

critique of violence walter benjamin

Critique of Violence Walter Benjamin: Exploring the Philosophy of Law and Power

critique of violence walter benjamin remains one of the most thought-provoking and challenging essays in political philosophy and critical theory. Written in 1921, this work delves deep into the nature of violence, law, and justice, questioning the legitimacy of state power and the use of force. Benjamin's reflections offer a profound critique of the traditional understanding of violence, blending legal philosophy with Marxist and theological concepts. If you've ever wondered about the boundaries between legitimate and illegitimate violence or the ethical implications of revolutionary force, this essay is a compelling starting point.

In this article, we will unpack the central themes of Walter Benjamin's critique of violence, explore its relevance today, and understand how it fits into broader debates about law, sovereignty, and resistance.

Understanding Walter Benjamin's Critique of Violence

Walter Benjamin's essay, often referred to by its full title *"Critique of Violence"* or *"Zur Kritik der Gewalt"*, challenges the conventional dichotomy between lawful and unlawful violence. At its core, Benjamin argues that all law is founded on violence — a concept that unsettles traditional legal and political theory that often presents law as inherently just or rational.

Law and Violence: An Inseparable Relationship

Benjamin posits that law is not simply the product of rational consensus or justice but is intrinsically backed by violence. This "law-making violence" establishes legal frameworks, while "law-preserving violence" enforces these laws. He writes that both forms are intertwined: the law originates in an act of violence, and its maintenance depends on the continual threat or application of force.

This insight forces us to reconsider the assumption that violence outside the law is illegitimate, while state violence is justified. Instead, Benjamin reveals a paradox where the state's monopoly on violence is what legitimizes the law, but the law itself cannot exist without the original act of violence that established it.

Mythic Violence versus Divine Violence

One of the most intriguing distinctions Benjamin makes is between what he calls "mythic violence" and "divine violence." Mythic violence is the violence that sustains and enforces the existing legal order — it's the violence wielded by the state and its institutions. It is always tied to law-making or law-preserving functions.

On the other hand, divine violence is a form of pure, law-destroying violence. It does not seek to

establish or maintain any legal system; rather, it interrupts or shatters the cycle of law and violence. Benjamin associates divine violence with revolutionary or redemptive justice, which escapes the logic of legality and power structures.

This distinction is crucial in understanding Benjamin's perspective on revolutionary violence. While most legal systems condemn violence outside the law, Benjamin suggests that divine violence transcends legal categories and carries a transformative potential.

The Relevance of Benjamin's Critique in Contemporary Contexts

Benjamin's essay is nearly a century old, but its exploration of violence, law, and justice remains profoundly relevant—especially in today's world where questions about state power, police violence, and political resistance dominate public discourse.

State Violence and the Question of Legitimacy

Modern states continue to claim a monopoly on violence, whether through military force, policing, or legal sanctions. Yet, incidents of police brutality, systemic oppression, and state repression challenge the notion that this violence is inherently legitimate or just.

Benjamin's critique invites us to interrogate the foundations of state authority. If law is always backed by violence, what does that mean for claims of justice and fairness? It encourages critical reflection on how state power is exercised and who benefits from its violence.

Violence in Social Movements and Revolutions

Benjamin's concept of divine violence also sheds light on the role of violence in social and political upheavals. While many condemn any form of violence in protests or revolutions, Benjamin's analysis suggests that some forms of violence may be necessary to disrupt unjust systems.

This perspective helps us nuance debates around resistance movements. It challenges simple moralistic condemnations of violence and instead asks us to consider the context, purpose, and consequences of such actions.

Key Themes and Insights from the Critique of Violence

To better grasp Benjamin's essay, it helps to highlight some of its central themes and ideas:

- **Violence as a foundation of law:** Law does not exist in a vacuum but is created and maintained through acts of violence.

- **Questioning legal legitimacy:** The state's claim to legitimate violence is historically contingent and ideologically constructed.
- **Mythic vs. divine violence:** Mythic violence supports the law; divine violence interrupts and transcends it.
- **Revolutionary potential:** Violence can be a tool for radical change, not merely oppression.
- **Ethical ambiguity of violence:** Violence is never purely good or evil; its moral value depends on context.

The Legal and Theological Dimensions

Benjamin's work is also fascinating because it merges legal theory with theology. His idea of divine violence resonates with religious notions of redemption and justice that lie beyond human-made laws. This blend adds a rich layer of complexity and opens up philosophical questions about justice that transcend secular frameworks.

Applying Benjamin's Critique to Modern Legal and Political Thought

Walter Benjamin's essay continues to influence thinkers in critical legal studies, political philosophy, and social theory. For scholars and activists alike, his critique offers valuable tools for rethinking power dynamics and the ethics of resistance.

Rethinking Sovereignty and Power

Benjamin's insights challenge traditional notions of sovereignty as absolute or benign. Instead, sovereignty is always exercised through violence, raising questions about the legitimacy of those in power. This approach encourages skepticism towards centralized authority and highlights the importance of accountability.

Ethics of Resistance and Civil Disobedience

For those engaged in activism or civil disobedience, Benjamin's critique offers a framework to evaluate the use of violence or force. It asks activists to critically assess whether their actions serve to preserve unjust laws or to break free from oppressive systems.

Influence on Later Thinkers

The critique of violence influenced prominent philosophers such as Giorgio Agamben, who expanded on Benjamin's ideas about law and sovereignty, and Jacques Derrida, who examined the relationship between justice and violence. Understanding Benjamin's essay is essential for grasping contemporary debates in political philosophy.

Final Reflections on Critique of Violence Walter Benjamin

Engaging with Walter Benjamin's *critique of violence* is both intellectually rewarding and deeply challenging. His essay pushes us to rethink the foundations of law and power, forcing uncomfortable questions about state authority and the ethics of violence. By distinguishing between mythic and divine violence, Benjamin opens a space for imagining justice beyond the confines of legal systems.

Whether you are a student of philosophy, a political activist, or simply curious about the dynamics of power, Benjamin's work remains a vital resource. It reminds us that violence is never a straightforward phenomenon but a complex and contested force shaping our world. As debates around justice and resistance continue, revisiting Benjamin's critique offers crucial insights into the tangled relationship between violence, law, and liberation.

Frequently Asked Questions

What is the main thesis of Walter Benjamin's 'Critique of Violence'?

Walter Benjamin's 'Critique of Violence' argues that all forms of law are founded on a primal violence, and distinguishes between 'law-making' and 'law-preserving' violence. He critiques the legitimization of violence by the state and introduces the concept of 'divine violence' as a form of revolutionary, pure violence that breaks the cycle of legal violence.

How does Benjamin differentiate between 'law-making' and 'law-preserving' violence?

Benjamin distinguishes 'law-making' violence as the original violence that establishes law, while 'law-preserving' violence is the administrative violence used to maintain and enforce the law. Both are forms of instrumental violence but serve different functions within the legal system.

What does Walter Benjamin mean by 'divine violence' in his essay?

Divine violence refers to a form of violence that is neither law-making nor law-preserving. It is a pure, non-instrumental violence that interrupts the cycle of legal violence and can bring about

radical change or justice beyond the law's framework.

In 'Critique of Violence,' how does Benjamin view the state's monopoly on violence?

Benjamin is critical of the state's monopoly on violence, arguing that it legitimizes its power through law-preserving violence, which perpetuates domination and injustice. He challenges the notion that state violence is inherently just or necessary.

What role does myth play in Benjamin's analysis of violence?

Benjamin suggests that legal violence is mythic in nature, as it constructs and sustains a narrative that justifies its authority. Mythic violence masks the true violent foundation of law by presenting legal power as natural or inevitable.

How does Benjamin connect violence and justice in 'Critique of Violence'?

Benjamin argues that legal violence does not equate to justice, as it often serves to preserve existing power structures. True justice, in his view, may require a form of violence that disrupts law and order, which he terms 'divine violence.'

What is the significance of 'Critique of Violence' in contemporary critical theory?

'Critique of Violence' is significant for its radical questioning of law, authority, and the legitimacy of state violence. It has influenced critical theory, postcolonial studies, and political philosophy by challenging accepted norms about violence and justice.

How does Benjamin's concept of violence challenge traditional Marxist perspectives?

While Marxism often sees violence as a tool for revolutionary change, Benjamin complicates this by differentiating types of violence and emphasizing that not all violence leads to justice. His idea of 'divine violence' introduces a non-instrumental, transformative form of violence absent in traditional Marxist thought.

Can 'divine violence' be considered a practical political strategy according to Benjamin?

Benjamin's 'divine violence' is more of a theoretical concept than a practical political strategy. It symbolizes a pure, law-abolishing force that disrupts legal and political orders, but it resists instrumentalization or use as a conventional method of political action.

How has 'Critique of Violence' influenced modern debates on state power and legitimacy?

'Critique of Violence' has influenced discussions on state power by problematizing the legitimacy of state violence and law enforcement. It encourages skepticism toward claims that state violence is inherently justified and invites reconsideration of how authority is constructed and maintained.

Additional Resources

Critique of Violence Walter Benjamin: An Analytical Review

critique of violence walter benjamin stands as a seminal text that has profoundly influenced philosophical and political thought regarding the nature of violence, law, and justice. Written in 1921, Walter Benjamin's essay "Zur Kritik der Gewalt" (translated as "Critique of Violence") offers a rigorous examination of the complex relationships between law, authority, and the use of force. This article undertakes a comprehensive and analytical review of Benjamin's critique, exploring its core arguments, implications, and its ongoing relevance in contemporary discourse surrounding state power, legal legitimacy, and revolutionary violence.

Understanding Walter Benjamin's Critique of Violence

Walter Benjamin's critique of violence challenges traditional conceptions of law and justice by dissecting the origins and functions of violence within legal and political systems. The essay is structured around a critical interrogation of two fundamental types of violence: "law-making" and "law-preserving" violence. Benjamin's nuanced dissection reveals the paradoxes embedded in the deployment of violence by state authorities and questions the legitimacy of legal systems grounded in coercive power.

At its core, Benjamin's argument pivots on the dialectic between divine violence and mythic violence. He distinguishes "mythic violence," which perpetuates law and order through force, from "divine violence," which transcends and disrupts the established legal order. This distinction is critical in understanding Benjamin's profound skepticism towards the state's monopoly on legitimate violence and his call for a rethinking of revolutionary potential.

The Dual Nature of Violence in Legal Systems

Benjamin categorizes violence into two instrumental types:

- **Law-making violence:** This form of violence establishes new legal orders. Revolutions, coups, and foundational acts of state formation exemplify this category. Law-making violence is inherently creative but also destructive, as it negates existing legal frameworks to institute new ones.
- **Law-preserving violence:** This type enforces and maintains the status quo within existing

legal frameworks. Police enforcement, judicial penalties, and military suppression fall under this category. Law-preserving violence sustains the continuity and stability of law through coercion.

Benjamin's critique exposes the inherent contradictions within these forms of violence. While law-making violence is often celebrated as a necessary catalyst for progress, it is equally violent and disruptive. Conversely, law-preserving violence, though ostensibly defensive, perpetuates systemic injustices and repression.

Diving Deeper: Divine vs. Mythic Violence

One of the most compelling contributions of Benjamin's critique of violence is his concept of "divine violence," a form of pure, law-destroying violence that escapes the cycles of legal violence. Divine violence is neither law-making nor law-preserving but represents a radical force that interrupts the existing order without instituting a new one.

Mythic Violence: The Violence of the Law

Mythic violence embodies the violence that underpins and justifies legal authority. It is instrumental and "mythic" because it serves a narrative that legitimizes the law's power. For Benjamin, mythic violence is inherently cyclical; it both produces and sustains legal frameworks through coercion and punishment.

The state's claim to a monopoly on legitimate violence is a manifestation of mythic violence. This violence is embedded in legal systems worldwide, from Western democracies to authoritarian regimes, revealing the universal nature of Benjamin's critique.

Divine Violence: A Transcendent Force

Divine violence is characterized by its purity and its refusal to legitimize any law or authority. It is a form of violence that annihilates the law without replacing it—a concept that challenges traditional revolutionary theories that aim to establish new orders through violent means.

Benjamin's articulation of divine violence has inspired debates on the ethics of resistance and the possibility of non-instrumental revolutionary action. It represents a break from instrumental rationality, suggesting an ethical violence that does not serve power but rather dismantles it.

Comparisons and Contemporary Relevance

Benjamin's critique of violence remains deeply relevant to contemporary discussions on state power, justice, and resistance movements. His insights resonate in analyses of police brutality, state

repression, and revolutionary activism, especially in contexts where the legitimacy of law and authority is contested.

For instance, the dual nature of violence can be observed in modern policing strategies that simultaneously claim to preserve order while often perpetuating systemic violence against marginalized communities. Likewise, the notion of divine violence invites reflection on forms of protest and resistance that reject co-optation by political systems.

Philosophical and Political Implications

Benjamin's work challenges the conventional binary of lawful versus unlawful violence by exposing the inherent violence embedded in legal systems themselves. This critique destabilizes the moral high ground often claimed by the state and legal institutions, inviting a more critical examination of the legitimacy and ethical foundations of law.

Moreover, his emphasis on the non-instrumental nature of divine violence provokes important questions about the goals and means of political resistance. It compels theorists and activists to reconsider whether true revolutionary change can be achieved through violence that merely replicates the structures of power it seeks to overthrow.

Pros and Cons of Benjamin's Critique

- **Pros:**

- Provides a profound and original framework for understanding the complex role of violence in law and politics.
- Challenges traditional legal and political theories by questioning the legitimacy of state violence.
- Offers a conceptual tool for analyzing contemporary issues related to justice, authority, and resistance.

- **Cons:**

- The notion of divine violence is abstract and difficult to operationalize in practical political contexts.
- Benjamin's critique may be perceived as overly pessimistic about the possibility of just law and governance.
- Some critics argue that the essay leaves unresolved tensions regarding the ethical use of violence in revolutionary struggles.

Legacy and Influence in Critical Theory

The lasting impact of Benjamin's critique of violence is evident across diverse fields such as legal theory, political philosophy, and critical theory. Scholars like Giorgio Agamben and Judith Butler have drawn extensively from Benjamin's ideas to interrogate the state's use of force and the limits of legal authority.

Benjamin's essay also serves as a foundational text within the Frankfurt School tradition, contributing to broader critiques of modernity, state power, and the potential for emancipatory politics beyond conventional frameworks.

Ultimately, critique of violence Walter Benjamin remains a vital intellectual resource for understanding the paradoxes of violence in political life and for imagining alternative forms of justice and resistance that transcend the cycle of legal violence.

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