Can There Be Non-Violent Political Action?

Christoph Menke

Abstract

The text argues for the irreducible violence of the abolition of violence. It aims to show that this is not a paradox, for violence means something else in both instances. We thus need to distinguish between violence and violence: we need a 'critique of violence' in the sense that Walter Benjamin has developed it (in his article with this title). The text will sketch a political reading of Benjamin's distinction between mythic and divine violence by way of his example of education.

Christoph Menke is Professor of Philosophy at the University of Frankfurt/Main. E-Mail: Christoph.Menke@normativeorders.net
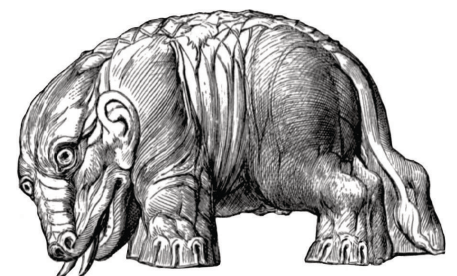
The title of the conference for which this paper was written asks for what it means "to abolition (state violence)". What interests me in this formulation is the act of abolishment. More precisely, I am interested in the relationship between this act and what it abolished – the state and its violence. Is the act of the abolition of state violence itself violent? And if so, violent in what sense – distinct from the violence of the state? If we can call the act of abolishment of state violence a (or the) political act, then this is the question of in what sense this act must be violent in order to break the violence of the state. Can there be acts that abolish violence and hence are political and that are non-violent at the same time? I will discuss this question with reference to Walter Benjamin's reflections in his *Critique of Violence* (1977/1986),[1] in relation to which the theme of the conference was posed.

If we follow Benjamin's text, the answer to the question for the possibility of non-violent political action is obviously positive. According to Benjamin, there is non-violent political action, namely insofar as its means (*Mittel*) are 'pure' (*rein*, sometimes translated as 'unalloyed'). We can see what this implies, what 'pure' means are, by looking at "relationships between private persons" (that "are all full of examples of this"; ibid., 191/289). Here, Benjamin writes, "nonviolent agreement is possible wherever a civilized outlook [*die Kultur des Herzens*] allows the use of pure means of agreement. [...] Courtesy, sympathy, peaceableness, trust, and whatever else might here be mentioned, are their subjective preconditions" (ibid.). Their political "analogy" is the art of diplomacy, whose task is "to resolve conflicts case by case, in the names of their states, peacefully and without contracts" (ibid., 195/293). In all these cases we are dealing with forms of action that aim at the "non-violent resolution of conflict" (ibid., 191/289). The condition of such non-violence is *Sachlichkeit*, i.e., "objectivity":

> Unalloyed [pure, nonviolent] means are never those of direct, but always that of indirect solutions. They therefore never apply directly to the resolution of conflict between man and man, but only to matters concerning objects [*Güter*]. The sphere of nonviolent means opens up in the realm of conflicts relating in the most objective [*sachlichste*] way to goods. (ibid., 192/289)

Thus, the condition for political nonviolence is objectivity, which in turn is only possible through a (technological) relation to goods.

However, insofar as political struggles are contentions over power, domination, and freedom (or liberation), they are different in kind. In such struggles, no 'objectivity', and therefore the renunciation of violence that it enables, is achievable. The question "Is non-violent political action possible?" has therefore to be asked once again. The (affirmative) answer with respect to conflict resolution does not suffice. The distinction that Benjamin's *Critique of Violence* develops in this field, the field of political struggle, is thus another one. It is not the distinction between violence and non-violence, but rather between different kinds of violence. Instead of asking "Is non-violent political action possible?", Benjamin raises the question for "a different kind of violence" (ibid., 196/293) – a violence that is not a means at all anymore, whether pure or impure.

[1] I quote Benjamin's text by giving the German (1977) and the English (1986) page numbers. I have occasionally modified the translation.

Before I can try to determine this different kind of violence, it requires an explanation of how I understand the concept of violence, i.e. violence in all of its forms. The definition of violence with which I work here is simple: We can define 'violence' as a specific way in which one acts on the other – a specific type of the power-effect that one agent has on some other agent, who receives or suffers that effect. In this broad sense, we can call that kind of effecting or affecting the other 'violent' if it violates – injures, hurts, infringes – the other. The simple definition is that violence violates; the violence of the one violates the other. All violence thus causes some kind of suffering.

The violation that violence effects can be understood either in an objective or a subjective sense. If the act of violation is defined objectively, then it means the external disruption of the wholeness of a form, the infringement of its integrity. The objective definition of violence presupposes the idea of a given form that is defined by its teleology – for example, the integrity of a living body or of someone's psyche. To act violently on that form means to externally disrupt the self-forming activity by which it realizes its telos or essence. In contrast, the subjective definition of violence does without (and indeed rejects) such objectively determined essences and teloi. Subjectively defined, violence consists in disrespecting, constraining or even damaging someone's self-determination. Here, the criterion of violation is, accordingly, the other's will. To inflict violence on some other means in the subjective sense to act against the other's will: to violate the other's power of self-determination.

With this schematic definition of violence and violation in mind, we can once again pose the question: is political action to be violent, and if so, how and when? Or in Benjamin's terms: which 'kinds' of violence, of violating the integrity or the self-determination of some other, have to be distinguished by a critique of violence?

On the one side of Benjamin's critical distinction stands the violence of law.[2] It is obvious and undisputed that the law exerts (or threatens to exert) violence. Nobody denies it; even the most affirmative – that is: uncritical – theory of law accepts, indeed demands, that it must be willing to use violence in order to achieve its goals. The ideologies of law that Benjamin criticizes legitimize such violence in instrumental terms. Accordingly, the violence of law is legitimate because it is merely a means. This is the fundamental mistake of those legal ideologies. For the violence of law is not a means, however just its purpose. Indeed, the violence of law that truly calls for a critique is not a mere means or instrument: Benjamin does not criticize the law because it too constrains, threatens, and violates. Rather, the violence of law is "violence crowned by fate" (ibid., 188/286). That is to say, the violence of law consists in its operating *as* or *like* fate.

> For the function of violence in lawmaking is twofold, in the sense that lawmaking pursues as its end, with violence as the means, what is to be established as law, but at the moment of instatement does not dismiss violence; rather, at this very moment of lawmaking, it specifically establishes as law not an end unalloyed by violence but one necessarily and intimately bound to it, under the title of power. Lawmaking is powermak-

[2] For a detailed account of the following considerations, see Menke (2018, 6ff.).

ing, assumption of power, and to that extent an immediate manifestation of violence. (ibid.; 198/295)

It is not the fact that law is applied and enforced by violent means – not the fact that law uses violence as a means – that is the problem of the law and of the legitimation of its violence. Rather, it is the fact that the violence inherent in the law cannot *remain* a mere means to an end, that it does not 'abdicate' itself (Hannah Arendt), and so instead it becomes the mode of being, or operating, of law itself. The violence of the law that Benjamin calls 'fateful' for this reason consists in the fact that the law's violent means ultimately obliterate its just purpose because its self-preservation becomes its only purpose. Law is merely about power: it is about its own power, the power of law to maintain itself. The 'fateful' violence of law is the violence of its self-preservation. That, Benjamin argues, is what makes the violence of law reprehensible: namely, not that law, too, threatens, violates, and coerces, but that law operates for its own sake, for the sake of the preservation of its order and the establishment and enforcement of its categories, perspective, and language. The law operates for the sake of its power. Like the power of fate, it is therefore cursed to continue forever.

Due to its circular, fateful character and temporality, this first kind of violence, the violence of law, is called 'mythic' violence. Mythic violence is defined by Benjamin as the violence of manifestation, and the violence of manifestation is defined as the manifestation of an order or, more precisely, of its power, of the order *as* power. The preservation of the order is not the goal of the violent act – it *is* the violent act, in which the establishment and the preservation of the order therefore become indistinguishable. The first kind of non-instrumental violence is thus the violence of power, or more precisely, of ruling power; the power of domination. It is violence as the non-instrumental manifestation of a dominating power over its subjects. This means, conversely, that domination always exceeds the instrumental (or economic) logic of expropriation, appropriation, exploitation, and enrichment of profit. In every form of domination, it is not only about its immediate effect or even benefit (which the domination has for the ruler), but about the self-preservation of the domination itself. Power, like domination, is circular, self-referential, non-instrumental. It *expresses* itself by violence. It is about the joy of violation.**[3]**

The project of a critique of violence is not just to expose the falsity of such violence of power-manifestation (which obviously can neither be criticized by judging its ends nor its means, but only by presenting its form: its mythic processuality or temporality of fate). The project of a critique of violence is also, and more importantly, to distinguish *this* – mythic, reprehensible – kind of non-instrumental violence from a 'different kind' of violence, which is *also* non-instrumental or 'immediate', but in an entirely different way (that Benjamin calls 'divine' in order to define it against mythic violence). Benjamin describes the critical, i.e. decisive, difference between these two kinds of non-instrumental violence by remarking that while the first one is "law-making", the second one is "law-destroying" (or law-annihilating); while "the former sets boundaries, the latter boundlessly destroys them"; while the first one "brings at once guilt and retribution," the second one "only expiates" (ibid., 199/297). We have already seen what Benjamin means when he calls

[3] Orlando Patterson has formulated this Nietzschean point for the specific case of slavery in this way: "What the captive or condemned person lost was the master's gain. The real sweetness of mastery for the slaveholder lay not immediately in profit, but in the lightening of the soul that comes with realization that at one's feet is another human creature who lives and breathes only for one's self, as a surrogate for one's power, as a living embodiment of one's manhood and honor. Every slavemaster must, in his heart of hearts, have agreed with Nietzsche's celebrated declaration: 'What is good? Everything that heightens the feeling of power in man, the will to power, power itself. What is bad? Everything that is born of weakness. What is happiness? The feeling that power is *growing*, that resistance is overcome.'" (Patterson 1982, 78)

the first kind of non-instrumental violence mythic and law-making: the violence of the power of domination (i.e. violence not as the instrument of power but rather its manifestation or expression: its mode of being). Conversely, therefore, the other kind of immediate, non-instrumental violence is the violence in – or *as* – the annihilation of power. The other kind of violence *is* the annihilation of power, and this, in turn, means that the annihilation of power is violence. To annihilate a ruling power is an act of liberation (which Benjamin calls *Entsetzung*). Now, if to annihilate a ruling power is an act of violence and if, secondly, to annihilate a ruling power is an act of liberation, liberation or emancipation is neither accidentally nor instrumentally but rather essentially violent and violating. If political action is an act of liberation, political action is – and must be – an act of violation.

Why is this so? The question can be answered if we follow the hint that Benjamin gives when he writes of "educative power [*erzieherische Gewalt*]" as that "sanctioned [*geheiligte*] manifestation" of a different kind of violence, namely divine violence, which we can still find in "present-day life" (ibid., 200/297). But why is education violent? It is so to the "extent it is justifiable to call this violence, too, annihilating." (Ibid.) Like the other forms of violence, divine violence annihilates; however, it only annihilates "relatively, with regard to goods, right, life, and suchlike, never absolutely, with regard to the soul of the living" (ibid., 200/197f.). The reason why education is only "relatively" annihilating or violent is that it is "absolutely" affirmative or productive. What education, following Benjamin, affirms or produces is the 'soul'. What is a soul? I suggest not to understand this term in the Aristotelian sense: as the psyche, i.e. the inner principle or *arche*, the always already existing ground and beginning of a living being. Rather, I understand Benjamin's "*Seele*" in the sense of Franz Rosenzweig as an effect: namely the effect of a revelation, confronting and transforming the self from outside. According to Rosenzweig the "self" *becomes* "soul" by a revelatory experience (Rosenzweig 1988, 105ff.; see Santner 2001), and this becoming-soul is the process of liberation. Thus, the self is or has not yet a soul when education (that education which is liberation) starts. The self is rather determined by a natural or social or cultural identity. Such identities are the effects, the seat, and the instrument of power. By liberating the soul, of or from the self, the educatory process is thus the manifestation of law- or power-annihilating violence.[4] It violates the identity of the self, it destroys her or his integrity, wholeness and self-determination. But it is crucial to note that herein the violation again does not function as a means; the violent annihilation of identity is not instrumental. This violence is rather a manifestation: the manifestation of the becoming of the soul, hence of liberation.

Now, such education-as-liberation (or liberation as education) is not yet, not by itself, a political act. Therefore, what should follow from this example of 'divine' or 'pure unmediated violence' as an example of educative violence, in order to answer the question if (and if so, why) political action cannot be non-violent? Let me take as an example the act of representation: the representation of someone by some other. By representation one can understand either to speak for someone or to speak about someone (in German: *Stellvertretung* and *Darstellung*). I use the term hereafter in a third sense (in which the first two meanings play a role): that of addressing someone; more specifically, in the sense of addressing someone else in front of others.[5] To

[4] Insofar as education is itself an essential mechanism in the re-production of the existing symbolic-normative order and hence an instance of the blending of law making and law preserving, education thus has to turn against itself in order to become liberating. Eva Geulen (2004) describes this (with reference to Benjamin and his discussion of Kant's pedagogy) as the paradox of education. For an attempt to dissolve this paradox by an act of critical distinction, even separation, see Charles 2016.

[5] I would like to thank an anonymous reviewer for alerting me to the need for a clarification. – In the following I am interested in the moment of violence that lies in the fact that it is – as Derrida writes – "impossible" to "address oneself to the other in the language of the other" (1989-1990, 949). I want to indicate why the violence that lies in this missing of the other is indissolubly ambiguous: it is the violence of law *and* of justice.

address someone is a fundamental move of any social situation. If it is performed explicitly and deliberately, it constitutes a social situation and can in this sense be called 'political' (if politics has to do with the constitution of the social). The question thus is whether the fundamentally political act of representing someone by addressing her can be non-violent. Can there be non-violent representation following Benjamin's argument?

One can understand this question in the sense discussed by Jacques Derrida in his early critique of Lévinas. Derrida understands it here as the question whether non-violent representation is at all *possible*. And he answers the question in the negative by claiming that violence is "transcendental" (Derrida 1978, 118ff.). It is a condition of possibility of representing anyone, or even anything, at all; representation, Derrida claims, as such, is violent. So that according to Derrida the alternative is not between a violent and a non-violent representation, but rather between a more or less violent representation. In contrast, here, I want to reframe the question not in terms of whether political representation can be non-violent, but rather if it even *should* be non-violent; i.e., if it should *aim* at non-violence; and moreover, if the commitment to non-violence as such defines the goodness or justice of representation.

On the basis of the analysis of educative violence above, it is clear what the problem, indeed the danger, of such an understanding is that defines justice by non-violence. It lies in the fact that it absolutizes non-violation.**[6]** As I said in the beginning of this essay, acts of violation can either, objectively understood, injure the integrity of another's form or, subjectively understood, harm someone's will; they are either infringements upon the other's teleology or its self-determination. To claim that any representation that is violent in either sense is, merely by being violent, unjust, thereby presupposes that either any given form or that any given act of self-determination is, simply by being given, legitimate and untouchable. It either presupposes natural goodness (of forms) or natural freedom (of the will). But what is naturally given is neither good nor free. The analysis of educative violence has shown why: it is because that which is given by – first or second – nature is precisely not the liberated "soul", but rather a condition of identity and hence an effect of domination. It is therefore wrong to say that a just representation of the other must reflect, i.e., merely duplicate, its form or its will. It is thus wrong to say that only that representation of the other is a just representation that corresponds to the other's self-representation. For in their simple, given, uneducated forms, our self-representations are always false. That is: we are unjust to ourselves.**[7]** To commit political representation to adopting and duplicating the other's self-representation is therefore to repeat and thus entrench its injustice. Therefore, the political acts of representation must be violent. They must be a manifestation of the violence that annihilates law, order and form, and liberates the soul from identity. Such violence is the virtue of political action.

[6] Benjamin calls this "a quite childish anarchism" that "[refuses] to acknowledge any constraint toward persons and [declares], 'What pleases is permitted'" (1977/1986, 187/284). It rejects violence "in the name of a formless 'freedom'" (ibid.).

[7] The modern foundation of the political community on an agreement or a contract excludes this from the outset. It follows the principle of Roman law that the will cannot injure itself. Kant writes: "if someone decides something against another, it is always possible that he thereby does him wrong, but never in what he decides about himself (volenti non fit iniuria)." (1966, §46; my translation) The willing subject cannot violate her- or himself: this is the assumption on which the concept of contract in civil law rests. Modern political philosophy transposes it – wrongly – to the political realm.

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