

# Walter Benjamin

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[https://csmb.zoom.us/rec/play/78ltdLitrTw3HtKdtQSDU6d7W9W0K6Os03cX-PsPmBuyAHgHZ1Kub-MVYLPp1WKKZW5C2YU1\\_tRmoqKu?continueMode=true](https://csmb.zoom.us/rec/play/78ltdLitrTw3HtKdtQSDU6d7W9W0K6Os03cX-PsPmBuyAHgHZ1Kub-MVYLPp1WKKZW5C2YU1_tRmoqKu?continueMode=true)

# Walter Benjamin (1892-1940)

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- Important German Jewish philosopher and critical theorist → measured by the diversity of his intellectual influence
- Developed a politically leaning, materialist aesthetic → important/influential stimulus for the Frankfurt School of Critical Theory
- Eclectic philosopher → synthesizes aspects of Romanticism, Marxism, German Idealism, and Jewish mysticism
- Made contributions to historical materialism, literary theory and aesthetics that are still influential
- Born in Berlin, 1892, to family of intellectuals, thinkers, and scholars
- Studied at several different universities, including Berlin, Freiburg, and Munich, before finishing his PhD in Philosophy at the University of Bern

# Frankfurt School of Critical Theory

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- Founded during the Weimar Republic, and flourished during the European interwar period (1918-1939), and associated with Goethe University Frankfurt (Institute for Social Research)
- School of social theory, critical philosophy, and Marxist thought → made up on philosophers, intellectuals and political dissidents
- Critiqued current socio-economic systems, such as capitalism, fascism, and eastern bloc communism during the 1930s
- Current social theory not enough to account for contemporary politics in supposedly liberal capitalist societies → propose “critical theory”
  - **Critical theory:** philosophical method of studying culture, focuses on historical, material, and ideological forces that produce, maintain, and constrain culture.



Walter Benjamin (right) playing chess with Bertolt Brecht (left), a central figure in the Frankfurt School

# Walter Benjamin's "Critique of Violence" (1921)

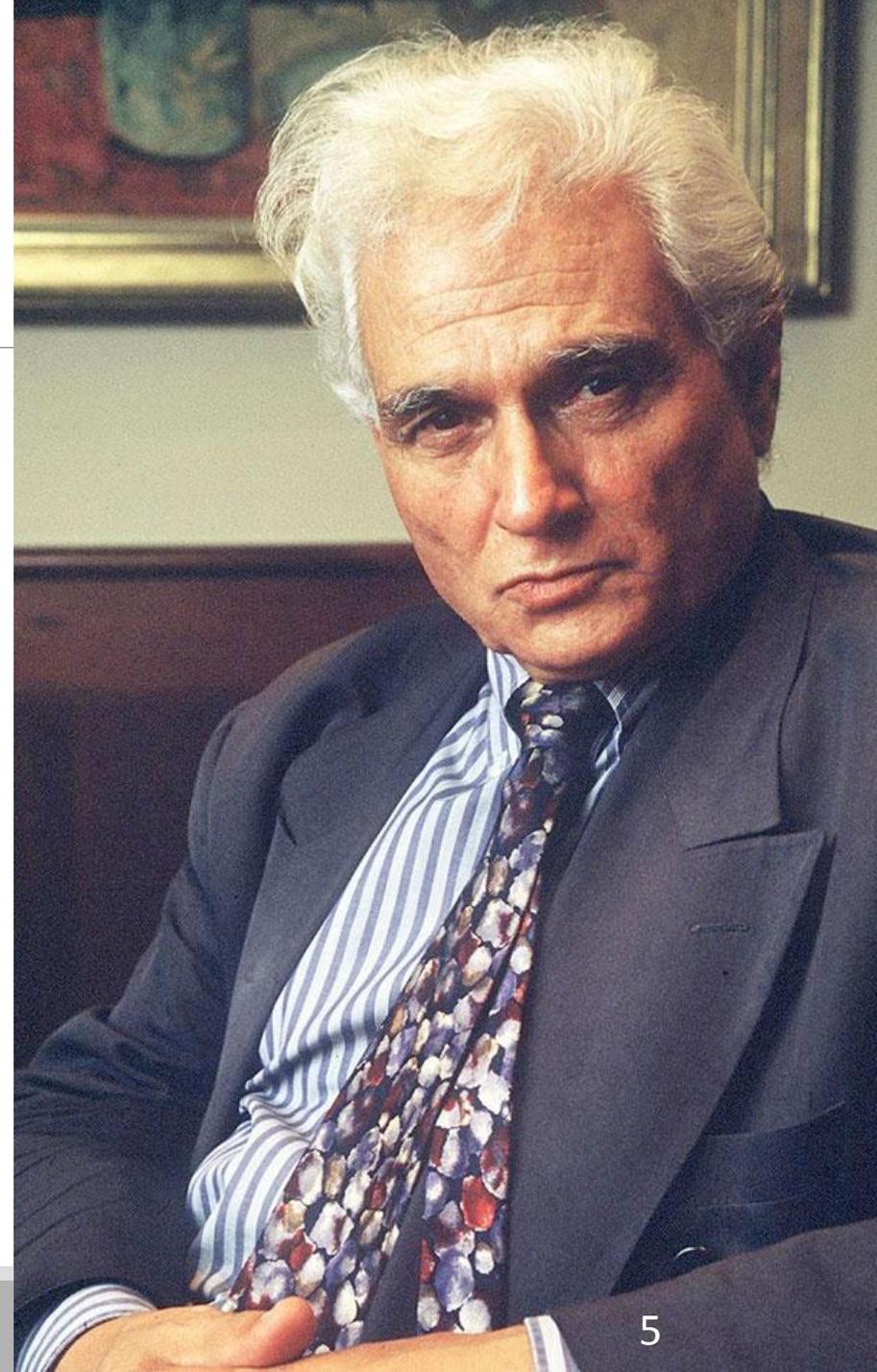
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- First published in 1921, meant to be part of a larger work on politics (either unfinished or lost)
- Written shortly after the 1918/1919 failed German revolution, and as an intellectual response and meditation on the communist and anarchist uprising around Germany.
- First politically explicit essay, and also last work written before Benjamin's turn to Marxism in 1924 → at this point, had read neither Marx nor Lenin
  - Familiar with the anarchist writers and theorists circulating at the time and much other philosophical political thought circulating at the time, as well as the political work of Gershom Scholem, who later became one of the most important thinkers in the tradition of Jewish mysticism.
- Whatever these influences, none can really fully account for the radical way in which Benjamin set out to examine the law and violence – and the reference to another kind of violence: *divine violence*
- Scholar and successor to Frankfurt School, Giorgio Agamben writes that in this essay, Benjamin wants to ensure "the possibility of a violence (*Gewalt*) that lies absolutely 'outside' (*außerhalb*) and 'beyond' (*jenseits*) the law."

# The Challenge to the Law

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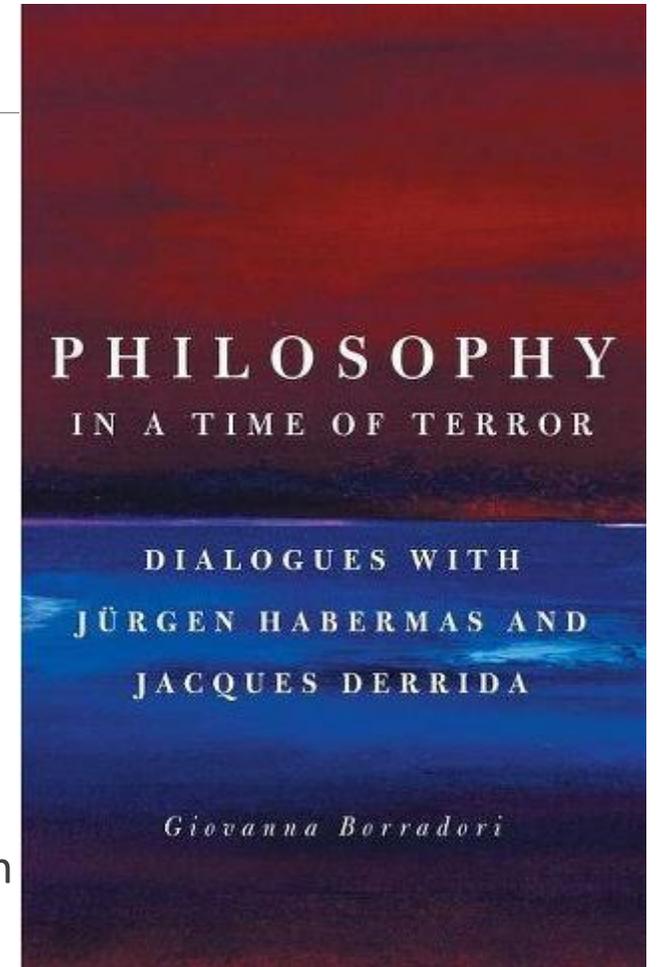
- Essay is famous for its difficulty → deconstructs categories down into subcategories, then uses the differences between the subcategories to create larger arguments about the various functions of violence and its monopoly by the state
- Derrida: difficulty in problems with translation → English concepts more ambiguous than in original German
  - Not only problem with English translation, but also with French translation, according to Derrida
- *Gewalt*: “violence,” but also force, might, and authority
  - Disparate concepts like violence, law, institutions, authority, and justice are already intertwined in German
- *sittliche verhältnisse*: “moral relations” but also “the political framework of ethical life, that is, the family, civil society and the state” (Larsen).
  - Not natural violence, but social and state violence



# Deconstruction of terms

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- Many critical philosophers turn to deconstruction
  - Giovanna Borradori explains that Deconstruction “seeks to disassemble any discourse standing as a ‘construction’”;
- When philosophy primarily investigates “ideas, beliefs, and values constructed within a conceptual scheme, what is being deconstructed is the way in which they hold together in a given scheme.”
- Classical/Enlightenment philosophy unravels under this scrutiny
  - “Under the pressure of deconstruction, classical philosophical constructions assume the semblance of baroque facades: no longer linear, they now look twisted and deformed, internally complicated by overlapping patterns in an endless play of perspectives” (Borradori)
- Deconstruction is a way to experience the limits of philosophy → change the way we think
- Borradori: reason “is not an abstract mental faculty that all human beings come equipped with and can affirm on autonomous grounds; rather, it grows out of the way in which the individual understands herself as part of a community.”
  - In this way, deconstruction offers an important challenge to the premise, outlined by Kant and others, that Reason provides access to universal laws.



# “Critique of Violence”

## *Deconstruction*

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Natural Law vs. Positive/Civil Law

Law-making violence vs. Law-Preserving violence

Mythic violence of law vs. divine violence of justice

He appreciates that Benjamin’s deconstruction starts by

*destabilizing, complicating, or bringing out the paradoxes of values like those of the proper and of the property in all their registers, of the subject, and so of the responsible subject, of the subject of law (droit) and the subject of morality, of the juridical or moral person, of intentionality, etc., and of all that follows from these, such a deconstructive line of questioning is through and through a problematization of law and justice. A problematization of the foundations of law, mortality and politics. (Derrida)*

- Complicates foundations of law and morality
- Law in two categories:
  - Natural law: justification of ends
  - Positive/Civil Law: Justification of means

# Deconstructing Positive Law

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- Benjamin challenges this understanding of the unification of natural law and positive law
- Deconstructs violence *in itself*
  - Undermining a fundamental precept of the law: the idea that where there is a balancing between ends and means then there is justice, i.e. if justified means may be used for just ends.
- Positive Law → deconstructed into law-making action/violence vs. law-preserving action/violence
  - Law-making violence: means directed towards an end (e.g. interstate war → violence to ignore historically acknowledged borders – new tradition, new borders)
  - Law-preserving violence: violence towards a legal end → law is manifestation of violence for its own continuance
    - Benjamin: “For law-preserving violence is a threatening violence. And its threat is not intended as the deterrent that uninformed liberal theorists interpret it to be.”

# Critiquing Capital Punishment

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- When Benjamin critiqued capital punishment, many declared that the foundation of the law itself was being attacked:

*The opponents of these critics felt, perhaps without knowing why and probably involuntarily, that an attack on capital punishment assails not legal measure, not laws, but law itself in its origin. For if violence, crowned by fate, is the origin of the law, then it may be readily supposed that where the highest violence, that over life and death, occurs in the legal system, the origins of law jut manifestly and fearsomely into existence. [...] For in the exercise of violence over life and death, more than any other legal act, the law reaffirms itself.*

- Law-preserving violence has a necessary end in capital punishment → critique allows for challenges to reach the origins and foundations of Enlightenment legal systems

# *Mythic and Divine Violence – The Greek myth of Niobe*

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- Last deconstruction: mythic violence of law vs. divine violence of justice
  - Culmination of the larger argument about violence
- Pulls apart “law” and “violence” with reference to the Greek myth of Niobe and Leto
  - Niobe has 14 children, boasts to Leto who has only 2
  - Boasting seen as challenge to fate (Fate = Power?) Boasting challenge to power
  - Fate=power?
- In challenging power, Niobe is challenging the law: “Lawmaking is powermaking, assumption of power, and to the extent an immediate manifestation of violence. Justice is the principle of all divine endmaking, power the principle of all mythic lawmaking.”
- Justice is ends; power is a means
  - Justice cannot be reached through the law (realm of logic/reasoning/law); only reached through religion/divinity
- “Critique of Violence” = “Critique of Justice”

# Divine violence annihilates mythic lawmaking

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Benjamin writes:

*If mythic violence is lawmaking, divine violence is law-destroying; if the former sets boundaries, the latter boundlessly destroys them; if mythic violence brings at once guilt and retribution, divine power only expiates; if the former threatens, the latter strikes; if the former is bloody, the latter is lethal without spilling blood.*

- Violence obligatory to abolish the law
- Mythic lawmaking/lawpreserving violence functions to uphold power and fate
- Divine violence is an annihilation which purifies → not of sins but of the law

# Benjamin's death

- Fled Germany when Hitler rose to power (c.1932)
- German Jews stripped of citizenship in 1938
  - Benjamin became stateless and was arrested by the French police and held in a prison for three months
  - When released, the Germans entered the capital to arrest Benjamin, but he had fled to Lourdes upon release
- 1940: Horkheimer negotiated a US visa for Benjamin
  - Benjamin was evading the Gestapo who were chasing him
  - Planned to travel to the US from neutral Portugal via Spain (then supposedly a neutral country)
- Franco government cancelled all transit visas → Spanish police began rounding up Jewish refugees to return to France (including the Jewish refugee group that Benjamin was in)
- September 25, attempt to cross the border to Portugal but was stopped by Spanish police who said that all Jewish refugees would be deported.
  - Expecting to be deported back into Nazi hands, Benjamin killed himself by overdosing on morphine tablets that night
- His brother Georg was killed at the Mauthausen-Gusen concentration camp in 1942.



Anonymous, the last photograph taken of Benjamin; it appears on the upper left-hand corner of his death certificate. (Courtesy of Dr. Konrad Scheurmann and the community of Port Bou, Spain.)

# Sources & Resources

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