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Justice and Divine Violence: Walter Benjamin and the Time of Anticipation

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Justice is the ethical side of the struggle.

- Walter Benjamin¹

Abstract

In his “Critique of Violence,” Walter Benjamin seeks to rethink justice as the interruption of the juridical temporality, which is characterized by the relationship between means and ends. Benjamin imagines a form of violence that finds in itself its own criterion of rightness: divine violence emerges as a third kind of violence beyond both the state’s monopoly of violence and the binary opposition between violence and non-violence. I will read Benjamin in the historical-political context of the crisis of the state, democracy and parliamentarism in order to develop the idea of divine violence as a practice that interrupts the means-end relation and defends new forms of togetherness that are anticipated in the moment of a struggle.

There is Something Rotten in the Law

To rethink justice is the essential demand of philosophy and politics. It means, today, to give a new chance to our present. The position of Walter Benjamin in dealing with the law has led to criticisms and misunderstandings of his celebrated work of 1921, “Critique of Violence.”² Questioning the state monopoly of violence/power (*Gewalt*), Benjamin opened the issue of a just use of violence beyond law and the state. Law and justice, which Benjamin discusses in relation to the concept of violence, are distinguished by their differing temporalities: the law exists and has its time in the “violent rhythm of impatience”; the messianic event occurs instead in “the good rhythm of expectation.”³ The time of the latter suspends that of the former, and the form of this suspension is a matter of *ethics*. This is the fulcrum around which I want to read Benjamin’s article “Critique of Violence.” The relationship between ethics and violence requires, Benjamin writes, some criteria “which would discriminate within the sphere of means themselves without regard for the ends they serve.”⁴ The problem concerns the possibility of breaking the temporality of the relationship between means and ends, the relationship that denotes both mythic violence and the law. I call *anticipation* the temporality of this interruption, in which new possibilities of being together are experimented.⁵ I borrow the concept of anticipation (*Vorwegnahme*) from Franz Rosenzweig⁶ and I translate it in political terms in order to expand Benjamin’s conception of non-instrumental politics and divine violence. Benjamin himself said to his friend Werner Kraft, who he met in 1934, that at the time of the “Critique of Violence” the term divine violence was “an empty box, a limiting concept, and regulative idea. Now he knows: it *is* class struggle.”⁷ My question is: what might divine violence look like, today? What is the meaning of divine violence from the perspective of the temporality of anticipation?

Anticipation is Janus-faced: its *pars destruens* refers to the interruption of the means-end temporality of law and the state’s monopoly of violence, which is the precondition of the juridical order; its *pars costruens* refers instead to justice, whose different temporality diverges from the impatience of law. Impatience is the rhythm of instrumental praxis that seeks to achieve ends, whose supposed rightness becomes the justification for an endless urgency. Anticipation is the good rhythm that combines political transformation with self-transformation, politics with ethics. In what follows, I go through the most controversial arguments of Benjamin’s essay in order to propose what a critique of violence might mean today.

In his preparatory works for an essay on the category of justice,⁸ Benjamin seeks to create a divergence between the terms law and justice, replicating this in Latin, Greek, and Hebrew, almost wanting, through language, to arrive at their original meaning. So he groups together on one side the equivalents of law – *ius, thémis, mishpat* – and on the other the realm of justice – *fas, dike, zedek*.⁹ Benjamin intuits that there exists a hiatus between law and justice that must be rethought as a critical possibility of political modernity. In this he was not mistaken. In fact, the Hebrew concept of justice is “characterized by the fact of comprehending something greater than the law in a strict sense. It can even mean the contrary, the suppression or suspension of the law, and include also concepts like grace, mercy, and waiver of the right. Judgment and salvation, although two ideas if anything in mutual contrast in our conception

(consider, for example, the end of *Faust*), are actually synonyms in the context of the ancient Eastern idea of justice.¹⁰ Benjamin had to learn from his friend Gershom Scholem to rearticulate the distinction between law (*Recht*) and justice (*Gerechtigkeit*) too close to each other in German etymology, through the Hebrew pair *mishpat* and *zedek*, which separates the human world from the divine. Scholem, in fact, in the same diary where he noted Benjamin's observations on justice, wrote: "In mythological hedonism law is the highest form, in Judaism it is justice. What is most important is that, in Hebrew, *mishpat* and *tz'dakah*, come from totally different roots. *Mishpat* does not reveal itself (Isaiah 58), only *tz'dakah* does. Law and justice are two completely different things. The essence of Judaism is justice. A divine category... In Judaism one does not believe, one is simply righteous."¹¹ Here is the ethical dimension, which Scholem does not develop politically. My question is instead: what is ethics in relation to politics and *Gewalt*?

In *The Right to Use Force* Benjamin discusses Herbert Volwerk's essay on *Gewalt* and deconstructs his idea that only "the state has the right to use *Gewalt*" by claiming Max Weber's definition of the state as "the monopoly of legitimate physical violence."¹² In his review, Benjamin considered diverse critical possibilities and specially the one "to recognize the individual's sole right to use force."¹³ By doing so, Benjamin refuses to accept the fundamental dogma of the modern state, that is, the monopoly of violence. Violence, he suggests, cannot be monopolized and therefore it is necessary to think with Benjamin the full implication of the spread of violence in the hands of individuals. Benjamin considers the point of view of "ethical anarchism" that denied both the state and the individual the right to use violence to be contradictory;¹⁴ he reformulates the problem from another perspective: his "moral philosophy" poses the task of denying "a moral right not to force as such but to every human institution, community, or individuality that either claims a monopoly over it, or in any way claims that right for itself..."¹⁵ In other words, the question is not to eliminate violence from the human world but to put into discussion a historical form of violence that characterizes the state's monopoly of violence, on the one hand, and to redefine violence beyond the juridical horizon that has subordinated it to the relationship between means and ends, on the other. There is a *Gewalt* that emerges when a determinate order is contested because of its injustice, and there is a historically developed *Gewalt* that takes the form of the monopoly of force. This latter, as I am going to show, has to be rejected.

According to Benjamin it would be a typical modern error, based on a mechanistic conception of the political, to hold that the minimum basis for a civil order is "the securing of physical existence."¹⁶ There is a close relationship between the assumption of the security of the individual's physical existence and the modern paradigm of the state. Indeed, by translating in his *Leviathan* the Latin phrase *salus populi*, originally linked to salvation and justice, as "the people's safety,"¹⁷ Thomas Hobbes was re-semantizing the entire order of political discourse, posing not justice but the security of the people as the center of the political project of modernity. The price to be paid for this assumption is very high. On the one side, individuals renounce their right to use *Gewalt*, which becomes monopolized by the state. On the other side, as Benjamin highlights, the state can suspend individuals' rights and liberties in name of a real or presumed emergency.

There is a tradition of modern politics that leads from Hobbes to Carl Schmitt. This tradition corresponds to that of the representative state.¹⁸ In his *Constitutional Theory*, Schmitt gathers the kernel of this tradition when he writes that the political problem of the modern state is to produce the unity of the new sovereign subject: the people as a unity and totality. And the people, Schmitt further observes, does not exist until it is made visible by representation. "To represent means to make an invisible being visible (*sichtbar machen*) and present through a publicly present one."¹⁹ It is here that the political theology of the modern state lies hidden: transcendence is not truly eliminated in a totally immanent form but is located in the unity that must be created and rendered visible through representation. This mechanism, in which the representative gives form to the sovereign political subject – the people as a unit – and expresses its will, takes the form of a technical-administrative apparatus whose values, Schmitt notes further, "its truth and justice, resides in its technical perfection. All other conceptions of truth and justice are absorbed by decisions promulgated in legal command."²⁰

The logical matrix of this discourse is found in Hobbes, who, dealing with the political consequences of the modern principle of representation, states that "no law can be unjust" because "the law is made by the sovereign power, and all that is done by such power is warranted and owned by every one of the people; and that which every man will have so, no man can say is unjust."²¹ Through the representatives, who are authorized by the people to act in their name, it is the people themselves who act as author of laws. And it is not possible for the people to act unjustly toward themselves. The question of justice is thereby foreclosed or confined to the private sphere, which is a politically insignificant sphere. This is the way the state becomes technically neutral, by confining faiths and the

question of justice in the private sphere. The result of this process is the dualism between the political state and civil society, whose members, as Marx noted, are atomized and apolitical individuals.²² This is the price paid for neutralizing religious wars and conflicts and for bringing into existence the modern monopoly of force. Indeed, the state's monopoly means eliminating, at least tendentially, every residue of *Gewalt* in the hands of the individual and to juridify every relationship that can generate violence. Benjamin argues that this tendency of "modern law [is] to divest the individual, at least as a legal subject, of all violence even that directed to natural ends."²³ The state pursues this end by juridifying every sphere of life.

The issue is not to view this normative tendency with greater or lesser sympathy; the question regards both individuals, who are progressively depoliticized through a process of juridical mediation of their every vital relationship; and state power that, having taken the *Gewalt* from the hands of the individuals, no longer has any obstacles to its own deployment. It serves little to plan a complicated constitutional architecture that would be able to guarantee the rule of law and the separation of powers, which is today in desperate crisis in many states anyway as the executive takes on legislative functions in a situation of constant emergency.²⁴ Likewise unsatisfactory is the effort to protect individual freedoms through fundamental rights that putatively set limits on the power of the state. Since it is the state itself that limits itself through constitutional checks and fundamental rights, the limits that it poses itself can always be removed, suspended or dismissed. The possibility of evoking a state of exception through which it can suspend the juridical guarantees of human and fundamental rights always exists. The *European Convention to Safeguard Human and Fundamental Rights*, for example, systematically affirms a series of freedoms in each article, which it then likewise systematically limits or negates in the following paragraph of the same article in the name of "public security", "the protection of morals" or the "maintenance of public order."²⁵ This is not an *aporia* simply in the European Convention, but an *aporia* that is rooted in the very logic of law in relation to power.

The police constitute a privileged point of view for analyzing this *aporia*. Benjamin observes that "for reasons of security" the police intervene in innumerable cases in which there is no clear juridical situation, such as when, without any relation to legal ends, accompanying or engaging in brutal harassment, they even monitor the citizen through a life regulated by ordinances.²⁶ And if one should object that the police should not act illegally, an exception is always ready, be it public security or a threat of terrorism, to legitimate the extra-legal actions of the police. It is in the modern democratic state that the *Gewalt* of the police, who act in the name of the state for the security of the people, assumes the most degenerate form. This is one of the very controversial passages in Benjamin's *Critique of Violence*: "And though the police may, in particulars, appear the same everywhere, it cannot finally be denied that in absolute monarchy, where they represent the power of a ruler in which legislative and executive supremacy are united, their spirit is less devastating than in democracies, where their existence, elevated by no such relation, bears witness to the greatest conceivable degeneration of violence (*die denkbar größte Entartung der Gewalt*)."²⁷ Historically, Benjamin had had a chance to observe this very degeneration in the praxis of the Social Democratic state during the bloody repression led by Noske against the Spartakist political insurgency in January 1919 and against the Communist uprising in the Ruhr in the Spring of 1920. These historical events persuaded Benjamin that the democratic police "bears witness to the greatest conceivable degeneration of violence."²⁸ According to Benjamin the spirit of police is even more devastating in democracies than in absolute monarchy. We find here a theoretical argument for the critique of representative democracy: the democratic police act in the name of the people; hence, whenever they repress a demonstration, their violence is justified in the name of public order and security, which give the state a broad margin of discretion in exercising that power.

This is another controversial passage in the "Critique of Violence." Jacques Derrida seems almost embarrassed while commenting on this section.²⁹ It is interesting to observe Derrida accuse Benjamin for his criticism of representative parliamentary democracy, affiliating it with the conservative wave upon which Nazis have surfaced.³⁰ Derrida even invented an exchange of letters between Schmitt and Benjamin, assuming that Benjamin's "Critique of Violence" had "won a letter of congratulation from the great conservative Catholic jurist."³¹ Remarkable is here not his reference to a correspondence between Benjamin and Schmitt, but the visible panic that Benjamin's critique of formal democracy generates even in a great thinker such as Derrida. To save representative democracy, is Derrida not forced to say that Benjamin makes reference to a "degenerate" form of democracy,³² distancing him from a normative idea of democracy that is yet unrealized or that must be regenerated? For Benjamin, by contrast, it is democracy itself that makes possible the greatest imaginable degeneration of *Gewalt*. Benjamin had learned from the tradition of the oppressed that the "state of exception is the rule."³³ Therefore, he is not surprised when faced with the extreme behaviors of the police; instead, he finds in the exception the criteria to understand the norm and in the norm the degeneration itself.

Insofar as modern representative democracy has to guarantee public security, public order and national unity, the state's monopoly of *Gewalt* can suspend the law in the name of the law and repress people in the name of "the people." Within the state of emergency, people are free to say that police violence is unfair, but whether it is also illegitimate or illegal remains uncertain. The boundary between legality and illegality, as well as the distinction between public and private spheres, both of which the police can violate, become elusive. In the name of national and individual security police presence can truly pervade everything, permeate every place and control any kind of private conversation. Instead of stigmatizing this police conduct from the perspective of a democracy that ought to be, Benjamin shows police violence is not an anomaly but, rather, "spectral."³⁴ Specters do not know boundaries and neither do the police.

The Temporality of Anticipation

"Critique of Violence" reopens the most classical question of philosophy: justice. And in order to open the space of the think-ability of the question of justice, Benjamin has to proceed even further in the deconstruction of law.

There exists, according to Benjamin, a common fundamental dogma that characterizes both positive and natural law. Positive law justifies the state and police *Gewalt* inasmuch as it works in conformity with the existing juridical order. It defends and reproduces it. The recourse to extra-legal action on the part of the police is, however, always possible for reasons of public order or national security. Natural law works differently. If positive law guarantees justice as an end through the means of legality, natural law tends to justify the means through the justice of the ends. While seemingly opposites, natural law and positive law share the same "dogmatic assumption"³⁵; namely, that "just ends can be attained by justified means, justified means used for just ends."³⁶ Natural law and positive law run along the same means-ends relationship from two different directions. While the state is served by both, the revolutionaries make their appeal to natural law, a conception, writes Benjamin, "for which the terrorism in the French Revolution provided an ideological foundation."³⁷ Benjamin points out the specific temporality of the means-ends relationship in natural law where it justifies the "use of violent means to just ends."³⁸ For Benjamin, revolutionary action and also that action engaged in by revolutionary terrorism *will be justified* by the foundation of a new state, or symmetrically, by the destruction of the existing state. The temporality of the means-ends-relationship is common to the constituent power of the state, to the building of socialism through the gulag, to the humanitarian wars and the export of "democracy" by means of bombs. In all these cases, the justification of the means is given by the absoluteness and the goodness of the ends to be achieved.

Benjamin intends in this way to put into question not only the violence exercised by the state or by the terrorists, but also the logic of the means-ends-relationship. This is the crucial turn of the essay: "Since, however, every conceivable solution to human problems...remains impossible if violence is totally excluded in principle, the question necessarily arises as to other kinds of violence than all those envisaged by legal theory."³⁹ Benjamin thereby poses two issues. On the one hand, he does not want to neutralize violence through the state's monopoly of force. The price that one has to pay for this political mechanism of neutralization is the foreclosing of the question of justice and the raising of the state of exception to the rank of the principle of the state. On the other hand, if violence cannot be excluded in principle in the solution of human problems, the question concerns thinking another kind of violence, one that is beyond the state. Benjamin was clearly ready to assume the implication of the demolition of the state monopoly of power: state violence splits among individuals and groups such that its regulation requires a new articulation of ethics and politics.

If the juridical temporality of supposedly just ends is paced by the violent tempo of "impatience" for the realization of those ends, the search for nonviolent means of agreement must instead concern an alternative temporality. This temporality will therefore correspond to a sphere of non-instrumental human relations. This sphere of "pure means" exists. It involves, according to Benjamin, "courtesy, sympathy, peaceableness, trust."⁴⁰ These possible nonviolent resolutions of human conflicts constitute the subjective precondition for defining nonviolent means. Non-instrumental human ethical relationships exist and render imaginable non-instrumental politics. These two sides must be held together: the patient tempo of the human transformation in ethical relations must accompany the revolutionary tempo of political change in external circumstances. The harmony of these two temporalities defines the pace of the true revolutionary *Gewalt*.

This kind of *Gewalt* must be investigated in the interruption of the juridical temporality of the relationship between means and ends. To move forward in search of a different kind of *Gewalt*, Benjamin bases himself on Georges Sorel's *Reflections on Violence*, on the distinction between the political general strike and the proletarian general strike.⁴¹ Sorel defines the latter in terms of the "indifference to the material profits of conquest by affirming that it proposes to suppress the state."⁴² Sorel also differentiates the concept of violence, distinguishing between "bourgeois force," which tends to impose a certain social order in which a minority governs, and "proletarian violence," which instead creates a "rupture" in economic and political relationships.⁴³ But Sorel stops short of posing the decisive question of a violence of another kind. Benjamin reorients the Sorelian distinction and develops it in a different direction. We could say that, from the point of view of Benjamin, the political general strike remains a skirmish within the world of the law: the passage from the power of one privileged class to another, in a perfect repetition of the juridical logic of the foundation of the state. By contrast, the proletarian general strike poses the "question of a different kind of violence."⁴⁴ Here the destruction of state power is not the end to realize but the end of the violent temporality of the law. In a text strongly inspired by Benjamin, Furio Jesi wrote, "During the first 15 days of January 1919, the experience of time changed in Berlin."⁴⁵ The Spartakist experiment interrupted the continuum of juridical violence, giving place to what Rosenzweig called the "eternalization (*Verewigung*) of the moment," a moment that anticipates qualitatively different relations in the now.⁴⁶ Indeed, "without this anticipation (*Vorwegnahme*), the moment is not eternal but something that interminably crawls along the long strategic roadway of time."⁴⁷ In conflict are not just different conceptions of the law but different conceptions of history. There are in fact two temporalities: a progressive one that projects ahead the ideal to realize, and, in so doing, indefinitely delays the present, and another, which instead opposes this idea of progress and expresses "the possibility that the 'ideal goal' could and must be realized perhaps from the moment that is coming, and even at this moment."⁴⁸ The critique of law requires not only that "a standpoint outside positive legal philosophy but also outside natural law must be found. The extent to which it can only be furnished by a historic-philosophical view of law will emerge."⁴⁹ This requires the possibility of thinking a temporality that interrupts the juridical continuum of the means-end-relationship and to pose, in the time of now, the question of justice and thus of divine violence. The latter has the temporality of anticipation, which is not the extraordinary and unexpected irruption of an event in political reality, but something that is already here.⁵⁰ Ethics and politics merge in the temporality of anticipating practice.

Considering this issue from the perspective of the philosophy of history, and building on the fragmentary texts left by Benjamin, allows us to pose the problem in a new way. In the "Political Theological Fragment" (1920), we read, "the Kingdom of God is not the *telos* of the historical dynamic; it cannot be established as a goal. From the standpoint of history, it is not the goal but the terminus [*Ende*]. Therefore, the secular order cannot be built on the idea of the Divine Kingdom, and theocracy has no political but only a religious meaning."⁵¹ According to Benjamin, any attempt to realize the Kingdom of God or of Justice is catastrophic because it takes place within the means-ends temporality. For this reason, the Kingdom of God must be understood not as the goal, but as the end of the means-ends temporality and of its history. Rosenzweig provides us with a term adequate to this experience of time. In this "anticipation," he writes, "every moment must be ready to receive the plenitude of eternity."⁵² The time of anticipation is not fatalistic. On the contrary, it is the opposite of passivity and inertia. Anticipation corresponds to the "inner pressure to realize it," "the desire to make the Messiah arrive before his time."⁵³ The task is to render the future the true future by making, this Earth, here and now, a world worthy of the Messiah, who will come only when he will no longer have anything to do. Every single human action, in the time of everyday life, can and therefore should anticipate the Messianic world. For this reason "courtesy, sympathy, peaceableness, trust"⁵⁴ constitute a field of non-violent resolution of conflicts in which the messianic is anticipated. This temporality is found in the saying attributed by Justin to Jesus, a saying Benjamin utilizes in his note on the concept of history: "In whatsoever things I shall take you, in these I shall judge you."⁵⁵ In this statement we see the impossibility of justifying one's own actions by means of the ends that are to be realized. The ethical must have this temporality. The difficult task is to combine politics and ethics. These two words that were intertwined in ancient political thought.

Non-Violent Violence and Divine Violence

Sorel had inspired Benjamin to think of proletarian violence as a rupture and interruption of economic and political relationships. Benjamin, as we have seen, defines the form of the political general strike as "violent because it causes only an external modification of labor conditions" whereas the form of the proletarian general strike, "as pure means, is nonviolent (*gewaltlos*)."⁵⁶ The proletarian general strike, however violent it might be in its appearance, is nonviolent because it interrupts not only the wage relation but also the juridical temporality of the means-end relationship and is destructive of the state. Work is interrupted; it cannot be restored in a partially modified form but

only if it is “wholly transformed.”⁵⁷ The new relationships do not wait to be realized in some continually deferred tomorrow but are anticipated in the now of the proletarian strike: the criterion of justice intrinsic to means concerns the quality and the justice of the relationships anticipated in the interruption of law. Justice exceeds the present, interrupts historical time, and erupts into history, giving place to ever-new political experiments in which new social and political relations are created. This is why the Paris Commune, where such relations were experimented, continues to gain the sympathy and interest of those who think that the state and capitalism are not ineluctable destinies. The same interruption of historical time was experienced during the workers’ uprising of Berlin 1919. Benjamin did not engage with it directly but began to think about it along with the problems of violence and activism in general after having met Ernst Bloch in the fall of 1919 and discussed with him about the workers’ right to use force.⁵⁸

The *Gewalt* of the proletarian revolt is still a form of violence insofar as it modifies social and political relations, but it is nonviolent (*gewaltlos*) with respect to juridical violence. This is because it de-institutes juridical violence by interrupting its means-end relationship.⁵⁹ For this reason Benjamin points out the ethical (*sittlich*) nature of the proletarian revolt.⁶⁰ This kind of *Gewalt* poses itself beyond the antinomy of violence and nonviolence and poses the question of a different kind of violence that has to examine in relation with Benjamin’s controversial idea of divine violence. We know for certain that the divine violence is a manifestation of justice. Moreover, divine violence dismisses law because it anticipates new forms of life and relations. These forms of life cannot be objectified in the state and therefore in the monopoly of force. This is what Benjamin clarified in the *pars destruens* of his essay: the critique of the monopoly of state violence implies the fact that individuals and groups use violence. Actually, one could argue that because justice exceeds every juridical order, human beings will always struggle for justice. The real question does not concern the neutralization of violence through the monopoly of state violence, but the possibility to think violence beyond the binary opposition of violence and non-violence. Benjamin shifted the entire analysis towards a third genus of violence beyond the modern binary opposition and in order to prove the necessity of that political-philosophical shift he had to show that the conception of power of the modern state is untenable.

Two completely different perspectives emerge from this view: on the one side, there is the liberal perspective, according to which conflict must be neutralized in the name of the security and unity of the state; on the other, there is the view that inscribes conflict as a constant dimension of politics. Benjamin intends to go beyond the conception that elevates security and the preservation of the monopoly of violence to being essential values of modern politics. With this purpose, Benjamin introduces the separation between the living and the soul of the living. This distinction constitutes the second most controversial point in his writing. The separation of the living and its soul, between “mere life” (*bloßes Leben*) and “just existence” (*gerechtes Dasein*), opens the possibility of inverting the existing relationship between the two terms, which positions the preservation of life above that of just life.

Mere life, which is usually put in contrast with political life, through the emphasis on the separation between *zoe* and *bios*,⁶¹ is the result of a double process for Benjamin: the monopolization of violence by the state, on the one hand, and the de-politicization and rendering passive of individuals, on the other hand. Individuals thus become private subjects because they are deprived of any possible use of political *Gewalt*. Benjamin’s conclusion is not that we all have become mere life. The tension that he discloses is instead between mere life/political life, on the one side, and just life, on the other. This tension is not suppressible because it is built on the idea of justice, which transcends any political form. Benjamin relocates the question of transcendence that the modern state places in the idea of the sovereign nation and the philosophy of history in the realization of a historical end. That idea of transcendence is instead defined by Benjamin as the question of justice, a question that opens up existing political forms to possible changes and, therefore, to conflict. Conflict is not, as it happens in liberal conceptions, something noxious that the state has to neutralize. Conflict is a dimension of politics when politics is referring to justice. Divine violence is an expression of the idea of justice that, as idea, holds all the possibilities of the phenomenon open. Indeed, the divine violence cannot be reduced to one single configuration of the phenomenal realm but it redeems the phenomenon by opening it to new possible configurations. That makes the difference with Carl Schmitt.⁶² Where Schmitt’s decisionism takes part for order against disorder, Benjamin’s anti-decisionism opens up the political order and assumes the entire risk of dis-ordering the order.

Referring to transcendence Benjamin opens an alternative political trajectory that reconfigures the relationship between justice and *Gewalt* in a whole spectrum that includes many manifestations of violence, rather than neutralizing violence. In order to make his point clearer, Benjamin polemicizes against the pacifist Kurt Hiller who had posed an absolute limit to violence in individual life: “If I do not kill I shall never establish the world dominion

of justice [...] that is the argument of the intelligent terrorist. [...] We, however, profess that higher even than the happiness and justice of existence stands existence itself."⁶³ Hiller's statement represents the common *doxa* of pacifism, which Benjamin defines as "false, indeed ignoble."⁶⁴ For Benjamin, the inversion in which "existence stands higher than a just existence is false and ignominious, if existence is to mean nothing other than mere life."⁶⁵ If mere life is made absolute, this is then also posited to be above a just life, extending thereby the principle of the sacred to "the life of animals and plants."⁶⁶ Mere life is elevated within the state to an absolute value to be defended and protected, as in today's human rights discourse. Mere life has to be understood in relationship to mythical violence, which makes laws and punishes, creates boundaries and frontiers. That is the violence of the state. The making absolute of an elementary biological existence renders possible the extension of the dominion of laws and human rights to animals and perhaps even to plants. But this extension, rather than indicating some progress, shows to what level the specifically human question of justice has fallen.

One must instead separate the human from simple physical existence. "Man," writes Benjamin, "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 with the uniqueness of his bodily person."⁶⁷ The human being is referred to a just life, one that exceeds mere biological existence. Law, by contrast, tends to erase this excess and, symmetrically, to remove from the hands of individuals any violence, which the state sees as a danger undermining the legal system.⁶⁸ If that relationship between life and just life is overturned such that just life gains the primacy, then the conflict over what is just is redefined as a dimension of politics. In this case the problem ceases to be the neutralization of conflict through a technical-administrative juridical mechanism that inevitably tends to codify normatively the entire life of individuals. As conflict becomes coterminous with politics, the real problem becomes the ethical responsibility of all those who act politically.

The tension between mere life and just life has to be radicalized in order to disclose a new level in Benjamin's discourse. If "mythical violence is bloody power over mere life," just life is in relationship with divine violence, which is "law-destroying" and "is lethal without spilling blood."⁶⁹ In other words, mythical violence is *bloody* power over mere life, which is a life that is reduced to biological existence; divine violence is *Gewalt* "over all life for the sake of the living", it is "lethal without spilling blood" because "blood is the symbol of the mere life."⁷⁰ Divine violence can be called destructive, but only "with regard to goods, right, life, and suchlike, never absolutely with regard to the soul of the living."⁷¹ *Life is not reducible to mere life*. There is in all life something that exceeds the mere life; something that Benjamin called "the soul of the living" and is an expression of just life. Human life cannot be reduced to blood: this is the mechanism of the modern security-state. If police provide the security of individual mere life, politics has to refer to something that exceeds mere life: the just life.

From Benjamin's standpoint, to question the state's monopoly of violence means also to question its right to kill – i.e., the death penalty and war. Nevertheless, one cannot elude this problem by dreaming a world without any violence. The latter perspective actually shares the modern paradigm of the state, according to which there is only a binary distinction between violence and nonviolence. Benjamin's introduction of a third kind of *Gewalt* challenges that dichotomy and thus must raise the disturbing question of killing.⁷²

It is only because political modernity makes the point of view of law into an absolute, tending to the total juridification of existence, that the Biblical Commandment "Thou shalt not kill" (Exodus, 20:13) is understood to refer to mere life. Actually, the Hebrew word is *ratsach*, which referred to *unjust murder* and was not used when describing killing during war.⁷³ The sentence appropriate for killing is denied in cases of self-defense, which concern the defense of not only the threatened individual but also the common good on the part of a community. There are cases in which self-defense is considered a solemn duty.

In order to shed light on this passage we must re-assemble Benjamin's text. Benjamin discusses the Biblical Commandment and the reason why Judaism expressly rejected the condemnation of killing for self-defense.⁷⁴ The case is not just the self-defense of the mere life of individuals faced with the threat of death. If this were the case, Benjamin's thought would not differ from Hobbes' and the tradition of the modern state, which makes possible such an individual self-defense. The Commandment, Benjamin makes clear, is also not to be respected out of fear of punishment. Indeed, if one accepts the injunction "do not kill" out of fear of punishment, whether by God or the state, one remains in the realm of instrumentality. The Commandment "exists not as a criterion of judgment, but as a guideline for the actions of persons or communities who have to wrestle with it in solitude and, in exceptional cases, to take on themselves the responsibility of ignoring it."⁷⁵ There are at least two layers of meaning in Benjamin's

argument. First of all, the Commandment is not a criterion for judgment that can be known in advance. The agents, both the single individual and the community, assume responsibility for their own actions and have to wrestle with them in solitude. In fact, once the deed is completed it remains incommensurable and the individuals are always alone, no matter how numerous they are, in front of something incommensurable, which transcends life and understanding. For this reason we do not have a criterion of judgment but only a guideline for action. The question concerns the human responsibility towards relationships and community.

There is a second layer of meaning that concerns not the single individuals and their use of violence, but the collective use of another kind of *Gewalt*. In a note for the “Critique of Violence,” Benjamin makes clear that “the judgment on an action has nothing to do with the fact that it is accomplished with physical violence or not.”⁷⁶ Indeed, he continues, the claim of an absolute nonviolence does not make any sense. It is not only extremely vague, but it would “deny life and even suicide”. On the contrary, the “originary violence, such as the defense, is not at all despicable.”⁷⁷ Thinking of a “free community” Benjamin assumes that evil acts could be disarmed by better human relations, but the problem of originary violence remains: it regards the defense of the community and its practice. The proletarian general strike interrupts the temporality of the state and creates the space and time in which new relationships and new working conditions are experimented and must be defended. Theoretically and politically the issue concerns the self-defense of anticipated new social relationships. Historically, it concerns the Communards and Spartakists’ justified violence for suspending the existing order and defending their new political system.

The term “suspension,” or “de-posing (*Entsetzung*) of law,”⁷⁸ used by Benjamin in the conclusion of “Critique of Violence,” marks the distance between divine violence and the violence that institutes law. The *Gewalt* that de-poses law breaks the juridical cycle in which the temporality of revolution is trapped because revolutionary violence destroys the old law in order to create a new juridical order. De-posing (*Entsetzung*) is not just the opposite of institution (*Setzung*).⁷⁹ It is not the constituent power with the negative algebraic sign before it. In other words, it is not the simple destruction of a juridical order in the name of an abstract freedom. That which divine violence dismisses is the temporality of the relationship between means and ends, which lies at the basis of every juridical violence. The interruption of the temporality of law is hard to imagine for the modern individual who has thoroughly interiorized the categories of modern politics such that the absence of a coercive external power is commensurate to the immediate falling back into the state of nature. This way of seeing does not take into account that in the interruption of the juridical continuum one does not find the war of each against all but new institutional forms and ethical relations that are experimented with and anticipated.

Benjamin’s discourse seems difficult because it is the result of a double and combined philosophical gesture. If Benjamin discusses the exercise of violence on the part of the state’s monopoly of violence, it is not to put that violence into the hands of the individuals. At the same time, the break with the state’s monopoly of violence revives the possibility to use violence. Benjamin’s remark on “ethical anarchism”⁸⁰ should be read in this context. Having undermined the state’s monopoly of violence, Benjamin thinks the possibility of the use of violence up to point of violating the Biblical Commandment; simultaneously, he modifies the conceptual framework by introducing another kind of violence. It is not Benjamin’s purpose to legitimize lethal violence or brutal actions. The kind of violence that Benjamin sees as possible beyond the juridical is not simply contrasted to the violence of the state. Rather, it is distinguished both from violence as a means to realize an end and from fascist violence that finds in the aesthetic of the act confirmation of the goodness of its cause. From this perspective, an entirely new set of problems emerges. Nonviolent violence can, in extraordinary circumstances, lead to the violation of the Commandment.

From the standpoint of the state any use of violence is subversive because it undermines its monopoly of violence. The collective use of violence is even scandalous. Indeed, organized labor as a collective subject entitled to exercise the right of violence is a legal anomaly that breaks the state’s monopoly of *Gewalt*. The state has to concede the right to strike only because the working class exercises it already. From the point of view of the state, it concedes the right to strike in order to limit working class use of violence; from the point of view of the working class, the right to strike is the right to use *Gewalt*, thus a kind of violence that emerges in all its severity in the revolutionary general strike.⁸¹ The paradox arises from the attempt to think violence beyond the modern juridical horizon and can be clarified by referring to the non-modern idea of *jus resistentiae*. Indeed, the classical right of resistance concerns the right of communities and corporations to preserve, defend and restore just forms of life and traditions against an unjust power. Its temporality does not refer to future ends. It is rather related to a present form of togetherness that has to be defended or restored. In this horizon, violence is not something to be neutralized, as the modern state does, but it is an always-possible dimension of human relations strictly related to the disagreement about justice. Indeed,

the classical idea of *jus resistentiae* always implies a quarrel over justice within an order constituted by many authorities that refer to justice but cannot achieve it.

Benjamin's attempts to think beyond the state, which reactivate the ancient question of justice and the right to self-defense by communities, takes place within the context of the revolutionary events of the 1920s. When Benjamin discussed the Berlin uprising with Bloch, one of the most relevant questions was whether the workers have the right to resort to *Gewalt* and defend themselves and the new forms of life that they were experimenting with during the uprising. Accordingly, the criterion of the right of violence hinges on the quality of these already existing forms of life and relationships. This is a highly ethical criterion that accords with politics. This is a nonviolent violence because it interrupts the violence of means-end temporality. This criterion is not blind to the consequences of actions. The ethical criterion of actions is provided by the new social and political relationships anticipated in the dismissal of the law.

We must therefore understand divine violence in a new way, as the nonviolent violence that de-poses law and anticipates both new social relations and new subjectification. It is a violence that acts on the external circumstances and on the interior of the human. Indeed, the *Gewalt* that changes external social and economic relationships is unilateral and inane without the violence that is always required for self-transformation. Uniting these two tempos is the most difficult task. But it is also the classical task of philosophy when it thinks about change. It is the ancient question of philosophy that always returns when a real change needs to be thought. Plato raised this question already: it is not possible to postpone the improvement of citizens to a later phase after the constitution of a new political order, because in that case there will not be anyone able to bring about the well-ordered city, which certainly cannot be built by bad citizens. Only a miracle can break through this circularity.⁸² Benjamin's idea of divine violence translates this problem into the language of Jewish theology, specifying the temporalities of the change. Discarding the "violent rhythm of impatience" of the state, Benjamin recalls the Messianic "good rhythm of expectation."⁸³ The latter is not the inert waiting for the coming Messiah but the anticipation that combines the temporality of external transformation with desubjectification and resubjectification, politics with ethics. It is the anticipation of new ethical-political relationships whose defense is worthier than bare life. Divine violence gives rise to this inversion, in which the liberal dogmas of the preservation of life and security cease to be the assumptions of politics and are replaced by justice. This inversion, which remains disturbing for the modern liberal mind, requires new subjectivity. For this reason, divine violence is oriented not only toward the external, but also, and above all, toward oneself.

Notes

¹ Walter Benjamin, "Notizen zu einer Arbeit über die Kategorie der Gerechtigkeit", in G. Scholem, *Tagebücher nebst Aufsätzen und Entwürfen bis 1923*, Halbband 1, 1913-1917, hrsg. von K. Gründer und F. Niewöhner, (Frankfurt am Main: Jüdischer Verlag, 1995), 401-2. Scholem reproduces this note of Benjamin on the date(s): October 8/9, 1916. "Notes to a Study on the Category of Justice", in *Metaphysics of the Profane. The Political Theology of Walter Benjamin and Gershom Scholem*, trans. Eric Jacobson, (New York: Columbia University Press, 2003), 166-169.

² Walter Benjamin, "Critique of Violence," in *Selected Writings*, Vol. 1, (Cambridge: Harvard University Press, 2004), 232-252. See Ralf Rogowski, "The Paradox of Law and Violence. Modern and Postmodern Readings of Benjamin's *Critique of Violence*," in *New Comparison*, 18 (1994): 132-151.

³ Walter Benjamin, "The Right to Use Force," in *Selected Writings*, Vol. 1, (Cambridge: Harvard University Press, 2004), 231.

⁴ Benjamin, "Critique," 236.

⁵ Werner Hamacher argued differently that "[l]ike language, the strike as pure means would be non-violent, neither coercion nor extortion, neither instrument nor anticipation of transformed power relations, but, in its sheer mediacy, the overthrow itself." Werner Hamacher, "Affirmative, Strike. Benjamin's 'Critique of Violence'", in A. Benjamin and P. Osborne (Ed.), *Walter Benjamin's Philosophy. Destruction and Experience* (London and New York: Routledge, 1994), 121-122. Hamacher reads Benjamin's essay as a rejection of violence per se rather than an attempt to think a different kind of violence. 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*, Vol. 41, No. 1 (2014), 93-120. See also W. Hamacher, "Intensive Languages," *Modern Languages Notes*, n. 127 (2012), 485-541.

⁶ "That every moment can be the last renders it eternal. And just the fact that every moment can be the last makes it the origin of the future, as a series of which every member is anticipated by the first one. (...) Without this

anticipation (...) the future is not a future, but only a past drawn out to an infinite length, a past projected forward. For, without this anticipation, the moment is not eternal but something that interminably crawls along the long strategic roadway of time.” Franz Rosenzweig, *The Star of Redemption* (Wisconsin: University of Wisconsin Press, 2005), 245. On Benjamin’s knowledge of *The Star* see Stephané Moses, “Walter Benjamin and Franz Rosenzweig,” in *Walter Benjamin: Critical Evaluation in Cultural Theory*, Vol. III, ed. by Peter Osborne (London – New York: Routledge, 2005), 101. Gershom Scholem discussed “anticipation” in relation to justice and the Last Judgment: “Divine judgment is anticipation of the Last Judgment applied in a special case.” See Gershom Scholem and Eric J. Schwab, “On Jonah and the concept of Justice,” *Critical Inquiry*, Vol. 25, N. 2 (1999), 353-361; Gershom Scholem, “Zwölf Thesen über die Ordnung der Gerechtigkeit,” in *Tagebücher nebst Aufsätzen und Entwürfen bis 1932* (Frankfurt a.M.: Jüdische Verlag, 2000), 533-535.

⁷ In his diary (20.5.1934) Werner Kraft transcribed some passages of his conversation with Walter Benjamin: in Ingrid and Konrad Scheurmann (eds.): *Für Walter Benjamin. Dokumente, Essays und ein Entwurf* (Frankfurt a. M.: Suhrkamp, 1992), 47-48

⁸ Benjamin, “Notes to a Study on the Category of Justice,” 166-169.

⁹ *Ibid.*, 167. See Jacobson, *Metaphysics of the Profane*, 224-232.

¹⁰ Jan Assmann, “Vertikaler Sozialismus. Solidarität und Gerechtigkeit im altägyptischen Staat,” in *Sozialismus in Geschichte und Gegenwart*, ed. Richard Faber (Würzburg: Königshausen & Neumann, 1994), 48.

¹¹ Scholem, “Tagebücher, Aug. 24th 1916,” in Jacobson, *Metaphysics of the Profane*, 173. See Jacobson on the relationship between *tzedeq*, justice and the figure of the *tzadik*, the righteous “who sets everything in the world in its proper place.” Jacobson, *Metaphysics of the Profane*, 228.

¹² Herbert Volwerk, “Das Recht zur Gewaltenanwendung,” *Blätter für religiösen Sozialismus*, n. 4 (1920); Max Weber, *Politics as Vocation* (1919), in *The Vocation Lectures* (Indianapolis/Cambridge: Hackett Publishing Co, 2004); Peter Fenves, *The Messianic Reduction. Walter Benjamin and the Shape of Time* (Stanford: Stanford University Press, 2011), 216.

¹³ Benjamin, “The Right to Use Force,” 232.

¹⁴ Benjamin, “The Right to Use Force,” 233. See Ashraf Noor, “Walter Benjamin: Time and Justice”, in *Zeitschrift für deutsch-jüdische Literatur und Kulturgeschichte*, Vol. I (2007), 38-74.

¹⁵ Benjamin, “The Right to Use Force,” 233.

¹⁶ *Ibid.*, 232.

¹⁷ Thomas Hobbes, *Leviathan*, (Oxford: Oxford University Press, 2009), 7. I thank Uday Mehta, who recalled my attention on this passage.

¹⁸ Susanne Heil, *Gefährliche Beziehungen. Walter Benjamin und Carl Schmitt*, (Stuttgart und Weimar: Verlag J.B. Metzler, 1996); Horst Bredekamp, “Von Walter Benjamin zu Carl Schmitt, via Thomas Hobbes,” *Deutsche Zeitschrift für Philosophie*, 46. Jahrgang, Vol. 1 (1998), 901-16.

¹⁹ Carl Schmitt, *Constitutional Theory*, (Durham: Duke University Press, 2008), 243.

²⁰ Carl Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, (Westport-London: Greenwood Press, 1996), 45.

²¹ Hobbes, *Leviathan*, 213.

²² Karl Marx, “On the Jewish Question,” in *Early Writings*, (London: Penguin, 1992), 233.

²³ Benjamin, “Critique,” 241.

²⁴ Giorgio Agamben, *The state of Exception*, (Chicago: University of Chicago Press, 2005).

²⁵ European Convention to Safeguard Human and Fundamental Rights http://www.echr.coe.int/Documents/Convention_ENG.pdf

²⁶ Benjamin, “Critique,” 243.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ See Jacques Derrida, “Force of Law: the Mystical Foundation of Authority,” in *Acts of Religion*, (New York and London: Routledge, 2002). See also A. Haverkamp (Hg.), *Gewalt und Gerechtigkeit. Derrida-Benjamin* (Frankfurt a.M.: Suhrkamp, 1994).

³⁰ Derrida, “Force of Law. First Name of Benjamin,” in *Acts of Religion* (New York and London: Routledge, 2002), 259.

³¹ Derrida, “Force of Law,” in *Acts of Religion*, 263. The book that Benjamin sent to Schmitt was the *Trauerspiel* and, by the way, there is no record of a reply from Schmitt to Benjamin. Howard Eiland and Michael W. Jennings, *Walter Benjamin. A Critical Life* (Cambridge: Harvard University Press, 2014), 350.

³² Derrida, “Force of Law,” in *Acts of Religion*, 280-1.

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- ³³ Walter Benjamin, "On the Concept of History," in *Selected Writing*, Vol. 3, Thesis 8, 392.
- ³⁴ Benjamin, "Critique," 242.
- ³⁵ *Ibid.*, 237.
- ³⁶ *Ibid.*
- ³⁷ *Ibid.*, 236.
- ³⁸ *Ibid.*, 237.
- ³⁹ *Ibid.*, 247.
- ⁴⁰ *Ibid.*, 244.
- ⁴¹ Georg Sorel, *Reflections on Violence* (Cambridge: University of Cambridge Press, 1999). See Chryssoula Kambas, *Walter Benjamin liest Georg Sorel: "Réflexions sur la violence,"* in *Aber ein Sturm weht vom Paradiese her. Texte zu Walter Benjamin*, M. Opitz und E. Wizisla (Hg.), (Leipzig: Reclam, 1992), 250-70; Jan-Werner Müller, "Myth, Law and Order: Schmitt and Benjamin read *Reflections on violence*," *History of European Ideas*, n. 29 (2003), 459-73.
- ⁴² Sorel, *Reflections on Violence*, 161.
- ⁴³ *Ibid.* 170.
- ⁴⁴ Benjamin, "Critique," 247.
- ⁴⁵ Furio Jesi, *Spartakus. The Symbolology of Revolt*, (London – New York – Calcutta: Seagull Books, 2014), 46.
- ⁴⁶ Franz Rosenzweig, *The Star of Redemption*, 243.
- ⁴⁷ *Ibid.*, p. 244.
- ⁴⁸ *Ibid.*, p. 244.
- ⁴⁹ Benjamin, "Critique," 237.
- ⁵⁰ James R. Martel, *Divine Violence. Walter Benjamin and the Eschatology of Sovereignty*, (New York: Routledge, 2012), 147.
- ⁵¹ Walter Benjamin, "Theological-Political Fragment," in *Selected Writings*, Vol. 2, (Cambridge, MA: Harvard University Press, 2005), 312.
- ⁵² Rosenzweig, *The Star*, 245.
- ⁵³ Rosenzweig, *The Star*, 244.
- ⁵⁴ *Ibid.*, 244.
- ⁵⁵ Justin, *Dialogue with Trypho*, chapter 47, 5, in *Ante-Nicene Fathers*, Vol. 1, trans. by Marcus Dods and George Reith, ed. by Alexander Roberts, James Donaldson, and A. Cleveland Coxe, (Buffalo, NY: Christian Literature Publishing Co., 1885).
- ⁵⁶ Benjamin, *Critique*, p. 246.
- ⁵⁷ Benjamin, "Critique," 246.
- ⁵⁸ Anson Rabinbach, "Between Apocalypse and Enlightenment. Benjamin, Bloch and Modern German Jewish Messianism," in Osborne, *Walter Benjamin: Critical Evaluation*, 142-144; Uwe Steiner, "The True Politician: Walter Benjamin's Concept of the Political," *New German Critique*, N. 83 (2001), 43-88.
- ⁵⁹ Benjamin, "Critique," 246. Günter Figal und Horst Folkers, *Zur Theorie der Gewalt und Gewaltlosigkeit bei Walter Benjamin* (Heidelberg: fest, 1979); Horst Folkers, *Recht und Politik im Walter Benjamin*, in K. Garber und L. Rehm, *global benjamin. Internationale Walter-Benjamin-Kongreß* (München: Wilhelm Fink Verlag, 1999), vol. 3, 1724-48.
- ⁶⁰ Benjamin, "Critique," 246.
- ⁶¹ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, (Stanford: University of Stanford, 1998), 1.
- ⁶² Samuel Weber, "Taking Exception to Decision: Walter Benjamin and Carl Schmitt," *Diacritics*, n. 22.3-4 (1992), 5-18.
- ⁶³ Kurt Hiller, "Anti-Kain," *Das Ziel. Jahrbücher für geistige Politik*, hrsg. von K. Hiller, Bd. 3, München 1919, p. 25; Benjamin, "Critique," 251.
- ⁶⁴ Benjamin, "Critique," 251.
- ⁶⁵ *Ibid.*
- ⁶⁶ *Ibid.*
- ⁶⁷ *Ibid.*
- ⁶⁸ *Ibid.*, 238.
- ⁶⁹ *Ibid.*, 250-251.
- ⁷⁰ *Ibid.*
- ⁷¹ *Ibid.*

⁷² See Judith Butler, "Critique, Coercion, and Sacred Life in Benjamin's 'Critique of Violence,'" in *Political Theologies*, ed. H. de Vries and L.E. Sullivan (New York: Fordham University Press, 2006), 201-19; Simon Critchley, *The Faith of the Faithless. Experiments in Political Theology*, (London – New York: Verso, 2012), 217-221; Catherine Kellog, "Walter Benjamin and the Ethics of Violence," *Law, Culture and the Humanities*, Nr. 9 (2011), 71-90.

⁷³ C.F. Keil and F. Delitzsch, *Biblical Commentary on the Old Testament*, Vol. 2, The Pentateuch (Edinburgh: William B. Eerdmans, 1864), 123-124.

⁷⁴ Benjamin, "Critique," 250.

⁷⁵ Ibid.

⁷⁶ Benjamin, "Leben und Gewalt," in *Gesammelte Schriften*, Vol. VII/2, (Frankfurt am Main: Suhrkamp, 1982), 791.

⁷⁷ Ibid.

⁷⁸ Benjamin, "Critique," 251.

⁷⁹ Werner Hamacher, "Afformative, Strike: Benjamin's 'Critique of Violence,'" in *Walter Benjamin's Philosophy Destruction and Experience*, ed. A. Benjamin and P. Osborne, (London – New York: Routledge, 1994), 110-38; Alfred Hirsch, "Gewalt jenseits Gewalt. Zu Walter Benjamins Theorie der Gewaltlosigkeit, nebst einigen Anmerkungen zu einer "Kritik" der Repräsentation," *Études Germaniques*, n. 51 (1996), pp. 7-27; Giorgio Agamben, "What is a Destituent Power?," *Society and Space*, Vol. 32 (2014), pp. 65-74.

⁸⁰ Benjamin, "The Right to Use Force," 233.

⁸¹ Benjamin, "Critique," 239.

⁸² Plato, *Republic* (New York: Vintage 1990), 499b.

⁸³ Benjamin, "The Right to Use Force," 231.