

The Curious Case of Baruch Spinoza in Walter Benjamin's "Toward the Critique of Violence"

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ABSTRACT Although Baruch Spinoza was important for thinkers of his generation, Walter Benjamin seems to have completely ignored the philosopher. Spinoza's name appears just a few times in Benjamin's works, and Spinoza's thought never seems to have been relevant to him. The only place where Benjamin quotes a text of Spinoza's, albeit between the lines, is in "Toward the Critique of Violence" (1921). Still, in this essay Benjamin is far from enthusiastic about the author of the *Ethics*. He names Spinoza as a proponent of natural law theory, which Benjamin dismisses in his search for a criterion with which to judge *Gewalt*. This article seeks to investigate Benjamin's apparent hostility to Spinoza and to reexamine the relationship between the two, from both a theoretical and a political perspective.

KEYWORDS Walter Benjamin, Baruch Spinoza, legal violence, natural law, migration

The names of Walter Benjamin and Baruch Spinoza rarely appear alongside one another in the literature on Benjamin. There is a simple reason for this: in not a single passage in his oeuvre does Benjamin reveal a fondness for Spinoza. The only text in which Benjamin openly quotes Spinoza is in his 1921 essay "Toward the Critique of Violence." But this quotation at first appears rather unfair toward the philosopher; it suggests a rather superficial and far from sympathetic reading of Spinoza's works. (Carl Gebhardt's edition of Spinoza's *Writings* had long been available at the time when Benjamin wrote his essay on violence, although the *Opera Omnia* was yet to come.) Reading the political Spinoza alongside Benjamin's notes on politics in "Toward the Critique of Violence" compels us to rethink this first impression. The goal of this article is to suggest that Benjamin's critique of law and of something like subjective rights retains Spinozist traits. Despite appearances, the theorization of politics, violence, and collective power in "Toward the Critique of Violence" shows

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that a certain Spinoza informs Benjamin's concept of the political sphere—his understanding of freedom as freedom *with* others—more than Benjamin himself would admit. At stake for me is not a precise philological connection between the two, but a Spinozist aura that runs through Benjamin's notes on the political and that can help to clarify the shape that his constructive theorization of politics (or what, in his letters at the time, he occasionally called *meine Politik*), which went missing in the mid-1920s, might have taken.

The Dogma: Its Revelation and Its Shape

Paragraphs 2 and 3 of “Toward the Critique of Violence” are key passages that sketch out the subject matter of the essay as a whole. Here Benjamin dispenses with theoretical enemies and fake friends in his quest for a correct understanding of *Gewalt*. More precisely, he excludes from the task of a critique of the concept of violence both the theory of natural law and the doctrine of positive law. He shows how wrong both positions are by accusing them of relying on *dogmatic* argumentation.

In the first part of Benjamin's study, the term *dogma* is a recurring rhetorical weapon. In paragraph 3, at the end of a profound yet problematic climax, Benjamin reveals the “common basic dogma” of both *Naturrecht* and positive law: “just ends can be attained by justified means, justified means used for just ends.”¹ Such a definition reveals the common ground shared by two rival schools within the theory of law. The shape of the dogma is immediately clear: the two schools converge in a circle in which violence is considered only as a means to an end.

The circle itself is a key concept in the essay, because it is the shape of eternal repetition, of myth—that is, the image that “Toward the Critique of Violence” opposes. Anything that occurs inside the circle of law lapses into a never-ending replication of an original violence that once took place and does not stop. As Benjamin hurls himself outside this circle, he must face serious challenges, distancing himself from juridical dogma in order to approach instead the core of the *Gewalt* concept.

But the path that Benjamin traces toward the disconcerting revelation of “dogma” is obscure and warrants clarification and interpretation, or reading between the lines. Benjamin's throwing aside of centuries of theoretical understandings of violence may strike us as arrogant, but note that he does not discriminate among the theories of different philosophers. Rather, he reduces theories to schemas so as to summarize them, reducing them all to what he calls dogma. Hence, “natural law” as a long-lasting, heterogeneous movement of thought is distilled into a singular dogma of justified means and just ends.

After the apodictic introduction, where violence appears as an efficient cause (*wirksame Ursache*), as means (*Mittel*), and as a principle (*Prinzip*), “Toward the Critique of Violence” effects odd exclusions and stages strange occurrences. In the

initial paragraphs, Benjamin makes a series of references, asking the reader to note first that *Gewalt* has been traditionally misunderstood. Contrary to positive law, whose approach nonetheless contains elements that can be saved — “the positive theory of law is acceptable in its hypothetical basis at the outset of this study, because it undertakes a fundamental distinction between kinds of violence independently of cases of their application” — natural law, *Naturrecht*, seems completely useless. Benjamin considers the way the latter reduces violence to a “means” a “naturalization” of violence.² In fact, according to such a view, violence becomes raw material for the realm of ends. This certainly cannot suffice for an understanding of violence. But problems arise as soon as one tries to appreciate how Benjamin, through negations, defines his own stance.

The Ostensible Exclusion of the Body and Desire

Benjamin’s approach to the issue of natural violence is more challenging than we might expect because he uses two different concepts. Such concepts are nowadays very familiar theoretical tools for the nonaligned movements; they have helped these movements to conceptualize alternatives to dominant neoliberalism and to organize collective public action. More precisely, they have helped to determine the space of our appearance in public — that is, in spaces of conflict and in the exposure of dissent. These two concepts have helped activists to elaborate ways of being together as nonisolated individuals. They can be found in the very first lines of Benjamin’s attack on the first element of the violence dogma (“natural law”). Both concepts are classified as unworkable for a critique of violence. The first is the “body.”

If the “natural law” position on the problem of *Gewalt*, according to Benjamin, is uncritical or at least not critical enough, because it does not investigate the sphere of means, this problem follows from the broad simplification and juridification operative in its understanding of the body in movement: “The suspension of this more precise critical interrogation characterizes a major trend in legal philosophy, perhaps in its most prominent feature: natural law. This sees in the use of violent means to just ends nothing more problematic [*so wenig ein Problem*] than human beings see in their ‘right’ to move their body [*Körper*] towards an intended [*erstrebt*] goal” (§2).

The body appears immediately, in line 4 of the second paragraph. Here an analogy serves to show why “natural law” is of no use for a critique of violence. The way in which natural law conceives the body is itself the perfect analogy to show how natural law’s position on violence is at least reductive, if not altogether wrong. The use of violent means is unproblematic for *Naturrecht* because it considers violence merely a method for claiming the first of the natural rights: movement toward one’s goal. Determining oneself *physically* in movement is said to be like using

violent means for just ends. Since, in such a comparison, violence is parallel to movement, it does not cause any problems: violence toward a just end does not matter in itself inasmuch as a movement toward a goal is labeled a “right.”

Of course, Benjamin is far from indifferent to the body as a philosophical object. In fact, he wrote a fragment, “Leib und Körper” (part of the “Schemata zum Psychophysischen Problem”), that either is contemporary with “Toward the Critique of Violence” or immediately postdates it,³ although there are few if any direct connections between the two texts. In that fragment, which may also be a scheme for the odd “Theologico-Political Fragment,” there is much ado about the *Leib*, the physical body, and less about the *Körper*, the collective body (or “corporeal substance,” as one reads in the English translation).⁴ The *Körper* is determined by its belonging to God, whereas man belongs to mankind thanks to the *Leib*. The *Körper* has to do with resurrection and the “solitariness” of man, the “consciousness of his direct dependence on God.”

But the most striking moment in the fragment is not its very last sentence on “dissolution” and “resurrection,” but the sentence that precedes it: “pain is the ruling [*regierend*] principle, pleasure the reigning principle of human physicality [*Körper*].”⁵ In *Leib und Körper*, the principle of the body is not movement, but a sort of *Gewaltenteilung*, a separation of powers between pain and pleasure. On one side of this separation, pain rules; pain presides over the laws of body. It is thus a legislative power. On the other side, pleasure reigns. It is an executive power.

Despite this theoretical background on the body, “Toward the Critique of Violence” does not start from the affections of the body. Or rather, the “Critique” removes the affective body from the stage and concentrates on something else, something that is not movement either. Benjamin does not subscribe to the natural law theory that movement toward a goal is something that can be called “natural” and therefore claimed as a right. We might note incidentally how Benjamin places inverted commas around the word “*Recht*” in the statement in question, as if he were taking distance from such a retroprojection of right onto the natural domain. And he is taking distance, indeed.

Movement is not a primary element of the body, which Benjamin conceives instead in terms of its sensations, its governing criteria. We might therefore conclude that “Toward the Critique of Violence” is neither a must-read nor a milestone in the philosophy of mobility. No right of migration seems to be derivable from these lines,⁶ but as happened for the concept of body, things are not as straightforward as they seem. Movement is not a natural right, not because the soon-to-be emigrant Benjamin would refrain from defending migration, but because he does not consider it a “right” or a “claim.” A closer reading of these lines shows that in Benjamin’s thought movement is not claimable, precisely because it is a matter, a mode of being, of bodies. Moreover, Benjamin, who was indeed influenced at the time by the

Circle of Neopathetics (whose prominent personalities included Oskar Goldberg and, deeply important for Benjamin, Erich Unger), thought that movement could be understood not from an individual perspective but only from a collective one, the perspective of “peoples” migrating. These thoughts would have repercussions in Benjamin’s writing about Paul Scheerbart’s extremely peculiar novel, *Lesabéndio*, which at the very beginning of the 1920s provided the point of departure for Benjamin’s description of what both “politics” and the “politician” truly are.⁷

A similar logic is at work when Benjamin excludes a second concept from the range of concepts useful for a critique of violence. Recall that, in discarding the body as the subject of something definable as a “right,” he also dismisses “desire.” Here, though, we should first note that “desire” appears only as a predicate and is not used in a wide-ranging sense. Nevertheless, in the restricted sense of an “intended goal” (*erstrebte Ziel*), desire figures in the analogy that excludes natural law from the critique of violence. The analogy between movement motivated by desire and violence wielded as a means to just ends is far too uncritical. According to this perspective, violence (or movement) is simply “raw material” shaped by just ends (or desires) in a juridical way. To be sure, Benjamin does not believe that desire has no relation to violence. But, again, he rejects the legal reduction of violence to “ends,” as well as any juridification of the psycho-physical technique that interweaves desire and violence.

The analogical exclusion of natural law’s views on the body and desire is not the only strange thing about Benjamin’s second paragraph. Another concept appears quite unexpectedly here in a mere phrase within parentheses: the concept of “terrorism.” There is no allusion here to the *Geistige Terroristen* that will appear later in “Toward the Critique of Violence,” when Benjamin quotes the hated Kurt Hiller.⁸ Nor does Benjamin engage with questions related to terrorist praxis⁹ or their situational ethical principles or their ability to lie.¹⁰ Here instead terrorism refers only to the historical phenomenon associated with the French Revolution: “According to this view (which provided an ideological foundation [*ideologische Grundlage*] for the Terrorism in French Revolution), violence is a natural product [*ein Naturprodukt*], a raw material, as it were, the use of which is entirely unproblematic, unless one were to misuse it for unjust ends” (§2).

The use of violence is the problem, but natural law considers this use *unproblematic* if it seeks the realization of justice. In this sense — and he is certainly not the first to do this — Benjamin postulates an immediate, radical, and disturbing alliance between natural law theory and Jacobinism at the peak of the Terror. If violence is only raw material, then the sovereignty of law, the ideal construction of the rule of law, becomes the logical precondition for a *terroristic* use of state violence (*Staatsgewalt*). Logically, the analogy that appears in this parenthesis between body, movement, and desire, as the “raw materials” of natural rights and violence, could work indeed, but there is a problem within it. For a new character appears onstage.

The Sudden Appearance of Baruch Spinoza

At the very moment when one would expect a quotation from or at least a general reference to Jean-Jacques Rousseau, whose “natural law” theory has, since the late eighteenth century, often been summoned to stand trial where the French Revolution is concerned, another name appears out of the blue: that of Baruch Spinoza.

Clearly, to associate Spinoza with the origins of the Jacobin perspective is quite peculiar — if not outright wrong.¹¹ Why doesn’t Benjamin start off on the right foot here, when it comes to natural law? And why does he start with an author whose work he usually ignores? There is a story that Benjamin used to tell with pleasure, after he had graduated from university. It was about Hermann Cohen’s having to examine pharmacy candidates in philosophy. Cohen knew perfectly well that his questions had to be simple: “‘What do you know about Plato?’ The candidate had never heard the name. ‘Can you tell me something about the doctrine of Spinoza?’ Silence. Cohen, now in despair: ‘Could you tell me who the most important philosopher of the eighteenth century was?’ . . . ‘Kaut [sic], Mr Privy Councillor.’”¹² Clearly, no identification is possible between Benjamin and the examinee. He certainly would not remain silent in response to a question about Spinozist doctrine. Astonishingly, however, despite our expectations and the historical fact that Spinoza was a key reference for his generation,¹³ Benjamin seems, if not silent, then indifferent toward him.

Benjamin rarely mentions Spinoza.¹⁴ There is, for instance, only a single reference to Spinoza in his whole six-volume set of letters.¹⁵ Also in his writings, Benjamin mentions Spinoza only in very broad terms. He refers to him more often in his youth, as when he considers Spinoza’s pantheism in the “Dialogue on Present Religiosity” or in a fragment on perception.¹⁶ Later he refers to Goethe’s interpretation of Spinoza.¹⁷ Still later — significantly — in a 1933 text on Max Dauthendey that Benjamin signed by his nom de plume Detlef Holz, he compares the philosopher to his beloved Paul Scheerbart, who became skilled in grinding lenses, “just like Spinoza.”¹⁸ Then, when he famously “unpacks his library,” he considers the fate of the *Ethics*.¹⁹ Finally, he names Spinoza in his Proust essay.²⁰ That seems to be all.

“Toward the Critique of Violence” would thus appear to be the only one of Benjamin’s writings that contains a literal, though vague, reference to Spinoza, and furthermore, the only one that refers to the *political* Spinoza:²¹ “If according to the natural law theory of state, persons give up all their violence for the sake of the state, this is done on the assumption (which Spinoza, for instance, explicitly maintains in his *Tractatus Theologico-Politicus*) that the individual, in and for itself and before the conclusion of a contract in accordance with reason, would exercise *de jure* any violence whatsoever that it *de facto* has at its disposal” (§2). As the editors of Benjamin’s *Gesammelte Schriften* suggest, this should be read as a reformulation of a famous

sentence from the sixteenth chapter of Spinoza's *Tractatus Theologico-Politicus*. "Inasmuch as the power of nature is simply the aggregate of the powers of all her individual components, it follows that every individual has sovereign right to do all that he can (*jus summum habere ad omnia, quae potest*); in other words, the rights of an individual extend to the utmost limits of his power (*potentia*) as it has been conditioned."²²

This is a classical elaboration of Spinoza's "sovereign" linkage of right, self-preservation, and desire (defined as an impulse to expand one's power). In fact, only one line after this passage, Spinoza returns to the *conatus*: "Now it is the sovereign law and right of nature (*lex summa naturae*) that each individual (*unaquaeque res*) should endeavour to preserve (*conetur perseverare*) itself as it is (*in suo statu*)," he says, referring to his own doctrine in the *Ethics*.²³ There might also be a more general reference here to the preface of the *Tractatus*. In this preface, outlining the contents of the sixteenth chapter, Spinoza refers to the "natural right everyone has," according to everyone's desire and power (*cupiditas et potentia*). "No one," he writes, "is bound to live as another pleases." Moreover: "Everyone is guardian (*vindex*) of his own liberty (*suum unumquique libertatis*)." In the end, "subjects (*subditi*) retain—as a sort of natural right (*quasi naturae jure*)—a certain number [of prerogatives] which cannot be taken from them without great danger to the state (*sine magno imperii periculo*)."²⁴

These lines have often been adduced to show that, for Spinoza, a right is nothing other than a fact (he would thus espouse a sort of "normative Kraft des Faktischen").²⁵ The end of the third paragraph of the sixteenth chapter of the *Tractatus* seems to confirm this hypothesis: "Everything a man deems as useful for him . . . he has a sovereign right to seek and to take for himself as best he can."²⁶ Here, desire (*cupiditas*) has legitimately the same extension as power (*potentia*): it is the "natural right" of everyone. Any given sovereign power finds its limit in individual *potentia* (where everyone has the right to seek her or his own goals); therefore *cupiditas* perfectly corresponds to *conatus*, perseverance in one's condition, and *natural right* as a whole.

The questions are thus: Why, according to Benjamin, should this theoretical concept of Spinoza's—his understanding of an inherent, deeply political correspondence between *conatus*, *potentia*, and *ius*—be a good expression of "natural law theory"? Why appoint Spinoza and not, for example, Thomas Hobbes or John Locke a spokesman of natural law? Is Benjamin perhaps following in Hermann Cohen's footsteps, being utterly ungenerous with Spinoza? His critique certainly aims at the Spinozist identification between the *ius* of the individual and "violence" as a natural power. But the plot thickens, because Spinoza makes another kind of appearance in Benjamin's essay.

Spinoza as a Darwinian

The most curious fact of all is that Benjamin's attack on natural law in general, and on a Spinozist perspective in particular, is rhetorically strengthened by a reference to Charles Darwin's biology first and to "darwinistische Populärphilosophie" later on.

Perhaps these views have recently been revived by Darwin's biology, which, in a thoroughly dogmatic manner only regards violence as the only original means alongside natural selection, and the only means appropriate to all vital ends of nature. Darwinian popular philosophy has often shown how small a step it takes to move from this natural-historical dogma to the following, still cruder dogma of legal philosophy: the violence that is almost alone appropriate to natural ends is, for this very reason, also already in accordance with law (*rechtmässig*). (§2)

Where once there was a Spinozist way of treating violence as *ius* and of seeing *potentia* as immediately *ius*, now a vulgar "dogma" defining violence as a natural means predominates. Possibly because Spinoza himself draws on the classical image of bigger fish eating smaller ones (an image found in Varro and Polybius) in the chapter that Benjamin quotes from ("fishes enjoy the water, and the greater devour the less by sovereign natural right"),²⁷ he suggests that a popularization of Darwin's views about natural selection leads to a framing of violence as a means that can be appropriated—and therefore legal—if its ends are "just." Such a brutal translation of Spinoza into extreme Darwinism is only partially softened by Benjamin's initial "perhaps."

In fact, the translation itself is a crucial argumentative step that leads the reader from one "dogma of natural history"—violence understood as the only appropriate (and original) means of the teleology of nature—to another dogma, one that reunites "natural law" and "positive law" theories, as stated in paragraph 3: "just ends can be attained by justified means, justified means used for just ends." If the latter is Benjamin's own discovery and contribution to the critique of violence itself, the expression "natural ends" in the first "dogma" is crucial, because it marks the first occurrence of a term that will be key in the essay.

Resistance, Movement, and Desire as Facts

Spinoza's role in the essay is thus more complex than it would initially seem. If Benjamin is quoting the *Tractatus* properly, and if in a general way the "contract" (in the "natural law" sense) is made for just ends, then Benjamin's conclusion and troubling analogy with Darwinian philosophy do not show a correct understanding of what Spinoza means when he identifies right with power in the tendency to

persevere in one's own *potentia*. But "Toward the Critique of Violence" is in fact a treatise on *Gewalt* as such. Its debt to Spinoza might therefore be more far reaching. The whole treatise can be read as a sort of twentieth-century, post-World War I staging of a Spinozist conflict between *potestas* and *potentia*.²⁸

The eighth paragraph of the sixteenth chapter of the *Tractatus* might arguably be the source of Benjamin's translation: "the individual, before the conclusion of this rational contract, has *de jure* the right to use at will the violence that is *de facto* at his disposal." The transition of violence from *factum* to *jus* is effected by a rational pact. "The sovereign power is not restrained by any laws, but everyone is bound to obey it in all things; such is the state of things implied when men either tacitly or expressly handed over to it all their power of self-defence, or in other words, all their right."²⁹ Although Benjamin does not recall it explicitly, the passage that follows is even more interesting. Here Spinoza defines democracy as a state in which everyone is sovereign: "Talis vero societatis jus democratia vocatur." Right (where *ius* refers to much more than a normative sphere, indicating instead a constitutive way of being together) for Spinoza remains *Gewalt* outside the state; it does not constitute in itself an *Etat de droit* because it is absolute. It is outside the monopoly of legitimate violence, and outside the other appropriation that Benjamin mentions: the state's monopoly on the production of law.

Such a Spinozist understanding of democracy—an understanding, to be clear, that is Spinozist rather than Benjaminian because Benjamin pays very little attention to the concept of democracy in his thought—defined as the composition of collective power as irrepressible right opens onto another set of questions with implications for the present. Benjamin and Spinoza both refuse to accept the state's monopoly on violence. For Spinoza, natural law, defined as the drive to persevere and to increase *potentia*, can never become positive law and be totally alienated. In Benjamin's terms, the same goes for justice, which sometimes literally "happens," and when it occurs is outside the law, against the law. Might there thus be a way to understand "Toward the Critique of Violence" as a peculiar, and in its way "Spinozist," reaffirmation of the right to resistance?

This question immediately gives rise to another: Is there a positive formulation of law in Benjamin? Or rather: Could Benjamin ever be interested in anything definable as a complex of "rights"? Benjamin's seemingly ungenerous way of reading exemplary passages in the *Tractatus* on *potentia* and democracy suggests a refusal of "juridification" as a way to solve conflicts through the expansion of law. This concept has been recently deployed in the domain of legal philosophy to determine new spheres of validity within a normative frame. But Benjamin does not accept that what Spinoza calls *potentia* could ever belong to a catalog of natural

laws. This refusal logically implies a refusal to consider resistance a right,³⁰ as in the Lockean tradition. What appears to interest Benjamin is that Spinoza came closer to the mark, although he too erred, precisely because he identified right with *Gewalt*.

If Benjamin does not follow Spinoza in calling right what is ontologically individuated as *potentia* (“at his disposal”), he nevertheless draws on Spinoza’s understandings of nature and power to define material and social relationships. Indeed, it is possible that Benjamin does not mention Spinoza because it is Spinoza who has in fact suggested something of his own concept of “nature.”

Benjamin appears here, perhaps despite himself, as a further representative of that minority tradition of European legal thinkers (Machiavelli, Althusius, a certain Kant) who see “resistance” as irrevocable, that is, as a power or force that cannot be suppressed or eliminated by the rule of law and that becomes the basis for further claims when necessary. Whenever the *imperium* does not adhere to the contract or rules governing violence, it calls for a counterpower that is counterviolence. From an adamant anarchist perspective, Benjamin sees *Gewalt* (as an expression of ethics, of moral relations, and therefore intersubjective and social ones) as irrepressible.

But I would stress an additional point. The problem that Benjamin isolates in Spinoza’s view might appear to be merely nominal, in the sense that Spinoza calls *ius* what is *factum*, and in this way his theory lends itself to an instrumental understanding of violence, according to Benjamin. In this understanding, the *imperium* or state grants security to attain just ends. But if for Benjamin the network of correspondences between *conatus* and *potentia* cannot be made law in any sense, then this can be extended to desire and movement in a physical, bodily sense, and the Spinozist context would enrich our understanding of Benjamin’s rather esoteric statements.

There is a *Gewalt* that is neither “destructive” nor “constructive” and that remains outside the law. Starting from this premise, according to Benjamin, the question of migration—the inalienable, Spinozist right to move one’s body toward a desired goal, to preserve and expand one’s power—cannot be treated as a legal problem. Just as resistance cannot be codified, neither can movement. Movement is not a legal problem, to be defined by norms and sanctions; it is instead a matter of the constitution of a collective self as political body. According to this reading of Benjamin’s essay, movement could be an *analogon* for a word—“politics”—whose absence (apart from its use in the obscure formula, the “politics of pure means,” which Benjamin derives from Erich Unger) shines in the dark of the treatise. And readers will recall that this treatise was likely the “negative” part—the destruction or dismantling of violence, *Abbau der Gewalt*—of a broader lost project that Benjamin called his *Politik*.

Positivity outside the Circle

What Benjamin looks for in “Toward the Critique of Violence” is a way out the circle of positive law and transgression, as indicated by Paul in Romans 4:15: “Where there is no law, there is no transgression either.” This famous aphorism had recently been revisited in Hermann Cohen’s *Ethik des reinen Willens*: “Fate’s orders themselves . . . seem to cause and bring about this infringement.” Benjamin will go on to quote Cohen in his essay.³¹ Here he moves from circle to circle, searching for an escape. The dogmatic circle that encloses both natural and positive law is delineated in the third paragraph, which concludes as follows: “No insight could be gained here . . . until the circle is abandoned, and the criteria for just ends and justified means are established independently from one another” (§3).

Given these false and circular assumptions on violence, is there anything violent left outside the circle of law? If there is no *positive* right in Benjamin’s politics, is there a margin for any positivity in Benjamin’s conception of *Gewalt*? If Benjamin looks for a way out of the circle of just ends and justified (or rather, *authorized*) means, if we must find “mutually independent criteria,” then a first criterion can be found outside Benjamin’s text. Spinoza’s political writings—not only the *Tractatus Theologico-Politicus*, but also the unfinished *Political Treatise*—might be useful. Both texts insist on the permanence of natural right in the civil state (the *imperium*, the city).³² If we do not consider the remainder of *potentia* a right in the modern sense of subjective rights, then Spinoza’s views appear to resemble Benjamin’s. The *imperium* cannot lay claim to this power, which we could also call *Gewalt* in Benjamin’s sense (but not a right, lest we return to the dogmatic circle). Given the sovereign and, in Antonio Negri’s terms, the “savage” ambiguity of the constitutional term *right* in Spinoza, we could push the analogy further and say that Benjamin revisits and revives key aspects of Spinozist politics throughout “Toward the Critique of Violence.”

Another criterion for a way out of the circle of dogma is intertextual. If one break in this circle is offered at the end of the essay in the problematic concept of “divine violence,” we should also note that Benjamin previously and no less abruptly identifies *Gewalt* (that is, what is commonly defined or considered either as a “natural product” or a “means”) and “ends.” More precisely, Benjamin claims that *Gewalt* may be the mode of expression of something like a “natural end.” At the beginning of the sixth paragraph of “Toward the Critique of Violence,” he writes: “Characteristic of these legal circumstances, so far as they concern the individual person as legal subject, is the tendency to deny the natural ends of these individuals in all cases when, in a given situation, such ends may be pursued purposively [*zweckmäßigerweise*] with violence” (§6).

Naturzwecke seem to be related here to the intentional and finalistic domain of individuals. Individuals’ natural ends are not the same as juridical-legal ends;

they do not repeat themselves, and they are not tautological. Moreover, they lack “historical recognition” (§5), the criterion for violence in positive law—the only school that, unlike the natural law tradition, distinguishes between “sanctioned” and “nonsanctioned” violence. If one pursues natural ends, this happens through violence—according to modern legal systems.

Benjamin once again returns to the word *dogma* to name what is wrong with the positivist approach: “a system of legal ends cannot be maintained if natural ends can still somewhere be pursued violently. This, however, is mere dogma” (§6). The school of positive law does not fear natural ends as such, but their exteriority to law.

According to Benjamin, the pursuit of a natural end can only problematically be seen as “violence” *in itself*. Benjamin refers to the wider semantics of the term. His examples—which include pedagogical *Gewalt*, for instance—do not deal with individuals only. The most renowned and understandable among these examples (apart from the complicated “divine violence” referred to in his conclusion) is a collective occurrence, the proletarian general strike, derived from his reading of Georges Sorel’s *Réflexions sur la violence*. Peter Fenves defines the proletarian general strike as a “phenomenon” that “abstains from making law despite the fact that it is in a legal and physical position to do so.”³³ Such a strike—a collective *natural end* pursued by violent bodies—is also a physical “phenomenon,” even while it is also political. That is, the strike occupies a position in space and time. Moreover, this phenomenon is undoubtedly organized. The proletarian strike is something physical, collective, organized: it is a “natural end,” a *Naturzweck* in the very sense Immanuel Kant gives to this word.

Indeed, if Benjamin rejects natural law in the sense of *ius naturale*, he does not refuse “natural ends.” And if this phrase is itself Kantian, we should not forget its Spinozist associations. The odd formulation of a “teleology without final end” that sums up Benjamin’s conception of politics can be read as fundamentally Spinozist, as an understanding of *Gewalt* as *potentia* without being *ius*. In Benjamin’s ontology, at the climax of the “Critique of Violence,” things, individuals, and collectives are all determined by a finalistic essence. They produce themselves as immanently organized: they are *Gewalt*, and in that sense they are life that has a form. If for Spinoza *conatus* and *natura naturans* express effort in the production of being, Benjamin, criticizing violence, speaks of the self-organization and self-legitimation of ends through *Gewalt* (as there is no further end, no *summum bonum*).³⁴

In the second, teleological part of the *Critique of Judgment*, Kant defines *Naturzweck* as “something” that “is the cause and the effect of itself.”³⁵ As Kant intends to criticize a merely efficient causality, he poses the natural end as a matter that, “being organized,” “implies its own concept as a natural end.”³⁶ If *Gewalt* is neither a natural datum (natural law) nor a product of history (positive law), its more consistent

definition could be that of “natural end” in this teleologically limited sense. A *Naturzweck* is like a violence that is exterior to law and therefore has in itself only its concept as its goal.

Thanks to its own concept, the natural matter Benjamin calls *Gewalt* causes teleological judgments without referring to a “final end” (*Endzweck*). The natural end lays claim to a teleological autonomy of matter, which in Kant relies on reflective and regulative judgment. In Benjamin’s terms, there is an objective and ideal *Zweckmässigkeit* that offers an alternative to the circle formed by authorized means and legal ends.

Benjamin finds in this concept an objective matter, organized in space and time, outside the circle. Although it does have an immanent teleology, it does not end in law. This teleological matter dwells in politics as a collective fact deprived of any normativity, but in itself a power. Again, movement toward a desired goal cannot be for Benjamin a natural, innate right. Movement is instead a fact that, in itself, unites the organization of the teleological intention of being a body with the sensitive freedom of the mind. Surely Spinoza would have been useful in helping Benjamin out of the impasse in which he finds himself when he seeks to identify a positive *Gewalt*, beyond mere evocations and gestures toward its destructive incarnations. Instead, from the beginning, Benjamin rules out any Spinozist solution, as in his disconcerting reduction of Spinoza’s political philosophy to circular “dogma.”

Consistent with such premises, Benjamin’s effort to arrive at a deeper conceptualization of *Gewalt*, the plexus of movement and desire—and of resistance—cannot be “juridified”; it cannot be made into law, codified, reduced to written form. Movement, the body, and desire instead form a complex, powerful, and physical aggregate. No system can merely attribute legal qualities to them without at the same time referring to the Spinozist fact that they constitute the political body as a collective “order,” a society, which can be considered absolute, *because* it is a free shape of united and precarious *Gewalt*, a natural end in itself.

At the core of his analysis of violence, Benjamin’s reading approaches Spinoza’s paradoxical theory of the foundations of democracy, starting from the problematic duplicity of its main concept, which is at the same time *violentia* and *potentia*, even while it also tends to take the form of *jus* and therefore *potestas*.

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Notes

1. Benjamin, "Zur Kritik der Gewalt," §3, 180; references hereafter are to the paragraphs in Benjamin, "Toward the Critique of Violence."
2. Honneth, "Zur Kritik der Gewalt," 199.
3. Benjamin, "Schemata zum Psychophysischen Problem," 80 ("Outline of the Psychophysical Problem," 395).
4. Benjamin, "Schemata zum Psychophysischen Problem," 80 ("Outline of the Psychophysical Problem," 395).
5. Benjamin, "Schemata zum Psychophysischen Problem," 81 ("Body and Corporeal Substance," 395). My conjecture is that one should read *waltend* and not *wertend* here.
6. For a recent attempt to think migration, see Di Cesare, *Stranieri residenti*. It would be wrong to suggest that Benjamin was indifferent to such topics. One of the major sources of his interest at the time when he was composing "Critique of Violence" was Erich Unger (quoted twice in the "Critique"), who explicitly suggests free migration as a key policy. Unger, *Politik und Metaphysik*, 47–48.
7. See Benjamin, "Paul Scheerbart: *Lesabéndio*," and Benjamin, *Gesammelte Briefe*, 2:109.
8. Benjamin, "Zur Kritik der Gewalt," 201 (contains a direct reference to Kurt Hiller's "Anti-Kain," 25). A counter-reading of the formula as an "anarchistic moment," "when the solitary person is conjured as wrestling, without model or reason, with the commandment," can be found in Butler, *Walter Benjamin and the Critique of Violence*, 85.
9. Benjamin, "Notiz über Leben und Gewalt," 791. Reference is made to anarchist praxis.
10. Benjamin, "Notizen zu einer Arbeit über die Lüge," 2:63.
11. In the preface to his study on Spinoza, Antonio Negri strongly argues against any possible theoretical link between Spinoza and Jacobinism. Spinoza is, he writes, "a radical democrat and revolutionary who immediately eliminates the abstract possibility of Rule of law and Jacobinism" (Negri, *Savage Anomaly*, xxii).
12. Scholem, *Walter Benjamin: The Story of a Friendship*, 135–36. Obviously the name "Kaut" is the student's mistake, not the writer's.

13. See Karl Löwith or even better Leo Strauss, who had his *Auseinandersetzung* with Spinoza in the late 1920s and in his 1930 book. This volume starts with an interpretation of the man who confronted Spinoza as harshly as possible as the incarnation of the problem of Judaism's assimilation into modernity, that is, Hermann Cohen — whom he called “the faithful guide, defender and warner of German Jewry” (Strauss, preface to *Spinoza's Critique of Religion*, 5). Astrid Deuber-Mankowsky, in “The Ties between Walter Benjamin and Hermann Cohen,” and Tamara Tagliacozzo, in *Experience and Infinite Task*, show that Benjamin was engaged with Hermann Cohen's philosophy as much as with the work of Strauss, who nevertheless was clearly anti-Cohenian in his conclusions (and in his reading of Spinoza).
14. These few mentions have given rise to a very limited literature on the topic. Apart from the brief allusion in Mensching, “Spinoza dans l'Ecole de Francfort,” 359, see Carré, “Benjamin spinoziste?,” and Carbone, “Il problema della violenza.”
15. Benjamin, *An Herbert Blumenthal*, 6.5.14, in *Gesammelte Briefe*, 1:218–19: “Guttmann mit einigen Spinoza lesen will.”
16. Benjamin, “Dialog über die Religiosität der Gegenwart,” 20–21. Spinoza can also be found in the short article “Erfahrung,” 55 (“Experience,” 4); in “Leben der Studenten,” 82 (“Life of the Students,” 43); and in “Über Wahrnehmung,” 36 (“On Perception,” 95).
17. Benjamin, “Goethe,” 719 and 721 (“Goethe,” 172 and 174).
18. Holz, *Briefe von Max Dauthendey*, 405.
19. Benjamin, “Ich packe meine Bibliothek aus,” 389 (“Unpacking My Library,” 487).
20. Benjamin, “Zum Bilde Prousts,” 320 (“On the Image of Proust,” 244).
21. In a curious slip, commenting on the essay on violence, Axel Honneth forgets that Benjamin quotes Spinoza: “just like when he handles natural law, also in this second step [Benjamin against positive law] he doesn't mention a single author” (“Zur Kritik der Gewalt,” 199). Moreover, as suggested by L. Carré, “Benjamin spinoziste?,” 210–13, the episode of the Rotte Korah in Numbers — an example of divine violence in “Zur Kritik der Gewalt” — is also considered by Spinoza in *Tractatus Theologico-Politicus*, chap. 17. Spinoza could thus be — in a mediated form? — a further source for Benjamin's interest in the episode, in addition to Hermann Bahr's eponymous novel, Kant's *Religion within the Boundaries of Mere Reason*, and Oskar Goldberg's seminar. See also Bojanič, *God the Revolutionist*, 200–201.
22. Spinoza, *Tractatus Theologico-Politicus*, chap. 16, 200.
23. Spinoza, *Tractatus Theologico-Politicus*, chap. 16, 200–201. Compare *Ethica*, chap. 3, prop. 6: “Each thing, as far as it can by its own power, strives (*conatur*) to persevere in its being.”
24. Spinoza, “Praefatio,” in *Tractatus Theologico-Politicus*, 10.
25. See the work of the Italian defender of positive legal theory Norberto Bobbio (*Giusnaturalismo e positivismo giuridico*, 149). The formula about the “normative force of what is factual” dates back to chapter 11, “Staat und Recht,” of book 2, “Allgemeine Soziallehre des Staates,” in Jellinek's *Allgemeine Staatslehre*, 324–68. Benjamin mentions it in his sketch of a review of Herbert Vorwerk's essay “Das Recht zur Gewaltanwendung”: “A normative force always comes in favour of existing reality” (Benjamin, “Recht zur Gewaltanwendung,” 106 [“Right to Use Force,” 232]; emphasis added).
26. Spinoza, *Tractatus Theologico-Politicus*, chap. 16, §3, 201–2.
27. Spinoza, *Tractatus Theologico-Politicus*, chap. 16, §2, 200: “Fishes are naturally conditioned (*a natura determinati sunt*) for swimming, and the greater for devouring the less; therefore fishes enjoy the water, and the greater devour the less by sovereign natural right.”

28. See Spinoza, *Political Treatise*, 2.8, 685–86. For an excellent explanation of the general dichotomy, see the entry “Puissance,” in Deleuze, *Philosophie Pratique*, 128–38.
29. Spinoza, *Tractatus Theologico-Politicus*, chap. 16, §8, 205.
30. His position seems to be analogous to the denial of a “right” to resistance in Kant’s philosophy of law (particularly in his 1795 essay “Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis”).
31. Cohen, *Ethik des reinen Willens*, 362; qtd. in “Zur Kritik der Gewalt,” 199 (“Toward the Critique of Violence,” §16). Paul’s quote is to be found in Spinoza’s *Tractatus Theologico-Politicus*, chap. 16, §2: “Paulus . . . ante legem . . . nullum peccatum agnoscit.”
32. See Spinoza, *Political Treatise*, 3.3, or Spinoza’s letter L to Jarig Jelles: “As for politics, and the difference between me and Hobbes you are asking about: I always leave natural law intact” (my translation).
33. Fenves, *Messianic Reduction*, 214.
34. “Nonetheless, there is still . . . a teleological relationship” (Khatib, “Teleologie ohne Endzweck,” 388). Khatib also mentions the problematic “direction” of the sphere of communicability to a superior sphere of transcendent *Gewalt*.
35. Kant, *Gesammelte Schriften*, 5:370.
36. Kant, *Gesammelte Schriften*, 5:378.

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