

# The Politics of Pure Means

## On Paragraphs 10 and 11 of Walter Benjamin's "Toward the Critique of Violence"

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**ABSTRACT** This article is focused on the analysis of paragraphs 10 and 11 of Walter Benjamin's "Toward the Critique of Violence." The article focuses on two sets of fundamental claims: those addressing the function of the police within the legal order of the state and those addressing what Benjamin calls the "politics of pure means." Benjamin considers both the police and the politics of pure means as belonging to "the realm of means," but they represent two alternative configurations of politics. The police state exemplifies the art of government when "the state of emergency is the rule," that is, when the constantly reproduced fear of violence performs a disciplinary function. By contrast, the politics of pure means names the possibility of a politicization of human beings living together on the basis of subjective dispositions other than fear (which traditionally was thought to justify the creation of the legal order of the state).

**KEYWORDS** police state, governmentality, neoliberalism, politics of fear, political conflict

### The Realm of Means

The "politics of pure means" can be seen as an affirmative outcome of Walter Benjamin's "Toward the Critique of Violence." Near the beginning of the essay, Benjamin asserts that "the realm of ends and, therefore, also the question concerning a criterion of justness are, for now, suspended from this study."<sup>1</sup> Thus, at this point Benjamin does not consider any outcomes of the critique of violence related to the "realm of ends" of justice—that is, to divine violence as "pure ends" separated from its relationship with the means. This question will be introduced only in the last part of Benjamin's essay. Here his analysis remains focused on the realm of means, and, in particular, on how this realm is configured within the legal order. However, at this point he does not consider the realm of pure means, because—as he later argues in relation to pure ends—its possibility lies outside of the legal order. One could thus argue that, for Benjamin, there is a correlation between pure ends and pure means

as they relate to the law, a correlation that is in keeping with Benjamin's understanding of a "dialectics of extremes."<sup>2</sup> The politics of pure means could be seen as corresponding to the secular order found in the "Theological-Political Fragment" (arguably written at the same time as "Toward the Critique of Violence"), whose dynamics, though moving in the opposite direction, promote the pure ends of divine violence.

Following Benjamin's argument, I will first look at the relationship between means and ends within the legal order, which does not include either pure means or pure ends. Rather, the legal order defines means and ends only in their relation to each other, a relation that takes place within the realm of legal means. The realm of pure ends is that of justice, which is absolutely separate from law. When referring to the realm of legal means, Benjamin writes that "the most elementary basic relation in every legal order is the one between ends and means," and that "violence can first be sought only in the realm of means, not in the realm of ends" (§1). Radicalizing his argument, one could say that, within any legal order, means are always violent—and this assumption does not change if one considers just ends within a legal order. Therefore, within a legal order, the relation between means and ends is configured as the relation between law-positing and law-preserving violence.

### The Police State

In this context, to consider pure means, we need to analyze the most immediate relation that the legal order posits between means and ends. Just before introducing the issue of pure means, Benjamin discusses the phenomenon of the police. In the tenth paragraph of "Toward the Critique of Violence," Benjamin defines the police as an institution of the modern state where "both law-positing and law-preserving violence" are combined "in a kind of spectral mixture" (§10). If the separation of law-positing and law-preserving violence is the precondition for a critique of the status quo, because the critique of law-preserving violence opens up the possibility for a new law-positing violence, the institution of the police represents the closure of this possibility. According to Jacques Derrida's interpretation of the relation between law and justice in "Force of Law: The 'Mystical Foundation of Authority,'" an institution such as the police impedes the infinite deconstruction of law within the law—which is for Derrida the ideal of justice within the law. This does not apply to Benjamin, however; for him, the realm of justice is absolutely separate from law, and the police demonstrate in an exemplary way that there is no substantial difference between law-positing and law-preserving violence.

Indeed, for Benjamin, in the police "the separation of law-positing and law-preserving violence is annulled. . . . Police violence is emancipated from both conditions. It is law-positing—for its characteristic function is not the promulgation of laws, but the adoption of any given decree with the claim to legality—and it is law-preserving, because it places itself at the disposal of these ends" (§10).

The police entail the disappearance of the distinction between means and ends in the legal order. This happens when the state is powerless to govern the forces (*Gewalten*, in German) that push against the boundaries of the legal order from outside it. That is, the state is no longer able by means of law to include in its ends—in its law-preserving—the *Gewalten* that are not yet legal: “the ‘law’ of the police basically denotes the point at which the state, whether from impotence or because of the immanent connections of every legal order, can no longer guarantee through the legal order the empirical ends that it wishes at any price to attain” (§10).

The police are the state institution that governs in a “state of emergency as rule.” The Weimar Constitution held that, in emergency situations, the president of the Reich could suspend some constitutional rights and declare a “state of emergency,” making use of the armed forces (Article 48).<sup>3</sup> The police perform the function of the army when the “state of emergency is the rule.”<sup>4</sup> For this reason, for Benjamin, the police reveal above all the essence of every legal order: the state of emergency as rule, which represents not only the constitutive violence of every legal order, but also its permanence. Furthermore, the police also overturn the relation between law-positing and law-preserving violence: the state of emergency as rule, which the police state represents, reveals the law-positing violence that proceeds from law-preserving violence. Law-preserving violence is shown to be identical to law-positing violence.

Police violence does not need the sovereign “decision” to legitimize its power in accordance with the claims of Carl Schmitt,<sup>5</sup> but—using Benjamin’s expression from the end of the essay—corresponds rather to the “administrated violence” (*verwaltete Gewalt*)<sup>6</sup> that serves “law-preserving” violence. When law-preserving violence is administrated by a legal apparatus, it acquires a surplus of power, a law-positing violence configured by the police. This happens more often in democracies since the executive power itself is involved in the legal apparatus. Although in Western democracies today there has been a reduction in the very real police violence that Benjamin witnessed in the Weimar Republic, the “ghostly appearance” of administrated violence—as law-positing violence that proceeds from law-preserving violence—still remains. Benjamin writes that the police accompany “the citizen as a brutal harassment through a life regulated by ordinances, or quite simply surveilling him” (§10), anticipating some traits of Michel Foucault’s analysis of disciplinary power. In his archeology of the concept and function of the police, Foucault shows how, despite the fact that today the police usually works within the criminal justice system, it was originally related to state administrative power, or what he calls “governmentality.”<sup>7</sup> This becomes evident in neoliberalism, in which governmentality is the art of government par excellence. This art of government reveals itself as “administrated violence” when it repeatedly intervenes to assert that “there is no alternative”—as Margaret Thatcher put it in

the 1980s—to law-preserving violence, to preserving order for “security reasons” (§10). Moreover, as the art of government of the state of emergency as rule, law-preserving violence is immediately law-positing violence.

### Nonviolent Means

At the beginning of the eleventh paragraph of his essay, Benjamin summarizes his analysis of the realm of means from the point of view of law: “All violence as a means is either law-positing or law-preserving. If it lays claim to neither of these predicates, then it forfeits all validity. From this, however, it follows that every violence as a means, even in the most favorable case, itself participates in the problematic character of law as such” (§11). In these paragraphs we see the “anarchism” that Benjamin espoused at the time.<sup>8</sup> If the just ends in a legal order are only the means to preserve the law, then as the rule of law the realm of means is constitutively violent. In 1919, in “Politics as a Vocation,” Max Weber wrote that the state is that “human community that (successfully) claims the monopoly of the legitimate use of violence within a given territory.”<sup>9</sup> Quoting Georges Sorel, Benjamin specifies that the state’s monopoly on the legitimate use of violence does not concern a general human community. Instead the state’s claim is “successful” when it derives from “the privilege of kings or grandees—in short, of the powerful. So it will remain, *mutatis mutandis*, as long as the law continues to exist” (§16). In other words, it means that the state aims to monopolize all means in order to neutralize the *Gewalt* (which I would translate here as “power”) of the means that are not yet legal.

If within the legal order of the state all means are violent, “the following question becomes urgent: whether there are no means other than violence available for the regulation of conflicting human interests” (§11). If the answer to this question is affirmative—there are no means other than violence for the regulation of conflicting human interests—then it follows that at the moment when the deliberative and executive powers of state sovereignty are revealed to be impotent, administrated violence steps in to exercise state power directly. At this point, Benjamin introduces the issue of “nonviolent means.” He first points out that no legal contract can resolve conflicts without violence: “The question makes it obligatory, above all, to establish that a fully nonviolent resolution of conflicts can never amount to a legal contract. A legal contract, however peacefully the parties enter into it, leads ultimately to possible violence” (§11). The violence that the legal contract implies is not accidental or incidental, but is rather present at the origins of the legal contract. Violence constitutes that contract as law-positing violence: “Like the outcome, the origin of every contract also points toward violence. It need not be immediately present in the contract as a law-positing violence, but violence is represented in it insofar as the power that guarantees a legal contract is, in turn, of violent origin, if it itself is not legally established in this very contract by means of violence” (§11).

Here Benjamin is referring to legal contracts among individuals, but his argumentation could be extended to “contractualism” as such. We know that the premise of contractualism — especially in Thomas Hobbes’s version — is that the condition of general violence in the state of nature justifies the constitution of the state and of its rule of law — or what Weber later called “the monopoly of the legitimate use of violence.” Therefore, from the point of view of contractualism, violence characterizes human beings living together before and outside state and law. Benjamin totally overturns this premise of the Hobbesian relation between the state of nature and civil society. A legal institution is preserved precisely through the violence at the origin of each act of law-positing, which has to remain latent also during the institution’s lifetime: “If the consciousness of the latent presence of violence in a legal institution disappears, the institution falls into decay. In current times, parliaments constitute an example of this” (§11). If, for Hobbes, the fear of the violence of the state of nature is what leads the multitude of individuals to contractually surrender their freedom and power in exchange for a guarantee of security provided by the state, Benjamin argues that the fear of violence does not vanish in the legal institution. On the contrary, it is this fear that guarantees the preservation of the legal institution, as the police does, “accompanying the citizen as a brutal harassment through a life regulated by ordinances, or quite simply surveilling him.” Therefore, parliamentary governments’ attempts to resolve political conflicts in nonviolent ways — not only without the direct use of violence, but also without the use of the latent fear of violence — are contradicted by their status as legal institutions. Thus, there is a risk that parliament itself “falls into decay.”

Benjamin sees no possibility of peacefully resolving political conflicts through parliamentary — and therefore legal — means: “For what parliamentarianism achieves in vital affairs can only be those legal orders that are afflicted by violence in origin and outcome” (§11). This is also the core of Benjamin’s critique of pacifism, according to which pacifism’s critique of violence addresses only “war violence” without considering the violence of every law: “the decay of parliaments has turned just as many minds away from the ideal of a non-violent resolution of political conflicts as were earlier drawn to it by the war. Standing opposed to the pacifists are the Bolsheviks and Syndicalists. These have submitted today’s parliaments to an annihilating and altogether fitting critique” (§11). It is important to remember that for Benjamin the legal order presupposes violence — and so within it only violence can oppose violence. Thus, it was only through the use of violence that the Bolsheviks and syndicalists would have any chance of success. But although the Bolsheviks and syndicalists have a “fitting critique” of pacifism — for nonviolent means are not possible within the legal order, only outside of it — their critique remains a reaction to the violence of the legal order, trapped within it and therefore forced to use its means.

## Conflict and Violence

And what about the aforementioned nonviolent resolution of conflicts? Do we return here to a supposedly peaceful—dehistoricized and depoliticized—state of nature? Not at all. Unlike the modern political conception of the state of nature, Benjamin's realm of pure means, in which a nonviolent resolution of conflicts is possible, is political. This politics of pure means is not reactive, but, because it is outside the state or legal order, is affirmative. At the end of paragraph 12, Benjamin explicitly introduces a "politics of pure means,"<sup>10</sup> but, because the context of the essay is restricted to the violence within the legal order, he argues that "only a pure means of politics as an analogue to the means governing the peaceful interchange between private persons may be indicated" (§12). Earlier, Benjamin defined pure means as essentially pure means of agreement. In these, subjective dispositions such as "heartfelt courtesy, affection, peaceableness, trust" (§12) play a pivotal role. There is thus "a sphere of human accord that is non-violent to such a degree that it is wholly inaccessible to violence: the proper sphere of 'coming-to-an-understanding,' language" (§12). From these definitions of pure means, one can infer that the state of nature as war of all against all is not the only alternative to the state and the legal order. Therefore, the fear of being killed by another human being is not the only or primary subjective disposition to lead human beings toward politics. Moreover, for Benjamin, the politics of pure means is not simply another politics than state politics; in his Kantian terms, it is "true politics." Indeed, we must remember that originally "Zur Kritik der Gewalt" was meant to be one chapter of a larger project entitled *Politics*, probably belonging to its second part, which would be called "The True Politics." In a letter to Gershom Scholem dated December 1, 1920,<sup>11</sup> Benjamin refers to this chapter as "Abbau der Gewalt" ("Demolition of Violence"). One could argue that "Toward the Critique of Violence" represents the *pars destruens* of the *Politics* project, while a politics of pure means would have been its *pars construens*.

If true politics is a politics of pure means, is this politics without *Gewalt*? Not entirely. The politics of pure means is without violence, but not without *Gewalt*, if one considers the meaning of *Gewalt* not only as violence, but also as, at the same time, "power, potentiality, authority, force" (*potestas* and *potentia*). Giorgio Agamben has reformulated Benjamin's notion of "pure means" with the formula of "means without end," in an effort to conceptualize human potentiality as impotentiality, which consists in the capacity to render "inoperative" the *dispositifs* put into operation by the ontologico-biopolitical machine as violence.<sup>12</sup> For Agamben, who uses Aristotle's concepts, "means without end" signifies a potentiality irreducible to actuality. As in Benjamin, in Agamben the sphere of means without end is language; however, Benjamin does not imply, as Agamben does, that potentiality is merely the "potential of thought." Indeed, Benjamin's politics of pure means implies a potentiality that can be immediately actual. It is thus a *politics* of pure means.



*Gewalt*'s means are violent within a legal order, but not necessarily outside of it. Conflict is not excluded, but it is not identified with violence. Indeed, Benjamin writes that pure means—that is, nonviolent means—“never relate immediately to the arbitration of conflicts between one human being and another” (§12). In this way, Benjamin criticizes a long tradition of modern political thought that identifies conflict with violence and attributes to politics—precisely to the state—the function of neutralizing conflicts by means of law. In this tradition, the fear of violence is projected onto political conflict. However, without conflict there is no chance of accord and, more generally, no political relationship not guided by fear.

Thus to answer the question, “What is the critique of violence now?”: I would say that today we still need a critique of the legal neutralization of political conflict—that is, a critique of the identification of conflict and violence that rejects the political potentiality of the former. As Catherine Malabou writes, this would be a critique of “a certain culture” and “of the effacement of all conflict even as we live in a state of permanent war.”<sup>13</sup> A critique of violence is not directly a politics of pure means, but because a politics of pure means is always actual, this critique is the precondition for finding real political alternatives.

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#### Notes

1. Benjamin, “Toward the Critique of Violence,” §4. Hereafter cited parenthetically.
2. See Benjamin, “Epistemo Critical Prologue,” 47.
3. “In case public safety is seriously threatened or disturbed, the Reich President may take the measures necessary to reestablish law and order, if necessary using armed force. In the pursuit of this aim he may suspend the civil rights . . . , partially or entirely.” Weimar Constitution with Modifications, Article 48.
4. Benjamin uses this formula in the VIII Thesis “On the Concept of History”: “The tradition of the oppressed teaches us that the ‘state of emergency’ in which we live is not the exception but the rule.” Benjamin, “On the Concept of History,” 392.
5. See Schmitt, *Political Theology*. Schmitt's *Political Theology* was published one year after “Toward the Critique of Violence,” in 1922; in *State of Exception*, Giorgio Agamben argues that Schmitt read Benjamin's “Critique of Violence” and that his *Political Theology* represents a reaction to Benjamin's essay.

6. See Benjamin, "Toward the Critique of Violence," §19. I choose to translate *verwaltete Gewalt* as "administrated violence," because in the last paragraph of "Toward the Critique of Violence" it is directly related to the *schaltende Gewalt*, "governing violence." Indeed, according to the *Deutsches Wörterbuch von Jacob und Wilhelm Grimm*, the original meaning of the German verb *schalten* is "mit der Ruderstange ein Schiff fortbewegen" (moving a ship with the rudder rod), which is exactly the original meaning of the Latin verb *gubernare* (s.v. "schalten," accessed May 28, 2019, [http://woerterbuchnetz.de/cgi-bin/WBNetz/wbgui\\_py?sigle=DWB&mode=Vernetzung&lemid=GSo4093#XGSo4093](http://woerterbuchnetz.de/cgi-bin/WBNetz/wbgui_py?sigle=DWB&mode=Vernetzung&lemid=GSo4093#XGSo4093)). Hence the opposition between the *schaltende Gewalt* (governing violence) of "mythic violence" and the *waltende Gewalt* (reigning violence) of "Divine violence," in which the "Kingdom of God, the Divine Kingdom" resonates, as mentioned in Benjamin's "Theologico-Political Fragment" (probably written, according to Scholem, in 1920 or 1921). See Benjamin, "Theologico-Political Fragment," 305–6.
7. See Foucault, *Security, Territory, Population*. See also Foucault, *Discipline and Punish: The Birth of the Prison*.
8. "An exposition of this standpoint [a contradiction in principle between morality and the state (or the law)] is one of the tasks of my moral philosophy, and in that connection the term 'anarchism' may very well be used to describe a theory that denies a moral right not to force as such but to every human institution, community, or individuality that either claims a monopoly over it or in any way claims that right for itself from any point of view." Benjamin, "Right to Use Force," 233.
9. Weber, "Politics as a Vocation," 136.
10. For a comprehensive analysis of Benjamin's notion of "pure means," including in other texts by Benjamin, see Khatib, "Towards a Politics of 'Pure Means': Walter Benjamin and the Question of Violence."
11. Benjamin, *Gesammelte Briefe*, 109.
12. See Agamben, *Means without End: Notes on Politics*.
13. Malabou, *What Should We Do with Our Brain?* 79.

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