

Benjamin vs. Schmitt: *Giorgio Agamben's Mistake*

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Abstract: “Dangerous liaisons” of the left and right-conservative discourse have been discussed widely by different thinkers of the 20th century. Most sharply this issue rung in the context of long standing debates between the left esoteric Walter Benjamin and the conservative utopist Carl Schmitt. Based on the texts of Benjamin and Schmitt of the 20s and 30s focused on a range of issues such as sovereignty, state of emergency or violence and language, the author exposes the irreducibility of the positions of these two thinkers and their fundamental political, metaphysical and ethical alternativeness. The article critically analyses the approaches of famous modern day researchers to the theme referred to (Agamben), conditioned by their preconceived political, theological and metaphysical convictions.

IN THE SECOND BOOK of the trilogy *Homo Sacer*, Giorgio Agamben dedicated a special chapter to the relationship between Schmitt and Benjamin. Although at first glance Agamben presents Benjamin's position adequately and concisely in relation to the topic of exception, the controversy between jurisprudence and life, law and justice, and in many ways stands alongside him against Schmitt and the conservatives, he nevertheless arrives at fairly ambiguous conclusions regarding the nature of violence, making some significant mistakes in his narration. Agamben's enchantment with his opponent's political theology can only be explained by his own theological thinking. Like other liberals who acknowledge "the relevance and topicality of the study of Schmitt" [Mouffe 2004: 140], he ranks among his "special achievements" the inclusion of the anomic, extreme sides of social life within the field of jurisprudence or some rational order, although he admits such an inclusion to be paradoxical and aporial (regardless of numerous citations of Benjamin, Agamben's political innocence is seduced by the figure of the sovereign with his decisions because of the shimmering Supreme Being registering his presence and participation in mundane affairs) [Agamben 2011: 55]. No matter how much Agamben refers to Benjamin in this context, the figure of the sovereign and his decisions overpowers his political innocence, behind which looms the Supreme Being, participating and making itself noticeable in affairs.

At first glance, the mistake that Agamben makes while reading Benjamin's second dissertation is purely textual. He believes that the publishers of Benjamin's *Collected Writings* of 1972–1989, "with an extraordinary disregard for any philological carefulness" corrected "*Es gibt eine barocke Eschatologie*" ("There is a Baroque eschatology") to "*Es gibt keine...*" ("There is no..."), "although the next passage is logically and syntactically linked to the original reading" [Agamben

2011: 90]. In other words, Agamben argues that, Benjamin discerns in the Baroque epoch of the 17th century a doctrine a post-historical afterlife. For this reason, Benjamin writes further that it is exactly the presence of such an eschatology that “gathers together and exalts all earthly things before consigning them to their end (*dem Ende*)” [Benjamin 1998: 66].

It is not easy to sort out themes relating to the end of history, especially when they are considered in terms of their impact on the historical life of specific epochs. However if one does not mix them with one’s own religious prejudices, but simply turns a few more pages of *Ursprung*, then one can read the following: “Burdach’s new definition of Renaissance and Reformation, which is directed against the prejudices derived from Burckhardt, first reveals, per contrarium, these decisive features of the Counter-Reformation in their true light. Nothing was more foreign to it than the expectation of the end of the world, or even a revolution, such as has been shown by Burdach to inform the Renaissance movement...” [Benjamin 1998: 79–80]. And, even more clearly, “the developing formal language of the *Trauerspiel* can very well be seen as the emergence of the contemplative necessities which are implicit in the contemporary theological situation. One of these, and it is consequent upon the total disappearance of eschatology (*der Ausfall aller Eschatologie*), is the attempt to find, in a reversion to a bare state of creation, consolation for the renunciation of a state of grace” [Benjamin 1998: 80–81].

It can be noted in favor of Agamben, a true devotee to Benjamin, that although he did not manage to read *Ursprung* in full, he knew that Benjamin’s understanding of the end of history was not all that simple. For this reason, he further notes that even though Benjamin talks about *eschaton*, in his writing the latter is empty, “it does not know either redemption or the freed other world, it remains immanent to time”: “It is precisely such a “white eschatology”—not leading the Earth into a freed other world, but surrendering it to the absolutely empty sky—that forms the Baroque exception as a catastrophe” [Agamben 2011: 90–91].

Here, Agamben mixes Benjamin’s perceptions of the end of the world with the very Baroque authors whose position was rather shared by Schmitt.¹ For Benjamin, catastrophe is not inevitable death for all at

1. Heil justly notes, referring to a range of important secondary sources [Figal 1992; Deuber 1983; Bolz 1989] that if Schmitt fixates on catastrophe as the end of history then Benjamin “lives with the theological assurance that the transient could have been saved from its past” (“das Vergängliche könne aus seiner Vergangenheit gerettet werden”), from that very past that is transient [Heil 1996: 129].

the end of history, but rather violence over the living. For this reason, what he understands as salvation is the release of people from suffering, even if it is past suffering. His conception of salvation is fully directed at the everyday violence of people over people, and not at all at their common mortal fate. This is a radically irreligious and anti-mythological mode of thought which nonetheless does not repudiate the analysis of language, imbued with ontotheological rudiments and mythical atavisms, even at the level of its formal structure. Thus, Benjamin's texts do not dispense with theological lexicon and metaphors. Yet how can one see any theological messiahship in Benjamin if he writes: "...in happiness, all the earthly long for death, only in happiness one is destined to acquire this death. <...> For nature can be messianic only in its eternal and total impermanence. To aspire to it <...>,—is the objective of world politics, the method of which should be called nihilism"? [Benjamin 2012: 236]

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This seemingly insignificant mistake also did not pass without consequences for Agamben's general interpretation of Benjamin, which depended overwhelmingly on his religious philosophy of history and his largely Schmittian understanding of the problem of violence in its relationships with jurisprudence. The violent nature of jurisprudence that connects Benjamin and Schmitt's position in critical terms was not fully understood by Agamben: "Benjamin's thesis consists in that while mythical-juridical violence is always a means towards one end or another, pure violence, in relation to an end (just or unjust), is never merely a means towards its achievement—lawful or unlawful. The criticism of violence does not assess violence in its relation to ends which violence aspires to achieve as a means, but looks for "the criterion, the distinction in the very sphere of means, irrespective of the ends it pursues" [Agamben 2011: 97].

Agamben distinguishes between juridical violence, founded on mythical precepts, and "pure" violence, founded on a certain perception of the ultimate divine justice, according to the criterion of its relation to the ends. The aim of juridical violence is the establishment and legitimation of power, whereas divine violence allegedly does not have a goal. This is not exact. The grounds for Benjamin's criticism of juridical violence became the discovery of the fact that it does not pursue legal aims in much the same way as affective commonplace violence and mythical violence of the classical Greek gods. Such violence does not achieve any justice but only manifests a violator whose being endows him with the natural right to exist in this guise [Benjamin 2012:

85–86]. The sovereign, according to this logic, is just an ordinary violator, and no jurisprudence—neither suspended nor excluded—as well as no “force” of the inactive justifies his actions. Only the divine status prescribed to him can act as its legitimation, or rather the consensus in society with regard to its consecratedness. To begin to believe in politics as a god (the politics of a god)—is that boundary of religion’s secularisation (accomplished by Schmitt) that perhaps reveals the nature of modernity.

One significant point that Agamben missed in the reconstruction of Benjamin’s position is the theme of nonviolent (or “pure”) means which he discussed in the prospect of the achievement of just ends. These means are pure in the sense that they are not dirtied by violence, but not in the sense that they are free from any ends. What Benjamin means here is not any ends, but just ends of divine goal-setting.² Although indirectly, such ends can be achieved by pure means, among which, under certain conditions, we can also include the proletarian general strike.

Benjamin’s “divine violence” also remained a mystery to Agamben: “Introducing the theme of violence, Benjamin further claims that, in the case of anger, violence is never a means, but merely a manifestation (*Manifestation*). Whilst violence, acting as a means of establishing jurisprudence, never destroys its own relationship with jurisprudence and, in such a way, endows jurisprudence with the status of power (*Macht*) “connected with violence in the tightest and most essential way”, pure violence reveals and breaks the bond between jurisprudence and violence and ultimately can turn out to be not the violence that administers and executes (*schaltende*) but the violence that merely acts and manifests (*waltende*)” [Agamben 2011: 98]. The translation of *waltende* here as “to act” is not precise, and even less so the neutral “to manifest.” Benjamin is referring to a stronger meaning, that of “ruling.” Pure divine violence is evidently opposed here to the administrative violence of the pagan gods which, according to his opinion, the Christian gods turned to by the 17th century. The divine violence described in Benjamin’s writing can in no way be considered a relational term dependent upon externalities or upon jurisprudence (although it is correct that it is not substantive in the sense of some social constant or anthropological cipher). He determines the purity of violence through a rather Kantian perception of purity as an idea, not mixed with anything either conceptually or empirically. Agamben

2. “Justice is the principle of all divine endmaking, power the principle of all mythic lawmaking” [Benjamin 2012: 88].

correctly writes that it is akin to the purity of “divine language” in the even earlier work “On Language as such and the Language of Man” (1916) [Benjamin 2012: 7], in which language was understood as the directness of spiritual contents communicated in it, that is, as its very communicability (immediacy) without reference to external content. Where, then, does jurisprudence come in? [Agamben 2011: 95]

Divine violence does not establish anything; rather, it simply rules in the indefinite prospect of decay and the end of life, not demanding anything in return and not promising any individual avoidance of death. That is, Benjamin does not draw any hopes, demands, morals or jurisprudence from the idea of the end of history. Divine violence, according to his words, annihilates jurisprudence [Benjamin 2012: 90] rather than merely breaking off relations with it temporarily for the sake of establishing a new jurisprudence. For this reason, pure violence cannot be the prerequisite of jurisprudence, even a “pure” one [Agamben 2011: 99]. It redeems the mythical guilt of the innocent man, upon which legal stipulations are founded, assuming upon itself all the historical victims and setting a messianic limit to human sacrifice. Pure violence is not bloody; it is a sign of the ultimate desolation of all the things in existence, not a means of the holy punishment [Benjamin 2012: 95].

Benjamin did not deny the fact that jurisprudence belonged to the sphere of anomie, in the sense that laws as such emerge from pre-legal violence. However, he did not regard this natural genealogy of jurisprudence to be a sufficient warranty for the legitimation of the actual violent actions of the state; in contrast to Schmitt and Agamben, he did not delineate it through the figure of God and his Law. He draws the metaphor of God along the upper boundary of world developments, so to say [Benjamin 2012: 250–251]. Benjamin juxtaposed divine law to the prehistoric, pre-mythological law of social life, which equally annoyed both Gershom Scholem, a fan of Jewish mysticism, and Carl Schmitt, admirer of Catholic dogmatic theology [Benjamin 2012: 154–155].

Benjamin draws a distinction between violence and jurisprudence not along the body of human Law but along the brim the “divine violence” revelation. In other words, violence is not the perpetual cypher of human activity, but rather, it is an inevitable reaction to the impossibility to go on living under state system and jurisprudence conditions. Violence severs the relationships with jurisprudence and law in the *Jetztzeit* of messianic redemption and turns to the past, not the future. For this reason the questions of Apostle Paul and attorney Vyshinsky about the future of Law after its messianic or proletarian

execution would not have interested Benjamin in the least [Agamben 2011: 99]. Law is abrogated here in order to become the interpretation, not the instrument, of someone's sovereign hegemony.

In our closing remarks on Agamben, it should be said that he justly points to the work on Kafka and to its discussion in a correspondence with Scholem, as this is a key source for Benjamin's understanding of jurisprudence and violence: "What corresponds to the exposure of mythical-juridical violence on the part of pure violence as an excess in the essay on Kafka is the mysterious image of jurisprudence that is no longer executed but is merely studied" [Agamben 2011: 99]. The new lawyer, Doctor Bucephalus, indeed only examines juridical folios, but does not apply their provisions in practice. The image of play, which Agamben leans towards, can, however, be read as a version similar to the Schmittian understanding of the political opposition friend-enemy, although in a lighter form. Despite the fairly unclear and "mysterious" understanding of such a play as a study of no longer used jurisprudence, Agamben nevertheless looks toward the future and promises a new kind of jurisprudence. But for Kafka-Benjamin, Bucephalus is, at the same time, a tamed animal, joyfully and obliviously walking in circles under the dome of the circus of history.

Reason as the Function of Violence

"Franz Kafka" (1934), as well as the theses *On the Concept of History* (1939) reveal in themselves not quite a teaching (*Lehre*) that can be brought into life, but rather an example of its interpretation which life itself could have turned to. The status of Benjamin's theoretical work rises exceedingly on account of the problem of the correlation between reason and violence, historically not resolved. Its practical insolubility, however, does not become for him grounds for conservative conclusions. This, if anything, most clearly sets Benjamin's approach apart from that of Schmitt's.

When Schmitt claims that "the metaphysical image that a definite epoch forges of the world has the same structure as what the world immediately understands to be appropriate as a form of its political organization" [Schmitt 2000: 70], he essentially equates reason with violence, rendering them functions or instruments of being, understood as the permanent *bellum omnium contra omnes* of friends-enemies. Such an approach results in the devaluation of philosophical knowledge, which becomes the agent of violence in the field of consciousness and language. In such a way, the Nazi lawyer did not confine himself to the solution of political-legal problems—

to recourse to dictatorship under extreme conditions is not just reasonable, but reason itself acts here as the main dictator. However, the understanding of spirit as an ability to put dictatorship into action reveals the fundamental ambiguity of the notion of sovereignty. Benjamin discerned in the image of the sovereign Baroque dialectics consisting of “severe self-discipline and merciless external action,” the realization of which led in the beginning of the 17th century to “a sobering up with regard to the course of events in the world” and a cooling down that can be matched in its intensity only with “the fever of lust for power” [Benjamin 2002: 87–92].

The figure of the dictator came to be firmly established in the narrow gap between the immanentism of daily life and the transcendence of belief in the mode of secularized history. It is no coincidence that the tyrants of Baroque plays appear to be fairly melancholic against the backdrop of the historical frustration that befell teachings on monarchical sovereignty. On the stage of Trauerspiel this dialectic is presented as the theatre of a monarch’s affects, and not his real political actions and historical decisions. As much as the playwrights would have liked to extol these affects at the expense of the dictator’s martyrdom, the actual plays demonstrate that following the logic of monarchical affects in the political game can only lead to societal collapse. From here stems the melancholy and inconsolability of the German Baroque epoch, perceived through its allegorical images.

Schmitt’s discourse is melancholic in its own right, although he writes repeatedly about nothing but decisions. Nostalgically connecting to lost historical knowledge, Schmitt draws upon the actual similarities between the social and cultural atmosphere of the epochs after the Thirty Years’ War and the Weimar Republic [Palmier 2009: 406]. The lost war, political and economic crises, the impotent revanchist impulses of politicians required both apologetic art and a plebiscitary political theory.³

Schmitt’s thought process takes place in an atmosphere of a hostile world, in an environment of lost battles and social humiliation; this is why he also defines the political through conditions of war, enemy confrontations and mutual murders. This is straightforward enough. But the idea of decision sounds fake in this context, for it is obvious that, relying on the relevant concepts of sovereignty and politics, the aims of the German state and jurisprudence could not have been achieved at

3. Benjamin depicted concisely the social-psychological portrait of the theorists of German fascism drawing on the material of yet one more Nazi writer and Schmitt’s friend, Ernst Jünger [Benjamin 2012: 359–375].

all. They only provoked ungracious fervours and nourished pathological affects. The opposition “friend-enemy” in this sense emerges not “from life” in its existential dimensions at all, as Schmitt believed, but is rather conditioned by the theological (meaning “ideological”) state of the epoch and its standpoints. This Schmittian opposition can be interpreted as a historical category stemming from secularized theology in the epoch of fascism [Benjamin 2002: 128].

The ending of Benjamin’s famous “Epistemo-Critical Prologue” to *Ursprung* can be considered in this context a desperate warning to Karl Schmitt—a warning which Schmitt, in the end, ignored:

Even then the danger of allowing oneself to plunge from the heights of knowledge into the profoundest depths of the baroque state of mind, is not a negligible one. That characteristic feeling of dizziness which is induced by the spectacle of the spiritual contradictions of this epoch is a recurrent feature in the improvised attempts to capture its meaning [Benjamin 1998: 56].

References

- Agamben, G. (2011). *Homo sacer. Chrezvychnoe polozenie* [*Homo Sacer. State of Exception*], trans. O. Dubitskaia. Moscow: Evropa.
- Benjamin, W. (1998). *The Origin of German Tragic Drama*, trans. J. Osborne. New York: Verso.
- Benjamin, W. (2000). *Frants Kafka* [*Franz Kafka*], trans. M. Rudnitskii. Moscow: Ad Marginem.
- Benjamin, W. (2002). *Proiskhozhdenie nemetskoj barochnoi dramy* [*The Origin of German Tragic Drama*], trans. S. Romashko. Moscow: Agraf.
- Benjamin, W. (2004). *Maski vremeni. Esse o kul'ture i literature* [*The Masks of Time. Essays on Culture and Literature*]. Saint Petersburg: Symposium.
- Benjamin, W. (2012). *Uchenie o podobii. Mediaesteticheskie proizvedeniia* [*Doctrine of the Similar. Media-Aesthetic Writings*]. Moscow: Russian State University for the Humanities.
- Bolz, N. (1989). *Auszug aus der entzauberten Welt*. München: Fink.
- Deuber, A. (1983). *Zur Genese von Benjamins Trauerspiel*. Berlin: Ernst Rowohlt.
- Figal, G. (1992). “Vom Sinn der Geschichte—Zur Erörterung der politischen Theologie bei Carl Schmitt und Walter Benjamin.” In E. Angehrn et al. (eds), *Dialektischer Negativismus*. (252–269). Frankfurt am Main: Suhrkamp.

- Heil, S. (1996). *“Gefährliche Beziehungen”*: Walter Benjamin und Carl Schmitt. Stuttgart; Weimar: Metzler.
- Mouffe, Ch. (2004). “Karl Shmitt i paradoks liberal’noi demokratii.” *Logos. Filososko-literaturnyi zhurnal* [“Carl Schmitt and the Paradox of Liberal Democracy.” *Logos. Philosophical and Literary Journal*] 6(45): 140–153.
- Palmier, J.-M. (2009). *Walter Benjamin—Leben und Werk*. Frankfurt am Main: Suhrkamp.
- Schmitt, C. (2000). *Politicheskaia teologija. Sbornik* [Political Theology. Collected Works]. Moscow: KANON-press-Ts.