

Introduction

The articles in this issue are based on presentations given at a seminar entitled “The Critique of Violence Now,” which was organized by the International Consortium of Critical Theory Programs and took place in Rijeka, Croatia, in June 2018. The seminar was cosponsored by the Institute for Philosophy and Social Theory at the University of Belgrade, Serbia, and was convened by Sanja Bojanić, executive director of the Center for Advanced Studies of Southeastern Europe, University of Rijeka, and Petar Bojanić, director of the Institute and the Center. It was facilitated by research associates Adriana Zaharijević and Gazela Pudar Draško. In keeping with the broad goals of the International Consortium of Critical Theory Programs, the seminar sought to open new institutional links, to overcome forms of hemispheric disconnection, and to pursue collaborative forms of interdisciplinary knowledge, guided by questions such as these: What are the current historical and global conditions that challenge critical thought? How do we best describe and evaluate the regional specificity of forms of global power as they shape and constrain our intellectual life across academic and popular spheres? And how can critical thought respond to these new global challenges through effective and thoughtful political engagement?

We were a group of intellectuals from Turkey, Serbia, Croatia, Chile, Germany, Italy, the United Kingdom, and the United States who had engaged with Walter Benjamin in our work and translations. Our explicit task was to undertake a reading of Benjamin’s 1921 essay “Toward the Critique of Violence” paragraph by paragraph, attending to its language, argument, citational references, and contemporary political and legal resonances. Each of the responses in this issue concentrates on a small portion of Benjamin’s essay—between one and four paragraphs—and the collective commentary that is generated across these readings follows the sequence of Benjamin’s text. Although we made reference to some of the major critical readings of the text from the last decades, our primary aims were both textual and interpretive. Our overall goals were, first, to ask how best to read this text now (through

what lens? with what reading practices?) and, second, to consider how this text reads now under conditions marked by new formations of legal violence. Our project benefited from access to a new translation of Benjamin's essay by Peter Fenves and Julia Ng, to be published in a collection of Benjamin's essays edited by Fenves and Ng, forthcoming from Stanford University Press in 2021.

Perhaps we were asking too much from the essay. After all, "Toward the Critique of Violence" (the title of the new translation) is a notoriously difficult text, and it took us some time to arrive at a general understanding of its structure and aims. As a result, some presentations stayed close to the text, seeking to reckon with some of its most difficult linguistic and conceptual knots. Other presentations found echoes of contemporary legal violence in the account that Benjamin gave nearly one hundred years ago, and sought to expand or revise his argument accordingly. Our conversations ranged from etymology and neo-Kantianism to migration and the administrative forms of violence characteristic of border politics. Indeed, we moved from the question, "How do we read this text?" to another question: "What does it mean to read this text now?"

Benjamin's essay begins by reflecting on the question of whether or not violence is sanctioned, and it soon becomes clear that a *critique* of violence cannot be approached by remaining restricted within the framework implied by this initial question about the *justification* of violence. A critique of violence does not answer the question, "Is violence ever justified?" or even, "Under what conditions is it justified?" Critique begins instead with a prior question: "What are the terms in which the justification of violence takes place, and how do those terms frame in advance our understanding of what violence is and what violence does?" Benjamin considers the frameworks of positive and natural law, exposing their errancy but deriving some key insights from both doctrines. Although we are perhaps accustomed to looking to one sort of law or another to settle the question of when violence is justified or unjustified, we find in Benjamin's text an inquiry into the very legal criteria offered in the course of arguments about justification. Do legal criteria form our understanding of violence, and what understanding might we have if we were not constrained in advance by the question of its justification? Further, why take for granted that law is external to the violence it is asked to adjudicate? Indeed, when the justification of violence is decided by ascertaining whether or not it is lawful, we allow the law to provide the justification, but we do not always ask after the justifiability of the legal regime that establishes lawfulness in the first place. The liberal political conceit that law's virtue is its distinctive capacity to transform violence into civil disagreement is called into question under conditions in which legal regimes operate their own forms of violence. Indeed, if a legal regime is violent and if its laws are instruments of violence, then

violence is not external to law, and legal violence becomes one permutation of violence. Legal violence cannot be grasped within the framework that assumes that law overcomes violence through its adjudicative powers.

Slowly but surely, Benjamin's essay calls legal frameworks into question, unsettling received assumptions about the nonviolent promise of law. He asks whether we can even grasp what violence is, or what its permutations may be, if we start with the question, "What is the criterion for distinguishing between sanctioned and unsanctioned violence?" On the one hand, he is asking here whether the framework of legal justification contributes to the definition of the phenomenon of violence (and the restricted understanding of violence that emerges from within the terms of law). On the other hand, he is asking whether the reliance on law to frame the problem of violence fails to take into account legal violence, its pervasive character, and the ruse by which it conceals its own operation as "justifiable coercion." Following this last query, we can ask: To what extent does violence operate through legal means, but also now through administrative and securitarian modalities that make violence difficult to identify and to name? Benjamin points out that the state can call "violent" whatever challenges its legitimacy. This insight resonates all too well with contemporary accusations of supporting violence and terrorism or of posing insurmountable threats to "security," accusations that are leveled against peace petitioners in Turkey, critics of the Israeli state in Palestine and elsewhere, opponents of the caste system and Hindu nationalism in India, intellectuals and activists threatened with imprisonment for seeking greater freedoms in China and in Iran, and migrants on the borders of Europe and the United States—to name only a few examples. Preemptive police violence and indefinite detention in the United States—disproportionately targeting minorities and migrants—must be noted as other variants of contemporary legal violence.

That said, it is important to underscore that Benjamin's text is not a straightforward political tract, however much it sometimes resonates with anarchism. To elaborate the meanings of both critique and violence, Benjamin draws on mythology including the Torah, with its stories and modes of disputation, as he likewise considers the status of the commandment against killing, the rhythmic and arrhythmic character of history and revolution, and a notion of "divine violence" associated less with the actions of a god than with the powers generated by the general proletarian strike. The essay also opens up the question of where and how we find nonviolence, pointing toward language, conflict resolution, and extralegal forms of exchange. An anarchist question looms toward the essay's end as Benjamin asks what it would mean to destroy law and break with the cyclical production of new legal regimes that follow on the dissolution of the old. On the one hand, he seems to be posing a straightforward anarchist question here. On the other hand, he is

challenging habitual conceptualizations of the relation between law and violence. What remains undecided is whether the divine violence to which he refers is actually a form of violence or the ultimate expression of nonviolence, the name for a time in which legal violence, state violence, will have come to an end. Benjamin's essay delivers a double challenge to its reader, at once textual and political: How do we read closely at the same time that we remain open to the potentials flashing up from this text in our direction and for our time?

This issue of *Critical Times* was guest edited by Petar Bojanić, Peter Fenves, and Michelle Ty.