

On violence by Walter Benjamin

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Walter Benjamin's essay *For a Critique of Violence* was written at an early stage in the author's life, he was 29 years old. Its context is that of the first postwar period, the triumph of the Russian revolution, the defeat of the German revolution in 1919 and the death of Rosa Luxemburg and Karl Liebknecht, and the publication of the Georg Sorel's text with the title of *Reflections on violence*, (Sorel, 1978), this means, a chaotic social and political situation. It was a time of transition from bourgeois to socialist revolutions with the possibility of the realization of utopia. Violence was then an everyday-topic. Violence of war, but also revolutionary violence, apart from daily violence, was persistent and permanent among human beings. Unlike Sorel's text, there was no precedent for a critical discourse on the subject of violence. Revolutionary violence had been prevalent topic, but in an instrumental perspective of overthrowing the bourgeois state by the forces of the proletariat.

Marx, Engels, and Lenin had shown the instrumental character of revolutionary violence without turning it into an object of critical inquiry. State violence was the object of sociological thinking in texts such as those of Max Weber, who proclaimed that the violence of the State was legitimate as an undisputed monopoly of this, and at the same time as a guarantee of social order. Why reflect on violence at that precise moment? What makes violence an issue of a topic par excellence so that Benjamin makes it the source of his concerns? There is something that exceeds in violence, something, beyond its normal effects, that given the events cited, make it a privileged subject of analysis.

But for Benjamin, violence does not appear alone as a subject of inquiry or object of criticism; it is also linked to law and justice. Likewise, the combination of means and ends defines it in its possible theorizing. The legitimate and the legal, the sanctioned and the unapproved are other oppositional terms from which it can be evaluated, judged, parameterized. Dialectic of opposites preside Benjamin's reflection on it. A common place is to put violence in the field of means. It would be the instrument for the achievement of ends that, if they are just, they just endorse it. Justice as infinity serves as an insurance for its exercise. But it is not only the common sense that says so. It is a branch of law, of the philosophy of law, where it is derived from: natural law. Just natural purposes give validation to a violence used to pursue this infinity (Derrida, 1991). The examples presented by Benjamin to illustrate this conception are: the terror of the French revolution, pre-contractual violence and social Darwinism. In the first case, violence emanates naturally from the revolutionary event, from the enthusiasm it arouses. It is a means to overthrow the injustice of an oppressive regime even at the risk of generating a new oppression. The pre-contractual of violence refers to the classic theories of the social contract that consider it as the just instrument to eradicate the condition of war or the confrontation of all against all. The contract, as

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an instance of law, apparently produces peace as a guarantee of what is just. Social Darwinism is the justification of violence as the instrument of the strongest to impose its interests and desires. From there it can be justified as a domination that would find its reasoning from the certainty or factum of the nature. The natural law of what is just seems to regulate the reasoning or factum of violence exercised in the name of law, that is inscribed in nature.

There is a symbol of nature that allows us to know the use of violence as justified. Why not resort to this argument about the natural legitimacy of violence to the revolutionary fact already existing for Benjamin, the Russian revolution? This shows perhaps the political ambiguity of the young Benjamin, for whom the militant socialist commitment was not so necessary for the intellectual thinker; this ambiguity of Benjamin's political thought was testified by his French biographer, Bruno Takels. In 1926 he will visit Moscow due to the invitation of a Bolshevik militant, Asja Lacis, which will better define his political nexus with militant Marxism. In any case, as we know from the historians of the October Revolution, this was not characterized by a large outpouring of blood. The Tsarist troops, their soldiers, had made the mental turn to Bolshevism, which saved many deaths, as the historians of that revolution have pointed out. One might judge the Stalinist thermidor with the parameter of violence, now totalitarian, but this will be a matter of the future by the time Benjamin wrote his essay.

If we look at the issue of violence from the philosophy of positive law, Benjamin tells us, this guarantees the justice of the ends from the legitimacy of the means. The thematization is slipping here towards the slope of legitimate violence. This, the positive law, allows in turn a distinction between types of violence, types to be valued and judged and not only evaluated from their use. Positive law would require a historical recognition of the types of violence that would demand the denial of violence in the pursuit of personal ends. The individual legal subject is excluded from the use of violence for his own purposes. But the ends of law start from the recognition of the monopoly of violence by the State. And if it's about types, Benjamin begins with the case of the criminal transgressor of the law. This becomes popular and arouses admiration to uncover the violence of the law against individuals, which in a way he puts in question. Another type is the accepted violence of the general strike.

Although Benjamin admits here that there is more a phenomenon of inaction that can lead to violent exercise against the employer, but there, the legitimate response of the State monopolizing violence will not be delayed. The violent contradiction between strikers and the State is a practical contradiction; one form of violence responds to another. Warlike violence, another of the Benjaminian types, becomes a founding violence of new law. Within the right of war, Benjamin considers military violence as violence for the purpose of law, since it seeks to guarantee the conscription of the citizen as an act of obedience to compulsory military service. The State forces the citizen to exercise the violence that is considered in accordance with the law.

Institute a right or conserving a right; in the field of military service and the law of war emerges this double function of violence. The violence of conscription is conservative law violence and Benjamin says that to reject it is simply to display "childish anarchism." An objectionable position, because according to this, the current movements of conscientious objection to militarism would lack justification and validity, since they could be standards of mere desire, when we know that by historical experience these movements are a source of resistance to the purposes of the law of the Rule of law.

Anti-militarism rescues the natural ends as an exercise of non-violence by the person. If it passes to the Kantian categorical imperative, Benjamin's objection is put in perspective of the little demand that arises there; the other as an end and never as a means. But the instrumentality of the other will always be an open possibility, much more in a market regime and instrumental rationality. Positive law would formally guard the interests of all mankind, but what should be evaluated is the validity of the legal order as a whole and not as a singularity of one or another law. On the other hand, the violence exercised by an order of law through the death penalty, as a right of sovereignty, would present the evidence of the violence of order itself in how much violence that install the law as a whole. The sovereign power is a power that asserts in the privilege of life and death, its greater fulfillment as a form of power. Hence the commutation of capital punishment is a sign of the very arbitrariness of the sovereign itself. This avails to the exception. The State can exempt the criminal from his responsibility to the right order, against the founding violence.

Finally, the police as a modern institution is a mixture in the worst way of the founder and conservative violence. The police overflows the limits of the founding and conservative right. It, aside from going beyond the legal purposes of the Legal State, establishes new provisions guaranteed by the care of so-called security. Preserving the security of the law forces the police to overrun the right; "their violence is devoid of form" (Benjamin 1991: 32). Violence reports to ensure the subsistence of the rule of law and the purposes of law. In this context, it is worthwhile to consider another form of approach to the phenomenon of police in modernity, and it is the case of the biopolitical conception in Foucault; for the French author, the police emerges in the positivity and productivity of modern power, it breaks out as a producer of general welfare, at least in the original intention of the institution. Benjamin, on the other hand, evaluates it as a parameter of the exercise of violence.

Parliaments would be another proof of the neglect of the role of founding violence of law. They arise in the context of the historical claims of a new class, whose power of convening and activating centers of utopia would already have been lost at the beginning of the twentieth century. The Bolshevik critique of parliamentarism would show the decline of an institution only supported by conservative violence.

But, will a non-violent resolution of human conflicts be possible, asks the German author. The answer is positive. And it resorts to the ethical means called a "culture of the heart," which in today's language would be something like a civil ethic appealing to resources such as courtesy, love of peace, and trust; a culture whose common expression is that of the conversation as a linguistic medium of understanding with the other. Habermas would say: a field of speech acts with its claims of validity, verifiable, performative and expressive. Everyday speech is a domain for non-violent understanding among humans. A *community of communication* is outlined here.

This customary sense of non-violence is used to show that the face of law has as counterpart non-violent speech, in this case, the ordinary, everyday, and that of the conversation. On the other hand, the non-criminalization of lying and deceit in premodern conditions would show another dimension of language, beyond punishment and guilt. The issue to be deciphered is: what do we communicate in everyday conversation that would make it nonviolent? In everyday communication we use language as a sign, which is as a capacity for meaning referred not to the basic incommunicability of things, but to the communicability of intersubjectivity in the spiritual level among human beings. The basic

communicability of human language allows us to communicate in the intersubjectivity in the spiritual level. We can lie and cheat, that is, making a performative use of language. There, non-understanding does not appear, but in principle, non-understanding can harbor the power of violence, so there will be no non-violent safeguard in everyday language. These reflections are supported by the Benjaminian text of 1916, *On the language in general and on the language of men*.

Playing with oppositional pairs in this writing of Benjamin, a last contradiction emerges, comes to light. It is the opposition between mythical and divine violence. Mythical violence is destiny and is a founder of right, i.e., founder of power. Fate meets here the role of law as an exercise of violence of the gods on the men. Greek violence says Derrida. Divine violence is destructive of right, its immediacy has the form of redemption. Mythical violence lay bare life (Giorgio Agamben) in the field of the Atonement, then, says Benjamin (1991), the right is domain on the bare life, on the physiological life, Zoe and not Bios.

Divine violence has also the ethical imperative of the “no killing” that get in the way of the transgressor that seek to authorize a death on behalf of the bare existence, putting in question the life of the tyrant who may be sacrificed. His text ends Benjamin with an invocation to the overcoming of the mythical founder of right violence and conservative violence of right that is nothing more than repetition. It is “divine violence, logo and seal, never sacred execution environment, could be called, the reigning” (Benjamin, 1991), that is, she would be the expression of a clean, pure, violence very symbol of redemption. And yet, this pure violence seems to be beyond human, both in its dimension of Zoe, as Bios.

For Miriam Jerade (2007), commentator of the Benjaminian text, mythical violence opens the possibility of the exercise of revolutionary violence, i.e., a messianic time, “time which would not be resumed, but redemption of the past by the memory of oppression” (p. 21); emerges a *Jetztzeit*, a now-time of historical discontinuity in the activation of a violence that would be so revolutionary, founding and opening to a justice as infinity. A time of redemption, such which was put in the emblematic text—and perhaps the central thought of the author—the concept of history heritage; time that enhances the infinitude of the not straight or at least one expurgated Justice of violence. Redemption not to invoke the unique salvific, subject himself to violence, where this sacrificial scapegoat much. Revolutionary violence is sacrificial in another way, puts into play the gift of the subject on the altar of emancipation. In it, the sacrifice of the singular everyday makes possible not only the donation of their bare life, but also the loss of the multiplicity of de lives, for life as bios may arise in fullness.

Revolutionary violence happens beyond the law, she interrupts as Foundation and conservation law. This anomie in now the processing time, the performativity of the subject makes law, a new law. A law under the signature of the justice, as a basic virtue of the social order. A law seeking the immanence, but maintaining its significance in light of the history of the revolutions.

The subject is at the gates of the law, according to the Kafkaesque text before the law is the law for them, a singular-universal law, doors have always been open. The subject the prelude to the story and make history, even at the risk that the door will close, before a new subduing experience. The guardians of the entries are the potential of a new domain, now with no judgement. In the events of the

revolutionary violence emerges as law, just as a redemption of the past, dissociates the historical debt of the oppressed and the “weak messianic force” returns, as the author tells us in his text in 1940, on the concept of history.

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