007: 254). The 'religious' language here is highly significant and is highlighted by Arendt in a footnote to Benjamin's text. The word *Jetztzeit*, she notes, has been chosen by Benjamin in preference to *Gegenwart* in order to suggest a different kind of 'present' – the mystical *nunc stans* (Benjamin, 1978/2007: 253). The *Jetztzeit* and *Stillstand* are metaphorical and Messianic because Benjamin has found in religious language the means towards a revised historiography. For Schecter the interrelation of 'historical process', 'the recurrent catastrophe of war and exploitation, into redemptive revolution' is in Benjamin's constellation of concepts both 'non-deterministic and non-accidental'. (2010: 57,63) Schecter's focus is upon the crisis for 'knowledge' that is at stake in this recognitive redemption which appears as an impossible epiphany from the past - prefigured before it is known. In this piece, it is cited to support the view that Benjamin's use of religious tropes is not merely reducible to the re-insertion of 'God' in history, law or politics, but to suggest that it is a recuperation of exegetical tools abandoned with the 'death of God' in modernity. Benjamin is not concerned with the recuperation of a transcendent power, but with the intuited revolutionary potential of a transcendental philosophy in the service of the profane world as that is lived and experienced, and not as its master.

This account considers two moments in Benjamin's piece that have caused particular difficulty for critics including Honneth and which are addressed in turn:

- i. Benjamin's identification of the weakness of Parliaments
- ii. The nature of Divine violence, its sovereignty and its relation to the commandment 'Thou shalt not kill'

i. Benjamin's identification of the weakness of Parliaments

In our time parliaments [...] offer the familiar, woeful spectacle because they have not remained conscious of the revolutionary forces to which they owe their existence [...] They lack the sense that a lawmaking violence is represented by themselves; no wonder that they cannot achieve decrees worthy of this violence, but cultivate in compromise a supposedly nonviolent manner of dealing with political affairs. This remains however, a "product situated within the mentality of violence, because the effort toward compromise is motivated not internally but from outside, by opposing effort, because no compromise, however freely accepted, is conceivable without a compulsive character. 'It would be better otherwise' is the underlying feeling in every compromise."¹ Significantly, the decay of parliaments has perhaps alienated as many minds from the ideal of a nonviolent resolution of political conflicts as were attracted to it by the war. (1978/2007: 288)

Benjamin explores through his examples (conscription, the death penalty, and the actions of the police) the potentially lethal violence at the disposal of the liberal democratic State. To evaluate the above statement, which on the surface appears to call for lawmaking violence from Parliaments, it is necessary to consider Benjamin's consideration of the ways in which violence works within the contemporary State he knew and experienced, in both its law preserving and law-making forms. His opening sentence is explicit. His observations address parliaments in his own time.

All violence is problematic because of the difficulty of establishing why any violence at all can be regarded as 'legitimate'. To explore this thought Benjamin begins his analysis in *Zur Kritik* with a comparison of the respective positions on 'means and ends' that he claims reflect natural and positive law. As being concerned with 'ends' natural law in his view must be unconcerned with 'means', and in being indifferent to the substantive content of law, positive law must be unconcerned with ends: positive law can only be used to judge means and natural law to judge ends. His opening paragraphs note that traditionally violence is considered only as a means, however neither positive nor natural law are able to help the critic to decide whether violence can ever be moral or just so as to be considered a worthy end in itself. The solution to the antinomy he states would only be found in the discovery of some 'independent criteria both of just ends and of just means' (1978/2007: 278) and this appears to be the direction of his thought. He claims that when the use of violence is considered as means, there are sanctioned and unsanctioned uses of it and when the criteria of judging are considered, this points to a standpoint beyond the terms of either positive or natural law: 'a historico-philosophical view' (1978/2007: 279).

There can be no clear determination in natural law because the distinction drawn merely between whether violence is used for legitimate or illegitimate ends has to be rejected. In positive law only the historical conditions of the production of a law that endorses violence can authorise (i.e. give authority to) its use. In this sense, positive law is closer to being able to identify the historically endorsed 'ends' of positive law by allowing

examination of the 'specific legal conditions' of its production (Benjamin, 1978/2007: 280). Benjamin suggests there is a residue of 'natural' ends that accord the use of violence a different function to that proposed by positive law. This arena of natural law outside positive law is the 'natural law' that permits individuals to pursue their own ends, yet it is proscribed by positive law in as many areas as possible: 'it follows that law sees violence in the hands of individuals as a danger undermining the legal system' (1978/2007: 280). This violence outside of law is a threat to law not just for the ends it may be used for, but in itself: nowhere is this more evident to Benjamin than in the power of organized labour to strike. Benjamin acknowledges there is no apparent violence in the withdrawal of labour, but there is violence in the 'extortion' that is perpetrated by the strikers 'to use force in attaining certain ends' (1978/2007, p.282). Although, the hunger strike is not considered directly by Benjamin, at the time Benjamin was writing, a general strike also induced hunger among those who sacrificed their pay and livelihoods in a strike, a point he does not explore in his depiction of the violence and 'threat' inherent in workers' strikes – the suffering the strikers themselves endure and the courage required to make that sacrifice. While the State might admit the right to strike in individual industries and in specified circumstances, the state acts to prevent a general strike. There is a clear inconsistency in the State's position towards the use of violence, but it is explicable because in Benjamin's words a general strike is of a different order to a simple industrial dispute because in a general strike it has the potential power 'to found and modify legal conditions' (1978/2007: 283). Exactly the hope of the revolutionary syndicalist Georges Sorel: 'The idea of the general strike, engendered by the practice of violent strikes, entails the conception of an irrevocable overthrow': Sorel, *Reflection on Violence* – Appendix I, 'Apology for Violence' [1908] (1999:281). Kant noted the need for States to 'found' new legal orders with ceremonies that marked such a change. Whether undertaken by the 'great criminal' or by the 'military' – 'there is in all such violence a lawmaking character' (Benjamin, 1978/2007: 283).

Militarism too reveals a dual character in violence, again 'law preserving' and Benjamin uses the example of the violence of general conscription as the most blatant example of this where the citizens of a state are mobilised to defend it (1978/2007: 284). According to Benjamin, this law-preserving violence is harder to criticise without a broad critique of all legal violence or 'legal and executive force' (1978/2007: 284). Only the categorical imperative of Kant stands against it and even here Benjamin doubts the strength of this which stated one must 'act in such a way that at all times you use humanity both in your person and in the person of all others as an end, and never merely as a means' - leaving open the possibility that provided one is simultaneously treating oneself or another as an end, that it would be acceptable to also use oneself or another as a means. In a footnote Benjamin wonders 'whether it is permissible to use, or allow to be used, oneself or another in any respect as a means' (1978/2007: 285). Benjamin prefers what he describes as 'pure means' to effect change. This requires greater coverage than is here available but some description is necessary. These pure and direct nonviolent means of resolving conflict begin with 'subjective preconditions' (1978/2007: 289). They are a feature that Benjamin describes as having 'enormous scope' in determining law (2014, loc.33619-33632). 'Pure' means [*eine Politik der Reinen Mittel*] govern 'peaceful intercourse between private individuals' (1978/2007: 290-291). They focus upon the 'culture of the heart' (Jacobson, 2003, Ch.6) and give rise to interpersonal nonviolent conflict resolution at the level of individuals and also in the realm of diplomacy.

When it comes to 'law preserving' violence, Benjamin believes a critique is much harder to produce than it seems. It requires 'Reason' to take a resolute approach. The use of the death penalty appears, its highest and most extreme form, the very extremity of

which suggests its dis-proportionality. It induces a sense of rottenness because (and this is a very peculiar expression) 'a finer sensibility...knows itself to be infinitely remote from conditions in which fate might have imperiously shown itself in such a sentence' (1978/2007, p. 286). [*Eben in ihr aber kündigt zugleich irgend etwas Morsches im Recht am vernehmlichsten dem feineren Gefühl sich an, weil dieses sich von Verhältnissen, in welchen das Schicksal in eigener Majestät in einem solchen Vollzug sich gezeigt hätte, unendlich fern weiß.* (Benjamin, 2014, e-book Loc. 33577-33579)]. It is difficult to determine what Benjamin means by this, unless it is a personification of the reaction of the pure 'end-in-itself-ness' of the individual. The 'finer sensibility' is one who senses intuitively that they should never be treated merely as a means, and so recognises injustice in the sentence imposed, the 'weakness' of the law, and its 'unsound' nature in bolstering its own power as opposed to bolstering the ends of Justice. In his consideration of Benjamin's discussion of the death penalty, Honneth remarks that 'the real function of carrying out the death penalty turns out to be the reassertion of the law, that is, we cannot speak of a displacement of means and ends but only of a concealment of the real end' (Honneth, 2009: 113). Honneth suggests that for Benjamin, the discussion of the death penalty simply acts as a bridge to the theme of law preserving violence without considering the relevance of Benjamin's extraordinary comment on the uncanny sensation of 'rotteness' elicited by the penalty.

Benjamin's claim goes much further, to the observation that all legal agreements contain sanctions of one form or another in which there is 'latent' violence (1978/2007: 288). The situation where the ubiquitous presence of violence 'disappears' from consciousness can only ultimately end in the decay of the institution of law, and by extension the weakening of Parliaments. Honneth's reading of Benjamin on this point is strongly antipathetic and demands consideration for the expression of a fear also echoed by others that Benjamin is giving way here to a form of atavistic antidemocratic thought.

Butler's article more than any other cited here locates Benjamin's essay historically and questions why it has been so variously and problematically received. Perhaps seen by some as inadequate to meet even at the theoretical level the challenge and fact of emergent Nazism in Germany, subjected by Derrida, among others, to criticism on the basis of a failure to appreciate parliamentarianism. According to Butler, Hannah Arendt also expressed the view that Benjamin failed to appreciate the importance of law for community and the exercise of 'collective freedom' (Butler, 2006: 206-7), nevertheless Arendt, echoed Benjamin when she also expressed the view that law is based on violence. In 'Introduction to politics' Arendt wrote: 'law . . . has something violent about it in terms of both its origins and its nature' (Jurkevics, 2017: 359).

What troubles some critics is that it is clear that Carl Schmitt's critique of Parliamentarianism is significant for Benjamin although the two men see in Parliamentary structures very different evils at play.² For Schmitt, the lack of strong executive power to act 'exceptionally' reveals a weakness, which itself reveals the presumption in Schmitt, of the necessity and centrality of the State – or at least of the exercise of Sovereign power. Schmitt uncovers the illegitimacy of otherwise legal Parliamentary 'power' – but with a view that finally rejects legality in favour of a Sovereign legitimacy based upon charismatic force and acclamation.³ Benjamin also sees in the Parliamentary form weakness and illegitimacy. Benjamin, sees the contradictions of a State where enforced (violent) conscription plays a part in its preservation, but rather than seeking to reassert the necessity of centralised State power by some other legitimising strategy, he explores instead a legitimising path between anarchism, anarcho-syndicalism and liberalism, towards a reformed 'other' State which can be imagined peace-able i.e. brought into existence through peaceful means, self-sustaining by peaceful means towards peaceful ends - as might be imagined between persons in private

life. If this were instituted, then Benjamin suggests a 'happy' and thus profane 'other' state might exist. This State would be neither u-topic nor theocratic and would be both dependent on (and co-dependent with) the Messianic (Divine) State coming into existence and discovering, by a critical approach to the past, the seeds of its 'redemption'.

Honneth for understandable reasons disapproves the connection with Schmitt but also more generally takes issue with Benjamin's lack of use of authorities on natural and positive law (Honneth, 2009: 106 – 'not a single author is mentioned by name'). He also dislikes Benjamin's too ready theoretical generalisation from specific examples of police extra-legal violent behaviour. His criticism is a little too broad given the limited scope of Benjamin's interest in reproducing the natural/positivist positions within jurisprudence in his essay. Benjamin's admittedly broad stroke approach to the position of means and ends in natural and positive law is broadly speaking, fair comment. While Honneth castigates Benjamin for this he points to the historical situatedness of Benjamin's analysis with the observation that Benjamin limits the scope of his analysis to the European context because: 'the real reason for the restriction can probably be regarded as the historical circumstance that precisely in Europe at the time, there was scarcely another more politically explosive question than that of the legal legitimacy of non-state, revolutionary violence' (2009: 8). This is only half the story and from Benjamin's perspective the lesser half, because in Benjamin's text it is clear that the 'villain' of his piece, the dark figure of the shadows is not revolutionary violence – but state sanctioned police violence which in reading it as it were 'crosswise' Honneth disregards.

In criticising Benjamin's turn to a consideration of police violence Honneth is almost perversely dismissive:

This line of thought obviously owes itself to vivid impressions of police abuses of power at the time. The excited tone, the choice of adjectives, the open antipathy – all reveal that Benjamin must have been very precisely informed about concrete cases of such transgressions from contemporary sources. The empirical bases of the argument provoke the question, however, of whether the surely innumerable examples can be generalized into a principled thesis about the removal of constraints on police violence in the constitutional state. Benjamin does not seem to have more in hand than the dubious observation that democratic regimes lack the exemplary authority to bind their personnel. (Honneth, 2009 p.114)

Honneth's use of the word 'transgressions' make the incidents he suggests Benjamin was aware of, seem as though they are exceptions that stand out from a norm of otherwise lawful exercise of power. Yet clearly the political crises confronting Europe and Germany in particular were increasingly leading to a political norm in which the violent and arbitrary exception appeared to be becoming established as the norm. It has been suggested that this slide towards violence both inside and outside the State, for example in the uprisings in Upper Silesia in 1919-1921, was in effect lionised and in some senses normalised by the victorious Nazis in the German Nazified State a decade later.

..."political" acts such as the August 1932 murder in the Upper Silesian village Potempa - the brutal murder of a Polish Communist sympathizer by drunken SA-men - seemed to fit coherently into a mythological Nazi past of "old fighters," raging battles against leftists,

betrayal by the republic, and the like (Hunt Tooley, 1988).

The Potempa murderers were initially found guilty of murder and sentenced to death, but with political pressure from the right their death sentences were commuted to life imprisonment, and after the coming to power of the Nazis they were released. The men spent only seven months in prison before their release on March 18th 1933, described by von Papen as 'the innocent sentenced victims of Potempa' (Bessel, 1977: 252).

Honneth appears to criticise Benjamin for being unable to transcend the limitations of his historical situatedness and to discredit him for lack of imagination and yet of all the truisms of Benjamin's time it is undoubtedly a fact of history that this police and State sanctioned violence was to become evident and blatant in Benjamin's lifetime and in the years immediately following his death.

Honneth's assertion of the capacity of binding state authority is less than reassuring and Benjamin's observations are not at all dubious when in the violent wake of 9/11, governments of the UK and USA, both western constitutional 'liberal' democracies, endorsed 'legal' excuses for 'extraordinary rendition' and 'off-site' prisons where human rights and international conventions were (if not ultimately, then for a very long time) without legal purchase: a dismal reality paraded regularly with the sight of shackled men in bright orange suits seen at Guantanamo (Sands, 2005). There is no comfort in the idea that 'law' prevented these abuses taking place on 'national soil' and not much in the fact that eventually internationally agreed standards were finally reasserted. It does not take account of the long-standing nature of struggles against this tendency within the borders of modern democracies, of states such as the United Kingdom where 'shoot to kill' policies were still in operation in the late twentieth century⁴; the Police and Criminal Evidence Act 1984, (PACE) the codes of which protect suspects against police abuse of power followed riots in London and other cities in 1981, and where only multiple claims of wrongful convictions (such as those of the Birmingham Six, the Guildford Four, the Maguires) produced pressure for the creation of a commission to review potential miscarriages of Justice.⁵ In these circumstances it is a little unfair to castigate Benjamin writing in Germany in 1919, for the possibility for democratic control lying 'outside his imaginative horizon' (Honneth, 2009: 114).

With regard to Honneth's criticism of the 'untested' nature of Benjamin's generalizations upon the police – it is difficult to avoid concluding that the criticism is in itself weak as examples are there for the finding were Honneth willing to consider the claim more generously and with a longer view of its history in the democratic liberal state. Having dismissed Benjamin's examples, Benjamin's criticism of the weakness of Parliamentarianism warrants very little attention from Honneth: 'Even if this critique of parliamentarism must appear somewhat questionable today, since it reveals an astonishing proximity to the antidemocratic thinking of Carl Schmitt,⁶ in the text it is thrown in as hardly more than an aside' (Honneth, 2009: 115). This reading effectively dismisses the criticism of Parliamentarianism in its historical context – which again for Benjamin is absolutely key – to simply tar it with the brush of Schmittian anti-democratic thinking is to completely fail to appreciate the historical situation when Benjamin was writing. After all the murders of Rosa Luxemburg and Karl Liebknecht took place at the beginning of 1919. For an appraisal of violence in politics of the time and in particular during the Polish uprising of 1920 in Silesia, see Hunt Tooley (1988: 85-87). The fact that the social democrat Ebert was prepared to tolerate the *Freikorps* showed the lengths to which parliamentarians would go to 'hold the line' of the State in place. The danger of Honneth's restatement of the excessive 'fear' of revolutionary violence of the time is that this also is in danger of restating an equally 'vivid' false impression of the time - the great danger of revolutionary violence - which was itself

close to an 'overstatement'. In his 2016 book on political violence in Germany in 1918-1919 Mark Jones concludes:

For all of its achievements, however, Weimar was also founded on excessive violence, including an execution order that permitted soldiers to kill civilians at their own will. It was not simply a case of using violence to defeat an insurrectionary enemy. Once the Social Democratic leadership finally crossed the Rubicon in late December 1918, with significant levels of popular support, the founders of the first truly democratic German state used violence as a means of communication: state-sponsored violence delivered the message that Germany would not join the 'shatterzones'. [...] The government's use of military force as a communicative tool explains why state-sponsored violence resulted in proportionally far more deaths than the violence of the state's opponents on the extreme left. Its charismatic appeal also explains why political groups who had opposed far less dangerous acts of state violence before 1914, nevertheless supported military assaults during the first half of 1919. The scale of military operations might not have been necessary to defeat poorly armed and poorly led insurgents, but they offered an uncompromising message about the new government's willingness to destroy its opponents, real and imagined. Under these circumstances, ideas about legal rights fell into line behind the needs of the state to demonstrate its uncompromising power. Small wonder that Max Weber publicly defined the state as the sole holder of the monopoly of force in a lecture to students in Munich in the second half of January 1919. (Jones, 2016, p. 326)

The Max Weber lecture to which Jones alludes is '*Politik als Beruf*'. In conclusion, an appreciation of Benjamin's insights cannot be fully informed without a degree of agreement with his criticism of the weakness of parliaments to limit and control both legal and extra-legal political and police violence. Honneth is right that Benjamin's examples do not always serve him well as supports for his argument. Honneth concludes that:

The thoughts on the death penalty do not really thematize an indeterminacy of legal means, only a concealment of *de facto* ends. The reflections on the police owe themselves to a generalization of historical experiences whose systematic significance remains untested. To this extent, only the section on lawmaking violence serves to justify the thesis Benjamin pursues with his "immanent" critique of the legal system. There it could be shown that the constitutional state on the European model is not in a position to unambiguously determine legitimate forms of violence, since from the perspective of *de facto* validity, new, system-bursting sources of violent lawmaking always have to be recognized. The section that then deals with law-preserving violence, in contrast, contributes very little to the thesis on the indeterminacy of constitutional norms, for beyond the two dubious examples, no considerations on the generalizability of their content are developed (Honneth, 2009, p.114).

The problem with this conclusion is that it is based upon only a half reading of the examples Benjamin gives. Honneth presents the death penalty as merely an exemplar of law-preserving instrumentality. Honneth's antipathy to Benjamin's religiously inflected rejection of the Kantian subject may have obscured his view of the 'injustice' Benjamin suggests is intuitively recognised by the 'rotteness' of the penalty and its negation of the human-being-as-an-end-in-herself. For a better elucidation of this Benjamin might also have asked to advocate the point on his behalf, the condemned murderer played by Peter Lorre in Fritz Lang's 'M' – although he would have had to wait another 11 years for the film to appear to do so. The plea of the man who cannot help but do the evil he does, might as well stand, however grotesquely, for the man or woman who cannot help but be human: one of those whose violence is 'manifest' not calculated. Lorre's character is precisely Benjamin's manifestly violent man 'in-himself' and stands as a troubling block and a challenge for all those who seek legitimacy and violence in some form to be co-extensive.

The reduction of violence to its 'manifest' state collapses the subject-object relation of law and violence and in the personal reveals that 'moral' (either lawful or unlawful) violence is always done between persons – personhood itself being both the subject and object of human on human violence. A fact difficult to perceive in the era of the 'impersonal' drone strike. Darrow Schecter directly makes the link between the political and Benjamin's subject-object relation at the level of the State and points to the analogous relations between legality/legitimacy and the 'catastrophic "blind spot" that sanctions violence in the name of either just ends or just means'. The democratic liberal State uses coercive measures but why must the 'free' people of the State need to be protected by violent means from 'unfree' – 'enemies within'? (Schecter, 2010: 61-62) This is effectively because political legal positivism and exceptionalism are woven side by side into the liberal State in which 'rational means (constantly neutral procedure corresponds to free elections and freedom of press and assembly) are really also a rational end' (Schecter, 2010: 62). Reformism as a political strategy has no purchase and only overthrow is worth pursuing. A reading likely only to confirm the fears of those who see Benjamin as a dangerous anti-parliamentarian, but as will be shown below, this does not entail that he endorses the kind of anomic violence feared by some critics.

ii. a utopian reality⁷ : The nature of Divine violence, its sovereignty and its relation to the commandment 'Thou shalt not kill'

Honneth opens his analysis by saying at the outset that Benjamin concludes that only 'God' can be the basis and origin of transforming violence. Certainly, the category of the 'Divine' can take this referent, and certainly Benjamin's references to Biblical text is to the Judeo monotheistic God, but to suggest so seamlessly that 'God' is Benjamin's answer, is reductive. Honneth makes the charge that Benjamin, following a pattern set in his intellectual youth 'continued to believe that the collapse of the present into mere means-ends thinking could only be opposed if the inner-worldly presence of a noninstrumental, divine being could be credibly demonstrated' (Honneth, 2009: 90). Honneth sees Benjamin as profoundly influenced by Bloch, Péguy, Unger and Sorel towards his exploration of the possibility of a 'radically transformed moral and social order' (Honneth, 2009: 92) which promised an 'exit out of historical experience' (Ibid.). Honneth turns to biographical narrative to find cause for Benjamin's political turn at this point – away from literary criticism and towards the political. He locates it squarely in Benjamin's reading of Bloch's 'eschatological charging of the Marxist concept of revolution' in *The Spirit of Utopia*. It is worth returning to Honneth's opening statement where he proposes that:

Benjamin tries to accomplish nothing less than precisely reversing the polarity of these two concepts, so that violence appears as the source and fundament of politics and law, to the contrary, as its endpoint. The function of this proposed reinterpretation is to be able to interpret politics as an event that is in itself free of ends, detached from all human purposes, and to that extent is 'religious.' (Honneth, 2009:94)

For Honneth, Benjamin's critique attempts to identify 'that level of experience that does not fit into the classic subject-object schema but, rather, explodes its instrumentalism in one or another direction' (2009: 95). This must be a standpoint without the normal terms of reference of ends and means but encompassing both: within a philosophical-historical view. Honneth regards this construct as only making sense to Benjamin in a religio-divine narrative of the withdrawal and subsequent return of God to the world. A position weighted with the difficulty of trying to find a 'lookout' from which to judge 'the delusive context of the present' (2009: 98). According to Honneth this is set alongside a (revolutionary) violence of the future - 'pure' divine violence - 'free from goal setting and instrumental considerations' (2009: 99). While this is an understandable reading it makes Divine violence appear as merely another form of arbitrary 'mythic' violence, despite Benjamin's distinction between the two (however problematic that distinction).

While Honneth cites Bloch's influence he does not say what shape this influence takes. While the following, taken from the 1923 edition, does not appear in the 1918 edition it is a development of the trajectory of Bloch's thought in 1918. In his Chapter titled 'The Shape of the Inconstruable Question' Bloch offers this: 'girded with despair, with our defiant presentiment, with the enormous power of our human voice, we may also designate God' (Bloch, 2000: 172). This does not read as a passive humanity awaiting Salvation in the depths of its total moral collapse, although much of the text does have this feel: it also contains tropes of 'woman' and the female that certainly warrant further critique. Despite its poetic, ecstatic form, there is more than poetry in phrases such as: 'Only this thinking wishful dream brings about something real [...] - waiting for the word, turned towards the enlightenment of great maturity. [...] [E]verything that is has a utopian star in its blood, and philosophy would be nothing if it did not form the ideational solution for this crystalline heaven of renewed reality' (2000: 171). The utopian star acts as a goad, the prompt, and its solution is not provided by faith, but through thought, ideation. A second Enlightenment, in this respect would resemble the first, but burdened with the experience and knowledge of modernity, much harder to achieve. The position of the 'incognito' self did not trouble the first Enlightenment, but it must trouble the next and this sets up the downfall of subject-object relations: 'Who is nothing, however, will no longer encounter anything outside, either' (2000: 173) and in any event as Bloch later observes when discussing Kant, 'Platonic panlogism [is] impermissible in modernity' (2000, p. 177). If Benjamin's 'God' is the product of his reading of Bloch, it cannot be intended towards a mere 'reinsertion' of God into the human narrative. It is clear from both Benjamin and Bloch that 'God' cannot operate in the same way as in the past. The conditions for God's 'existence' have changed irreversibly.

Butler offers a different version of Benjamin's 'God'. For Butler it is clear that Benjamin associates God (and the general strike) with action that is 'destructive but nonviolent' and this is problematic. The answer for Butler is to return to the idea of the commandment which 'is not an instance of law giving' but 'leads to the destruction of law as coercively binding' (Butler, 2006: 209). While it is an extremely attractive idea and does seem to sit well with Benjamin's comment that Divine violence does not strike at the soul of the living,

this point is difficult to square with the Biblical example he gives of the destruction of the Korah and Butler notes that it begs the troubling question as to who constitutes 'the living' in this example (Butler, 2006: 210).

For Benjamin divine violence has an educative capacity reflected in 'present-day life' (Benjamin, 1978/2007: 297). The bloodless expiation and the absence of all law-making in manifest divine violence has the power to do away with 'goods, right, life, and suchlike, never absolutely, with regard to the soul of the living' (Benjamin, 1978/2007: 297-8). The soul of the living hearkens back to that conscious 'end-in-itself-ness' that recognises in the death sentence its exceptionalism and perhaps in the absence of a law of divine violence the absence also of justice? It sanctions the 'self' sacrifice of the individual who strikes and suffers as a result – hunger and/or death, because the Divine cannot coerce or demand, but may inspire sacrifice. There is an undoubted opacity in Benjamin's observations at this point. He suggests one conclusion to be drawn would be the permission this could suggest for humankind to hold 'lethal power against one another' (1978/2007: 298). Yet he pulls back from this because human beings are inhibited by the commandment 'Thou shalt not kill' which stands against it. Benjamin then considers the function of the commandment. It is not for post facto judgment in his view, but for before the act reflection. It plays an interrogatory role that each individual must take in relation to his or her self. It does not provide the answer, it gives the challenge. It is not a rule, but a guideline and he cites the exception in Judaic law that allowed killing in self-defence, to show that in specific situations it will not apply. This agrees with Butler's analysis. She observes that the commandment, which may be refused, operates as a 'condition for a theory of responsibility that has at its core an ongoing struggle with nonviolence' (Butler, 2006: 205).

Benjamin then pointedly ridicules the equally misguided idea that killing is never permitted upon the basis of the sanctity of mere life. This position is equally unacceptable to Benjamin for 'Man cannot, at any price, be said to coincide with the mere life in him, no more than with any other of his conditions and qualities, not even in the uniqueness of his bodily person' (1978/2007: 299). Benjamin asserts that there is a 'mighty truth' in the thought that sacred life 'means the irreducible, total condition that is "man"; if the proposition is intended to mean that the nonexistence of man is something more terrible than the (admittedly subordinate) not-yet-attained condition of the just man' (Benjamin, 1978/2007: 299). Butler recognises Benjamin's interpretative approach to the commandment which in her terms is now a 'form of ethical address' 'performative' and 'perlocutionary' (Butler, 2006, p. 212). Nonetheless she suddenly hollows out its ethical content by returning it to an 'anarchistic' fold, 'beyond or outside principle' (Butler, 2006: 214).

If Benjamin's view is taken seriously however and we allow it to converge with his wider political theology, and historico-philosophical views, then that 'life' (which we are enjoined not to take without great consideration and reflection), is much broader and greater than the mere condition of continuance: it means a revised commandment 'Thou shalt not kill if in so doing you will kill.... history, freedom (the interrogatory self-reflective capacity), reason, argumentation or justice'. Only some such conclusion as this would justify the statement made in the conclusion of the essay: 'Divine violence, which is the sign and seal but never the means of sacred execution, may be called sovereign violence'. The injunction against violence in the religious commandment, supplies in some sense that 'external' point of reference for behaviour not because it offers an a-historical 'absolute' position given or handed down as an inscription on a tablet, but because it has a history in the political life of human societies, from which it has a discernible meaning achieved through critical analysis, through its subjection to reason and its experience as a phenomenon or even a 'manifestation'. It cannot be the means of its own execution, because only the decision of

one human being, after reflection, to act upon another will provide the means. In this way, the human subject of the death sentence might both rationally understand the justification for the sentence and intuitively sense its injustice, or alternatively the contemporary advocate of euthanasia might recognise a right to determine the end of mere life as rightly the choice of the rational individual. This is violence at its most intersubjective – chosen - as an act done by individuals to other individuals. While Benjamin's examination of violence revolves around law making, or state preserving violence, his analysis provides the tools to reduce it back to a 'pure' form – that which one person does to another.

Sometimes reason plays little or no part in violence and is simply a manifestation of rage unrelated to a preconceived end. In this form it is 'not a means but a manifestation' and its manifestation in this 'archetypal' form is the 'mythical violence' of the Gods. (Benjamin, 1978/2007: 294). In the stories of Niobe and Prometheus who both suffered under the anger of the Gods Benjamin is exposing how 'fate' creates law in an arbitrary fashion. As Butler suggests, 'Law is thus a specific consequence of an anger that responds to an injury, but neither that injury nor that anger are circumscribed in advance by law' (Butler, 2006: 208). Butler observes the profound effect upon the recipient of mythic violence. Fate, which produces mythic violence, escapes the notice of the victim, who then wrongly accepts responsibility, exemplified by the suffering Niobe who weeps with remorse and internalised guilt.

To be a subject within these terms is to take responsibility for a violence that precedes the subject and whose operation is occluded by the subject who comes to derive the violence she suffers from her own acts. The formation of the subject who occludes the operation of violence by establishing herself as the sole cause of what she suffers is thus a further operation of that violence. (Butler, 2006: 208)

This mythical violence persists in the modern law's law-making capacity. Its connection with and descent from this mythical violence reveals that mythical violence is 'fundamentally identical with all legal violence, and turns suspicion concerning the latter into certainty of the perniciousness of its historical function, the destruction of which thus becomes obligatory' (Benjamin, 1978/2007: 296-7). It is at this point that Benjamin turns to the idea of 'God' as standing against myth: 'Just as in all spheres, God opposes myth, mythical violence is confronted by the divine. And the latter constitutes its antithesis in all respects' (1987,2007:297). Mythic is threatening, bloody and retributive, while Divine violence is immediate (without intermediary or forces other than those natural forces at God's command to expedite it) lethal and expiatory. Benjamin contraposes the story of Niobe, with the Sovereign violence of God in the destruction of the Korah⁸ swallowed by the earth. According to Benjamin: 'Mythical violence is bloody power over mere life for its own sake, divine violence pure power over all life for the sake of the living. The first demands sacrifice, the second accepts it' (198/2008: 297). In this sentence the key that will only appear later is the difference between 'mere' and 'all'. It suggests that to the Gods of mythic violence (and by extension the law) human life is only 'mere' life, hollowed out from those aspects of personality that extend it beyond mere existence. However the Korah story is seriously problematic as an example of Divine violence. To suggest that in their case sacrifice was accepted, seems implausible unless God first opened the earth and then cordially invited the Korah to jump in, which according to the story is not the case.

Both Fate, and the Divine appear as originating first causes, suggesting that for human beings in the profane realm, all is already decided, whether 'given' or yet to come.

That human beings in the profane realm engage with the commandments they have unwittingly (without Reason) set up for themselves, paradoxically suggests an imagined realm of freedom, in which interrogation and critique could produce value, knowledge and freedom by way of a reflective engagement with the past and present course of events.

For it is never reason that decides on the justification of means and justness of ends, but fate-imposed violence on the former and God on the latter. An⁹ insight that is uncommon only because of the stubborn prevailing habit of conceiving those just ends as ends of a possible law, that is, not only as generally valid (which follows analytically from the nature of justice), but also as capable of generalization, which as could be shown, contradicts the nature of justice. For ends that for one situation are just, universally acceptable, and valid are so for no other situation, no matter how similar it may be in other respects. (Benjamin, 1978/2007: 294)

In the profane 'human' realm our courses of action seem split impossibly between these two poles. It is through mankind's relation to 'commandment' however that Benjamin offers, if not exactly 'hope' then something other than the pragmatic positivity of legality, and the transcendental justification of the Divine. The above passage suggests that all violence, in each historical instantiation might be subjected to a specific rather than a general critique and because the essential criteria of analysis required by that critique must include: a consideration of the social and historical moment in which violence is anticipated, an understanding of its character as myth or as divine and expiatory, an understanding of individual human subjects as instinctively self-conscious and as such irreducible to a function of mere life, and an appreciation of the need for Reason to interrogate and challenge what is considered 'natural' or equally what is considered ordained. Only from this standpoint can violence truly be contemplated - its utilisation as a means adopted or rejected; its value as an end constructed.

Conclusion

In *Zur Kritik* Benjamin poses the question Schechter articulates in the following: 'The point is that while the problems connected with the hermeneutic circle seem to be academic and philosophical, they actually touch upon an urgent issue of everyday life: how can justice be served without already knowing what justice is, bearing in mind that one will never know what justice is if one relies on ostensibly neutral means to arrive at something that is demonstrably not neutral, that is, justice?' (Schechter, 2010: 61) For Schechter the forced reconciliation that produces the shadow of 'justice' produces violence 'transfigured into rationalized legality and different forms of fetishism' which Schechter sees played out in the State torn between apparent constitutional rationalism and dangerous anomic exceptionalism exposing the weakness and 'blind spots' of 'liberal democratic Enlightenment' (Schechter, 2010: 63).

How far Benjamin thought that 'pure means' would offer redemptive revelation to illumine the violent crack in the glass of liberal parliamentary democracy is not clear, what is possible is that he thought that the lived 'heartfelt-ness' (the subjective element) of interpersonal relations combined with the reason required for exegesis, while it need not guarantee a wholly nonviolent praxis, sets an extremely high bar for the use of violence in any given case. His lookout point is therefore not from the all-seeing, all knowing 'divine' high point at the top of a lighthouse, nor even Honneth's candidate - the position

of 'manifest' violence. It is rather the shifting lookout point from the small open boat, from which eternal vigilance is required to scan the horizon, and without which the chance of safe navigation is already given up as lost to arbitrary Fate, or Divine command, or some a-theist account of an all determining and unfree Nature. Benjamin's essay suggests that the interrogatory approach is the only apparent way to navigate around the rocks of totalitarian response, nihilistic destructiveness, and fascistic anomie, by constant vigilance, (*vigilantibus scriptum*) informed not only by Reason, but by *Herzeshöflichkeit*, sensibility and dialogue in interpersonal relations together with the courage to engage in self-chosen self-sacrificial acts of non-violent overthrow. The metaphor of the boat and the danger of shipwreck were used by Benjamin as descriptors for his own critical position as Susanne Heil noted.¹⁰

Honneth sees a 'discontinuity' in Benjamin's work in this early 'political' turn but fails to see in it also the inevitable continuity (with his work on language, literature, and imagination) and the importance of Benjamin's use of the term 'fate' which permeates the text and which Benjamin chooses from his own critical lexicon as he understands it in relation to tragedy, fortune-telling, the semiotic and causation. His interest is repeatedly the manifestation of the real in the apparent and in the refusal of the forced coercion of reality under conceptual banners such as ends/means, creation/preservation, private/public. His process infused by metaphor and tropes of religious and mythical terms, explodes the idea of knowledge as limited only to a constant battle between the dark of mysticism and the light of Reason. Schecter recognises and draws out the importance of this aspect of Benjamin's political writing – its affinity with aesthetics. Too readily dismissed or disregarded merely 'for order in the name of order', Benjamin can be 'radical beyond all plausibility' and is so precisely for how his method suggests a revolutionary epistemology that goes far beyond any straightforward critique of 'pathological Reason' that merely bounces back again to a retrograde theology. (Schecter, 2010: 70)

In her concluding paragraphs Butler cautions that there are 'many reasons to be suspicious' of the theory Benjamin points towards in his essay; 'Clearly he is not offering a plan for the future, but only another perspective on time. The essay ends on a note of destruction, but not transformation, and no future is elaborated' (Butler, 2006: 218). Yet as suggested above there is an implied ethical framework for the political that, taking the commandment as a base, offers from the improbable ground of theological tropes a much less offensive image than that of the hunchback who controls the automaton. Instead, it becomes co-respondent in the historical interplay of fate and human action which demands of its human interlocutors, reflection, dialogue and critique – it cannot demand sacrifice, but it may invite it. Benjamin's trope of the Divine offers the opportunity to engage reason and interpersonal kindness against an irrational fate, and a 'soulless' accusatory State which demands the sacrifice of lives for its sake and not theirs. Benjamin holds off from making Fate the entire master of the universe, and in this sense he is not an a-theist obsessed with causality and he might still claim to recognise in some stories the hand of a transcendental Justice which is nowhere apparent in the everyday. It does not suggest however that he could regard mere 'faith' in such an entity as sufficient for the ethical requirements of freedom to be met. Vigilance cannot be reliant upon commandment and doxa but must function with moral, intellectual and sensory data that are time and context bound. If Benjamin's philosophico-historical approach is taken in these terms, then fear that his approach produces an inevitable slide towards (theocratic) fascism is dispelled. In itself it may not be enough to prevent the storms of history driving the boat to the rocks, however it is unlikely to steer the boat towards them.

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Endnotes

- 1 Unger, *Politik und Metaphysik*, Berlin, 1921, p.8 [Benjamin's footnote]
- 2 The influence of Schmitt on Benjamin has been explored in depth and debated by numerous critics in a series of papers and texts including the following: (Weber, 1992) (Heil, 1996) (Bredenkamp, et al., 1999) (de Wilde, 2011) (Smith, 2012) (McNulty, 2007) (Pan, 2009) (Witte, 2011)
- 3 See Schmitt on 'Liberalism versus Dictatorship' in *Political Theology* (Schmitt & Schwab, 1985 (orig.1922,1934)) Pages 62-66. And *The Concept of the Political* (Schmitt & Schwab, 1996,2007). For Schmitt, Liberalism is not synonymous with democracy - a position with which Marxists concur.
- 4 This refers to the killing of three unarmed IRA suspects in Gibraltar in March 1988 by the British SAS, famously reported in the *This Week Thames* television documentary 'Death on the Rock' broadcast in April the same year which suggested a shoot to kill policy was in operation.
- 5 The cases listed are cited on p.1 of the introduction to the Royal Commission on Criminal Justice, report Cm2263 1991-3 - the Runciman report. - The 1984 Act came about as a result of the Scarman Report into the Brixton riots of 1981. Scarman found significant and often justified distrust of the police, particularly among the black community of Brixton and Scarman's report led not only to the Police and Criminal Evidence Act 1984, but also, ultimately, to the setting up of an independent police complaints commission. Concern regarding miscarriages of justice continued, particularly surrounding concerns over the conviction of alleged IRA terrorists and following a Royal Commission report Cm2263 1991-3 (the Runciman report), the Criminal Cases Review Commission (CCRC) came into existence and began its work in 1997.
- 6 Carl Schmitt, *Crisis of Parliamentary Democracy*, trans. Ellen Kennedy (Cambridge, Mass.: MIT Press, 1988). [Honeth's fn 38 p.115]
- 7 Ernst Bloch uses this phrase to imagine a 'supramundane sphere' – where, there being 'absolutely no discrete sphere of validity' and although fulfilment is not guaranteed, Kant's postulates are actualised. (2000, pp. 173-179)
- 8 Numbers, 16: 23 - 35
- 9 'And' in the print copy (Benjamin, 1978/2007, p. 294), but clearly a misprint of 'An' [Eine in the original]
- 10 Heil illustrated Benjamin's metaphorical self identification with the Shipwrecked in this quotation from a letter from Benjamin to Gershom Scholem: >>Gut, ich erreiche ein Extrem. Ein Schiffbrüchiger, der auf dem Wrack treibt, in dem er auf die Spitze des

Mastbaums klettert, der schon zermürbt ist. Aber er hat die Chance, dort zu seiner Rettung ein Signal zu geben<<. [Good, I reach an extreme. A shipwrecked man afloat on the wreckage, who, already demoralised, clambers to the topmost point of the mast. But who has the chance from there to send a signal for his salvation. - Trans.VW] (Heil, 1996: 2)

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