

Biopower: Forum on the Actuality of Benjamin's 'Critique of Violence' at Its Centenary, Part IV

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/

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Abstract: Walter Benjamin published his influential essay 'Critique of Violence'/'Zur Kritik der Gewalt' in 1921, and the work has troubled and provoked thinkers across disciplines for over a century now. This Forum gathers a group of scholars in philosophy, political science, international relations and legal studies to reflect on the *actuality* of Benjamin's essay for contemporary critical theory. In their separate contributions, sasha skaidra and R. Guy Emerson each elaborate on how Benjamin's classic illuminates contemporary understandings of the politics of life and (violent) death globally. skaidra takes the Sanctuary City movement in Europe and North America as a focus. Arguing that Sanctuary politics is limited in its capacity to challenge borders in-of-themselves because the movement is caught in a false antinomy between natural and positive law that Benjamin critiques, skaidra's contribution proposes a critique of borders that emulates Benjamin's method which isolates violence from the mystification of legal theory. Whereas migrant justice movements threaten the state order by challenging Westphalian notions of time, Sanctuary operates like a purgatory wherein a potential messianic migrant figure could herald the end of state borders. skaidra proposes the idea of utopic purgatory as a means to isolate how Sanctuary Cities contribute to and limit a critique of borders. In the second sole-authored contribution to this section of the forum, Emerson rereads Benjamin in relation to Foucault by thinking biopower through criteria irreducible to official qualifications on life or the efficient management of populations. As a pure means without ends, violence for Benjamin cannot confirm anything external to it, be it the protection of life that comes after its elimination elsewhere or the regulation of life that follows the suppression of alterity. Instead, for Emerson, violent biopower, as pure, manifests a deadly order that immediately strikes life in a manner too abrupt to confirm rule or regulate populations. The result is a criterion for understanding both violence and life in biopower that maintains its distance from official intentions.

Keywords: Sanctuary City; migration; citizenship; borders; Walter Benjamin; Michel Foucault; biopolitics; violence.

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Utopic Purgatory: A Critique of Border Violence

sasha skaidra

Introduction

The Sanctuary City movement in Europe and North America encompasses municipalities and/or civil society actors who provide social services to residents regardless of immigration status, and/or variously obstruct deportations enforcement, and in doing so, offer hope for a borderless world (Bauder 2016a). Sanctuary City policies are internationally diverse; however, common among them is actors and institutions withholding participation from managing state borders (Darling and Bauder 2019). Whether in active forms (such as issuing local identification cards and protecting the data collected), or in passive manners (barring officers entry onto premises and/or refusal to share information) (Villazor and Gulasekaram 2018), Sanctuary City policies withdraw societal, municipal, and local institutional complicity with enforcing immigration laws (Bauder 2019). This element of withdrawal, as opposed to forceful overthrow, draws a parallel with Walter Benjamin's (1978: 291) examination of the general strike as a 'pure means' of nonviolence. As opposed to unions, or arguably many NGOs, which recognize the state's monopoly of violence, Sanctuary and the general strike operate outside the law by boycotting the economy and the state citizenship regime. I will apply to Sanctuary politics Benjamin's analysis of the general strike in *Critique of Violence* that shows how legalism sublimates violence into itself.

The border – as a politics and a notion – foremost sublimates migration into settlement by demarcating the world into two fundamental spatial orders: between an 'inside' realm where History occurs and is contradistinguished from an 'outside' defined by eternal movement understood as a Hobbesian state of nature/war. To critique borders necessitates dismantling the object that bordered spaces produce – territory defined by stable, linear, and recordable time. Sanctuary Cities are framed in relation to historical precedents such as Biblical or Medieval asylum practiced on church and town lands (Lenard and Madokoro, 2021). I problematize the move to cite Sanctuary territorial antecedents for their reliance on borders. My critique is akin to how Benjamin (1978: 291) cites Sorel in critiquing labour unions who politically bargain away claims to law-making violence by foregoing utopic objectives. But, just as unions are instrumental for potential proletarian emancipation, Sanctuary does offer a waiting room within History for the antithesis of borders to appear – a prophetic migrant figure whose presence will sweep away the distinction between historical and eternal time, a division which forms the basis of Westphalian sovereignty. Revolutionary class war and migration-as-war both possess what Benjamin (1978: 281) identifies as a violence with the potential to inaugurate a new foundation beyond the state sovereignty that defines borders and the law. I argue Sanctuaries harbour *utopic purgatory* wherein eschatological claims to migrant justice are confined and sheltered until a messianic figure arrives to sanctify the anti-border violence that states associate to claims of a universal right to migration.

Benjamin's political theology

Sanctuary City advocates echo the aspirations Benjamin expounds in his *Critique of Violence* to identify a messianic figure that can transcend law. In this vein, critiquing violence and the border in-of-themselves involves locating stand-ins who represent a transcendental force that overcomes the legal dialectic that mystifies away the possibility for emancipation. Both the general strike and Sanctuary Cities are such candidates who hold space for a necessary impossibility to occur – the abolition of the state and its borders. Judging how general strikes have not ushered in a new order, Sanctuary Cities harbour a similar risk for disappointment. To be fair to Benjamin and radicals engaging Sanctuary more opportunistically, the nature of violence and borders exceeds existing terminology used to understand grounded political practices like municipal policy or labour strikes. Benjamin contributes to a critique of borders by showing how statist logic and legal thought are unable to confine the concepts of violence and borders. His critique reveals how violence and, similarly, borders are phenomena that shatter their legal definitions. The *Critique of Violence* reckons with the world-shattering potential of violence and has Benjamin turn to political theology that embraces religious allusion to overcome the shortcomings of secular thought to ground normativity in the early twentieth century, a sentiment shared by Max Weber and Carl Schmitt (Gordon 2020). *Utopic purgatory* as an idea follows this tradition by resisting the rationalist terminology through which states use to mystify violence and borders into a legal question. Before interpreting what *purgatory* means for *utopic* ends, I examine how the *Critique of Violence* undoes legalist and state translations of divine violence. Sanctuary Cities, like the general strike, suggest where to begin surveying for an excavation of primordial violent forces that escape legal translation.

Benjamin in the *Critique of Violence* deconstructs how legal theory mystifies violence as being an issue caught in an antinomy between natural and positive law. Each form of law proffers opposing theses on the use of violence that each invariably only legitimises legal violence. Natural law theory naturalises violence which, in order to be justly applied, must serve just ends such as enforcing the right of defending oneself. Once these just ends are identified, natural legal thinking concludes that the ends justify the means (Benjamin 1978: 278). Natural legal research seeks uncovering just ends capable of legally sanctioning violence. The example par excellence is Just War Theory wherein natural legal thinking develops methods to identify true *casus belli* that would justify inter-state acts of aggression (Piiromäe 2010). On the other hand, positive law eschews metaphysical notions like nature and instead views permissible violence as being historically contingent (Benjamin 1978: 279). Here, the research task is to identify the historical basis that determines (un)sanctionable violence and work towards justifying those parameters. For example, this view favours proceduralism, so if a trial follows a just legal procedure, the sentence too is just (Rocheleau 2011). In practice, the *Critique* comes to describe how natural law translates just ends into a license for any violent means necessary, whereas positive law will legitimize violent historical outcomes into just legal procedures.

Benjamin identifies how these theses draw from non-legal bases – nature and history – to claim a monopoly over the use of violence which must be denied to individuals (Benjamin 1978: 281). Legal mystification is the process whereby the state occludes the potential for individuals or non-state groups to channel extra-legal violence (such as just ends or a historical claim) into law-making violence. States permit law-preserving violence to obscure the basis for all law-making being Fate, i.e., the aggregate of successfully applied violence which has determined which ends became sanctioned. As Benjamin (1978: 294) observes, myth operates by containing Fate by producing a version of justice that lacks a discernible end or final judgment. Benjamin (1978: 297) shows how committing violence in the name of these myths comes to shed blood to establish the ‘power over mere life.’ Such mythos can be seen anywhere from progress, patriotism, cultural superiority, or profitable growth. Yet, non-state actors also possess law-making violence, namely, the military¹ and general strikes which the state pacifies by granting armies and unions law-preserving violence like conscription and the right to strike (1978: 282-284). Returning to the mystifying antinomy, we see how law-preserving violence translates the natural ends sought in war or class conflict into positive legal rights. The state grants militarism and unionism legal violence that is stripped of the mythical potential which the state reserves for itself in its monopoly over the right to sacrifice life.

Borders relate to migration like the military does to war. Benjamin (1978: 283) identifies how militaries obtain law-preserving powers because they wield the primordial ability to wage war which potentially threatens state order. Border authorities (from within or abroad) likewise pose a perceived threat to state orders by way of controlling the flow of irregular migrants. Borders to migration, like the military to war, implicitly hold law-making potential in their ties to an external constitutive phenomenon that exceeds the law. Herein, we see the mystified antinomy between positive and natural law suppress the fact that the state perceives mass human migratory events as acts of war. Benjamin observes how natural law is often conflated with ‘natural history’ (278), meaning that the explanation of why migration occurs (often due to displacement) becomes a series of necessary outcomes that justifies international law. World Wars spurred the development of the legal category of refugee. Climate change is calling for a redefinition. Humanitarian crises have states reform laws to accommodate more refugees. On the other hand, positive legal frameworks (Benjamin 1978: 279), which dominate international legal thinking (Lambert 2008), come to justify the legal procedures that create statelessness (Arendt 1973). International positive legal thought sees migration in the context of historically contingent communities who came to self-determination and codified the nation-state’s right to govern their own borders. In this mystifying antinomy, international law mythologizes the border violence states incur onto migrants. In both cases, migration is naturalised or historicised away as causes that justify the law-preserving violence of state border enforcement. Migration as a potential law-making warring act threatens state law itself because migrants embody Fate itself on the move.

Benjamin’s *Critique* leaves a legacy to read the migrant as a stand-in for Niobe, the mythical figure turned to stone by the gods, as a manifestation of border violence; or more precisely, Niobe and deported migrants *are borders* made into stone (Ty 2019).

In this reading, migration is a divine event that sends law-destroying representatives who states assimilate into or exclude from the space of History that sovereign borders carve out from the eternal state of nature. Migrants become the line, in a depersonalized, dehumanized, and reified stand-in for the law-making violence of borders. The legal status assigned (or denied) to migrants denotes a border being sublimated onto their bodies. Refugees bear the mythic violence of statelessness, where humanity forsakes life to uphold territorial sovereignty. Refugee camps lay bare *homo sacer* who bear the mark of exile from the international community of states. Border violence demarcates where bodies stand temporally between law-defined state History and its other, the war that is the state of nature.

Political theology of Sanctuary

Sanctuary City politics is understood by migration, citizenship, and border scholarship to be enmeshed within the dialectic contradiction Benjamin identifies in *Critique of Violence*, between natural right and positive law's relation to justice. On one hand, rights of belonging, hospitality, and the city are natural rights and ends of all humanity. On the other, communities worldwide are entitled to autonomy, sovereign internal affairs, and self-determination within history (Bauder 2016b). Sovereign borders enclose where Benjamin's legal violence occurs with states sublimating migration to serve the ends of military occupation, colonialism, and capitalist displacement. His work explicates how myth making converts the violence inherent to sovereign borders into legally rationalized power, enabling state citizenship and immigration policies to sacrifice life for the mystic ends of nation, civilization, and economic progress.

To emulate Benjamin and isolate the border as an object of critique necessitates confronting the role that historical knowledge plays in obscuring and creating borders. History both depends on and records the borders which casts out an unbound timelessness, i.e., the eternal, from which temporality can emerge. The border in this case precedes the historical capacity to identify its bifurcation. Historians operate like sovereigns both inside and outside history, determining the criteria of what constitutes as time (Davis 2012). As Benjamin (1978: 299) observes, 'the critique of violence is the philosophy of its history [...] because only the idea of its development makes possible a critical, discriminating, and decisive approach to its temporal data.' Similarly, a critique of borders is the political theology of its histories because only in revealing whichever eternal orders are excluded can temporal bifurcations be gleaned.

Sanctuary in some senses reproduces a state-centric view of migrants by way of historicizing or naturalizing migration. Sanctuary rhetoric presents itself as either responding to the natural fact that migration is a human right, or, that historically, migration is important in every nation-state's historical formation (Foerster 2019). Neither of these accounts enables the migrant to don a messianic role to undo the state. Sanctuary policies create spaces wherein a migrant can enjoy their natural right to seek the good life (e.g., economic migration) and/or rectify the state's failure to grant the positive right to claim asylum. In each case, Sanctuary spaces (cities, schools, or churches) draw on

historical precedents in order to implement a border enclosing the natural right to migration or positivist refugee law.

Sanctuary advocacy largely frames the project in pragmatic terms to help migrants and often denies utopic motives (Lenard and Madaroko 2020). Nevertheless, Sanctuary activism reveals how non-state actors can appropriate borders to enclose a space where history *could* come to an end as opposed to the nation-states' legal mythology which refuses to acknowledge the possibility of its own finitude. *Utopic purgatory* as a theological concept, arguably applicable beyond Sanctuary contexts, exposes how a critique of border violence requires a historical epistemology that accepts eschatology. However, this political theology refuses to accelerate the abolition of state borders and only holds space for Fate to migrate and wait within Sanctuary.

Utopic purgatory shows how any border is in fact a materialized historical claim to violence that is intertwined and mystified with law. Borders enclose space and time in state-centric terms (Scott 1998) exemplified by methodological nationalism (Wimmer and Schiller 2002) and the territorial trap (Agnew 1994) which stipulate that modernity only dwells within sovereign territoriality, and all that falls outside those borders is the brute and violent state of nature (Walker 2015). Sanctuary, on the other hand, borrows a different form of history but from a history, nonetheless.

European and North American Sanctuary practices herald from Christian and Medieval jurisdiction over asylum claim, whereas Indigenous and African anticolonial resistance used Sanctuariescapes of shifting networks and regions to evade and fight genocidal rule (Villarreal 2019). Church Sanctuary involved vestigial ecclesiastical authority and immunities where eternal salvation remained in the hands of clergy but was confined to church property. Therein enclosed, the pastoral power of church authority emerged, and in the colonies subjected those seeking its refuge to baptism, conversions, and sacraments (Villarreal 2019: 45). Similarly, within the US, movements involving campuses hiding draft dodgers, churches harbouring Central American refugees, and Sanctuary City policies, are all spaces where activists seek speaking historical truths to power (Maira 2019). In one case of the 1980s the US Federal government prosecuted Sanctuary volunteers administering asylum claims within the church, however during the trial the court barred the plaintiffs from admitting into evidence the US-caused atrocities of Central American Wars causing for the refugee influx (Pirie 2013). These cases show how Sanctuary's borders encloses alternate theologies of history (wherein justice exists) to harbour migrants fleeing state sacrifice whose mythical violence is rendering life bare with sovereign power.

On the borders of purgatory

Purgatory applied here is a theological epistemology that subordinates History to Fate in order to allow the possibility of a messianic figure to appear and bring about utopia. Purgatory is a doctrine emerging from the twelfth century and marked a departure

from the theological preoccupation with eschatology as ever more time continued to pass awaiting the final judgement of Christ's second coming. This theological idea consecrated a timeless place for those who missed final confession before passing and where coupled souls separated before the end-times could reunite before the final judgement (Walls 2011: 21). Failed twentieth century utopic projects often find themselves in the purgatories of moribund unions, academic halls, and small radical electoral parties. *Utopic purgatory* spaces appear to challenge states because the latter's borders promulgate the Augustinian political theology that sovereignty (that states monopolize) is the only means to manage good and evil within the *City of Man*, i.e., the temporal plane (Magnusson 2006). This view places eternity into the *City of God* which is pitted against the natural Epicurean 'unwalled city' of humanity that is perpetually stuck in state of war (Connolly 2002: 82). *Utopic purgatories* recognize the possibility that the *City of God* could materialize on earth, whether in a Sanctuary, commune, or assembly. States, however, desire retaining their monopoly on a mythologized sovereign order whose borders constitutes the exclusive 'epistemic standpoint' that defines History and, conversely, its other, Fate (Ty 2019: 316). Within the borders of purgatory exists a history that acknowledges eternity, however delayed its utopic promise.

Critiquing border violence calls for a political theology that transcends the division between history and the state-of-nature which justifies legal violence enacted towards migrants. Sanctuary borders still demarcate the eternal and historical, albeit to harbour the natural rights of migrants. Debates surround the extent to which Sanctuary Cities shatter and/or manoeuvre legal immigration law by employing human rights discourse, claiming everyone's natural right for safety and security (Kuge 2019, 2020). This framing belies how human rights nevertheless seeks implementing a border to realize its natural ends which are still waiting for their historical moment. Sanctuary Cities imbue a sense of timelessness onto precarious migrants who experience their future being suspended due to their legal relation to a state's borders (Bagelman 2013; Bagelman 2016; Squire and Darling 2013). Sanctuary's timeless quality speaks to its historical bordering that encloses a new temporality out of step with state history.

In Sanctuaries, the Westphalian myth that underpins inter-state law and borders has no hold. Instead, purgatory's eternal temporality exists within a bounded space churches and cities invoke while awaiting utopia. Benjamin's understanding of how law casts out extra-legal violence for its own survival equally applies to borders that necessarily resist the monism of undifferentiated space and time. International Relations has long identified how Westphalia is the necessary myth of international law by codifying that temporal rulers of the world trump spiritual authorities in matters of warfare (Piirimäe 2010). Princes can wage war, but religions and notions of eternal justice are to be contained within borders, lest borderless religious claims subsume all nations into warfare for eternity. *Utopic purgatory* may harbour, like Sanctuary, claims to eternal sovereignty (of God or migration), yet such spaces remain carved from History whose borders keep such a possibility at bay. ■

Benjamin on Violent Biopower

R. Guy Emerson

Introduction

Walter Benjamin and his ‘Critique of Violence’ inspire this paper. In commemoration of its 100-year anniversary, Benjamin’s argument is followed, albeit in reference to the violence of biopower. To follow Benjamin is to think through his force of critique, all the while deploying its dual function in this novel setting. Critique for Benjamin is twofold. It catalogues the different forms that violence takes, only to enact a critical separation. On the one hand, Benjamin provides a taxonomy of violence: from acts that confirm political-legal institutions to those that challenge these foundations. And, on the other hand, critique shifts the criteria for understanding violence to take on a just and unjust, authentic and inauthentic character: the instrumental force of the state is distinguished from the revolutionary, as is mythical violence from the divine.²

Although following Benjamin, to extend critique to biopower requires engaging with Michel Foucault and *Society Must Be Defended*. This paper is a conversation between these two texts. If Foucault grounds analysis into biopower, then the disruptive thrust of critique comes from Benjamin. Critique catalogues the stated ends and practical means of violent biopower – as per Foucault’s genealogy – but also extends analysis to criteria irreducible to these logics. Eschewed are any life-sustaining ends: the deadly distinctions between worthy and unworthy forms of life; and, denied are any life-maximizing means: the administrative practices that affirm or disavow life. Critique accordingly moves beyond the confines of institutional power and an analytics of power/knowledge to open biopower onto a novel terrain: the sphere of pure means and the internal dynamics of power/violence (*Gewalt*). Or more directly, it reveals how violence immediately strikes life to rework the *bios* of biopower beyond official qualifications.

Violent biopower as ends

Analysis begins with Benjamin and a critique of ends. The first pages of his essay re-fute violence as just ends. While noting natural law, Benjamin (1978: 278) is critical of any political philosophy that characterizes violence as a natural phenomenon that serves political ends. Violence is incorrectly understood as a timeless expenditure of energy that merely requires political harnessing.³ For Benjamin, such approaches are hamstrung because they fail to provide a criterion for violence as a principle and instead focus on its consequences and their justifications. The result is an eternal cycle of violence and counter-violence, each with competing ends said to be more just than those previous. The interest below is to apply this critique to biopower: to first catalogue and later surpass a system of just ends.

Introduced in *Society Must Be Defended*, biopower contrasts with the violence of previous sovereign and juridical models of power; models wherein violence ensured rule as the sovereign right to kill and as punitive violence against those who broke the law (Foucault 2003: 239). While not replacing these models, biopower nonetheless exhibits a novel ‘hold over life’: it does not take life but makes live and lets die. The political utility of violence does not disappear but adopts a productive value, with the objective of making live connected to death: ‘If you want to live, you must take lives, you must be able to kill’ (Foucault 2003: 255). To ensure collective wellbeing is to eliminate external others (foreign enemies), internal others (domestic vagrants) or interior others (behavioural abnormalities):

The more inferior species die out, the more abnormal individuals are eliminated, the fewer degenerates there will be in the species as a whole, and the more I – as species rather than individual – can live, the stronger I will be. (Foucault 2003: 255)

The life-ensuring ends of biopower reproduce a violence that permeates divisions between lives to destroy and lives to save. Or, as Michael Dillon (2015: 151) states, to make life live it has to be secured and this requires ‘continuous war against whatever threatens life.’

Returning to Benjamin, to understand violence on its ends traps critique within official justifications, or, for biopower, within a spurious vitalism. It is spurious not because biopower kills, but because it depends on a strategic calculus of necessary killing. More than a punitive economy of who dies, as per sovereign and juridical models, biopower concerns how much violence is necessary to secure the population. Critique repeats what Dillon (2015: 9) calls the *aporia* of biopolitical security, wherein the endless task of protecting life is based on endless death.⁴ It is aporetic because in determining how much killing is necessary, the sovereign answers with evermore death or forgoes the promise of ensuring life. Biopower is confronted with a necropolitical limit of ever-greater violence (Esposito 2011: 9, 138).⁵

Benjamin eschews such ends. While he writes of military force, parallels are found in biopower. Less instrumental than Benjamin’s militarism, biopower is nevertheless consistent with a criterion of ends. Biopower is evaluated not on how it divides forms of life, on the demarcations of inside/outside, normal/abnormal. Instead, success is determined on whether such divisions are violently secured. Violence is just if it secures life, whatever the cost. Following Benjamin (1978: 277, 279), critique is confined to a system of ends, only capable of operating through a ‘bottomless casuistry’ of necessary killing. To move beyond this deadly logic, Benjamin (1978: 277) asserts that ‘violence can first be sought only in the realm of means, not of ends.’ As demonstrated below, however, this shift is deceptive as means are often infused with ends, with violence posited as a moral means to just ends.

Violent biopower as means (to ends)

Benjamin next turns to violence as means. He does so first by contrasting positive law to transcendental philosophy or legal positivism. Positive law historicizes by shunning external categories for a more implicit typology: violence is understood on whether or not it was historically sanctioned (Benjamin 1978: 279; Hanssen 2000: 20). In contrast to ahistorical or positivist approaches, violence is determined within the social-political realm, albeit one ultimately criticized by Benjamin. Indeed, the perceived indecisiveness of legal/violent authority (*Rechtsgewalt*) in the Weimar Republic led Benjamin to eventually replace this approach with the absolute decisiveness of the divine. Nonetheless, the utility of passing through positive law is how it renders violence a social-historic measure inseparable from the political field.

A social-historic approach is not foreign to Foucault but requires careful engagement. *Society Must Be Defended* can only be selectively cited, as Foucault demonstrates two historic appreciations. Sections that render conflict a genealogical object sit awkwardly with Benjamin (1978: 283) and his dismissal of ‘primordial or paradigmatic’ violence. In these sections, Foucault (2003: 168-70) deploys violence as both a historical constant and narrative basis for sovereignty. Based on the writings of Henri de Boulainvilliers, Foucault (2003: 74, 165) provides an instrumental take on violence wherein war is the condition of possibility for the nation and sustains class distinctions.⁶ In so doing, he elaborates a genealogy of the historiography of war, rather than a genealogy of war itself, with violence treated as a general category reduced to political intentions. It is an already given object with a particular purpose: the foundation of political narratives and subjectivities. Or, for Benjamin (1978: 279-80), it is a means consistent with statist ends, used as a weapon in political struggles, as the basis for institutional power.

However, there are moments when Foucault adopts a social-historic understanding. Violence is more than a general condition and war is irreducible to an object of historical discourse. Rather, like Benjamin (1978: 279), it is part of the historic workings of power, wherein the connection between violence and political order is not originary, but reliant on specific relations. In acknowledging this construction, Foucault shifts an understanding of biopower towards a technology of rule and the violence implicit in its implementation. For the purposes of brevity, three relations are noted: biology, security *dispositifs* and actuarial sciences. First, violent qualifications on life were a product of nascent biological knowledge on the population – read: its racial purity. Although racial distinctions were not invented, they allowed calculations on life to become indivisible from the suppression of anything risky – read: racial degeneracy (Foucault 2003: 254, 256).⁷ Second, while biologism gave life a violent depth, the deadly optimization of life was only possible through novel technologies of security. Beyond protection alone, biopower would regulate populations. It juxtaposes all that puts species life at risk – mortality rates, toxicity and disease – so as to render predictable facets of collective wellbeing (Foucault 2003: 242-3; 2007: 19). Third, these regulatory mechanisms were themselves

possible due to actuarial sciences that first commodified risk and later made it the object of government (Foucault 2003: 246-7). Risk-based calculations on the connectivity between life- and death-related elements then allowed for society to be optimized – read: eliminate anything abject. In short, the means of biopower became intimately tied to the efficient use of violence, whether to segregate, suppress or eliminate all that threatened collective wellbeing.

At first glance, both Foucault and Benjamin offer social-historic appreciations of violence. Each shuns external categories for the political context that makes violence possible. More than a lethal securing of life (Benjamin: just ends), Foucault also notes a violent suppression of life within biopower. Biopower masks violence within scientific truths; truths that are further covered over by the stated goals of ensuring collective wellbeing (Benjamin: means subsumed to ends). However, differences remain. If Foucault makes visible the violence to such means by noting its conditions of possibility, then Benjamin undercuts official criterion.

First, for Foucault, the violent means of biopower are revealed in the analytical grid of power/knowledge. If knowledge suggests an epistemic violence that regiments life, then power violently regulates existence. On the one hand, scientific truths reveal the intersection of knowledge and violence in biopower: the pseudo-biology of race, the calculations of actuarial sciences. On the other hand, biopower makes knowledge operational by having it pass through particular focal points. It operates through networks of legal, psychological and medical expertise to allow for multiple, targeted interventions into a population. For Johanna Oksala (2012: 109-10), this is violent biopower as ‘rationally moderated and professionally regulated’. It is made operational, passing from point to point in disavowing life.

Second, despite illuminating the means of violent biopower, power/knowledge also restricts critique. Returning to Benjamin (1978: 277, 279), this is because understanding remains confined to state-based rationales. The violent protection of a population is deemed legitimate/illegitimate according to established qualifications on life, as per scientific truths (knowledge); and, the regulatory merit of violent intervention is determined through the efficiency with which it oversees collective existence, including the relations between government and the population (power). Critique remains within the analytical grid of power/knowledge. It is tied to this or that domain of knowledge, confined to this or that stratification of relations. Although power/knowledge reveals the violent means to biopower, it continues to separate critique from actual expressions of violence. Ignored is violence as an actual manifestation of force, as something that takes effect within a ‘sphere of application’ (Benjamin 1978: 279). Following Béatrice Han (2002: 142-44), power/knowledge operates as a ‘metaphysics of power’, independent of actual configurations of violence. Critique is consequently fixed to a position that genealogy sought to combat: giving primacy to external readings over situated configurations. It is in this context that a return to Benjamin, and his call for an appreciation of violence as means beyond ends, becomes useful.

Violent biopower as pure means

What distinguishes Benjamin's critique is violence as pure means. Violence is not a practice of rule or means to ends, but a means without ends (Agamben 2000: 60; 2005: 61-2). Violence is 'non-mediate'. It refuses to govern or execute any function (*schaltende*), instead manifesting its own order (*waltende*) (Benjamin, 1978: 294). This non-mediate function renders violence un-medi-able (*un-mittel-bar*), acting only as a function of itself, only as manifesting its own force (Agamben 2005: 62; Weber 2008: 197-8).

However, pure violence is not absolute or self-contained. Giorgio Agamben and his non-substantial reading of purity are useful here. Based on a letter that Benjamin wrote in 1919 to Ernst Schoen, Agamben (2005: 61) maintains that Benjamin's notion of 'purity' is not self-dependent. As a finite thing, purity depends on something other than itself, on extraneous conditions. It is not a substantial property 'in' itself, but operates 'through', in a relational capacity (cf. Benjamin 1997: 64, 65, 68). This allows Agamben to assert that pure violence is not in itself, but also a 'relation to something external'. As should be clear, 'something external' is not a realm of ends. Rather, violence is conditioned by something external that nonetheless remains a question of its own mediality (Benjamin 1978: 294-5); what Agamben (2005: 62) calls 'mediality without ends'.

When translated, pure violence opens critique onto biopower as means without ends. Following Samuel Weber (2008: 198), however, it does so in a manner that appears contradictory: pure violence both manifests itself and is dependent on something external. How can violent biopower both express itself – Benjamin: as 'manifestation' – and yet remain pure – Benjamin: not 'in' itself but 'through' something external? Appreciating this apparent contradiction is central to opening the criteria for violence. Yes, pure violence expresses itself, but it is an expression that manifests the relations through which it is constituted. That is, pure violence is both relational and manifestation. It bears a 'relation to something external', namely the constitutive forces on which it depends and it manifests itself through these immanent relations. What makes an act of violence possible may indeed concern external juridical-political institutions. However, this institutionality is important only insofar as it is expressed through an internal relationality within the act itself: violence as means without ends. Attention shifts to the local expression, and immediate consequences, of such violence and beyond its intended aims. As a result, critique is invited onto a plane no longer contoured by power/knowledge but, as discussed below, by the dynamics of power/violence.

Attention turns to the title of Benjamin's essay: '*Zur Kritik der Gewalt*', with *Gewalt* translated as both power and violence.⁸ Thinking with and beyond Benjamin, his reflections on *Gewalt* reconsider the conventional borders between power and violence: *Gewalt* is the power that implicitly accompanies violence, not something that is separate from, or the result of, a coercive act. Power and violence are always entwined. Benjamin accordingly invites an immanent historicization of violence, an interrogation of the power manifest in any violent act. If, as noted above, Foucault provides a genealogy of the historiography of war and of biopower as a technique of governance, then only in combination with Benjamin does genealogy extend to the violent act itself. This is done

through an appreciation of *Gewalt* as power/violence which extends critique beyond official intentionality: the criterion for violence bears no reference to ends or means infused with ends. Instead, critique turns on the act itself. Or, following Benjamin (1978: 292), the criterion for violence is located solely in ‘the law of its means’.

Elaborating on the implications of *Gewalt*, Benjamin opens onto what Foucault might call a microphysics of power/violence (contra a microphysics of power). Violence is not grounded in external authority, but in a ‘moving substrate of force relations which, by virtue of their inequality, constantly engender states of power, but the latter are always local and unstable’ (Foucault 1978: 93). When translated, biopower operates in this ever-moving substrate. It transpires between the different elements that set the conditions for its expression, with this multiplicity coming together in ‘always local and unstable’ ways. The violent act envelops the distances between its constitutive elements, bringing them into an immediate (read: local) tension. However, the act remains volatile (read: unstable) insofar as it is an effect of that multiplicity of elements having come together just so. The violence of biopower as pure is only ever the contingent (read: local and unstable) effect of this relationality.

Evident is how Benjamin opens critique onto an immanent plane: the local and unstable forces manifest in any violent act. It is not what is external, but internal to violence that is of interest; not the ends of violence, but its immediate effects. Like biopolitics, analysis of this immediate relationality remains empirical. But it is one more radical. Following William James (2012: 29), it is a radical empiricism because: (1) it starts with the constitutive parts of a violent act, and (2) it admits onto this immanent terrain any element that is experienced in an act of violence. More than an internal multiplicity of forces, it is also how these forces inform life, albeit life understood from the vantage of individual experience – as per literature on martial empiricism.⁹ In short, the *bios* of violent biopower is part of the story. Life is not just violently administered, as per the logics of means and ends. It is also immediately implicated in violence: (1) because individuals are themselves forces among the force relations, are part of the circulations, connections and arrangements that compose violence; and (2) because the contingent coming together of forces is felt in the experience of violence. Critique accordingly coincides with literature on necropolitics that is mindful of the anatomic, sensorial and tactile subjugation of individuals to violence (Mbembe 2003: 14, 34; 2019: 86-7; Emerson 2019: 43-68). Rather than merely a technique of rule, there is an overlap between death and experience where-in violence, in its constitution and in its expression, is immediately part of the social field.

While this paper is a speculative exercise, apparent is how Benjamin first refuses to reduce violence to state-centric criteria, biopolitical or otherwise. The violence of biopower is irreducible to ends: the ceaseless task of protecting life based on ceaseless death; and, it is irreducible to means subsumed to ends: collective wellbeing through the suppression of life. Instead, critique opens onto the sphere of pure means: forces that operate immanently to violence. Second, to think biopower through the dynamics of power/violence – rather than power/knowledge – is also to reconsider the *bios* of biopower. No longer based on set divisions of life, biopower instead manifests force relations that strike life well before it is capable of protecting a population. And, no longer founded

on set qualifications of life, biopower expresses forces that afflict life well before they are capable of maximizing collective wellbeing. The life-protecting or -maximizing premises of biopower are undercut as violence operates beyond established qualifications and administrative measures. Instead, critique is opened onto a novel politics of life and violence, in which the effects of biopower are too immediate to comply with statist ends, too unstable to coincide with official means.

Notes

- 1 [Note by skaidra] Benjamin (1978) sees the military as possessing a source of authority that exceeds and competes with that of the state and law. He labels military violence 'predatory' and 'primordial' and capable of 'sanctioning, regardless of all other legal conditions, of every victory' (283). In this sense, the military is a non-state actor endowed with sovereignty that states seek to appropriate while also fearing a permanent standing army as a rival to state power.
- 2 [Note by Emerson] Benjamin works in the Kantian tradition where 'critique' reveals the conditions of possibility of a phenomenon. However, he also extends 'critique' as a critical separation from these conditions. On the former, transcendental critique, see Beatrice Hanssen (2000: 18); on the latter diacritical model, see Jacques Derrida (1992).
- 3 [Note by Emerson] This logic is repeated in the instrumentality of Carl von Clausewitz (2007: 28) in *On War* – 'war is the continuation of politics by other means'; in Friedrich Engels's *Anti-Duhring* (1987: 154) – the 'triumph of force depends upon the production of armaments'; and, in Hannah Arendt's (1970: 64) *On Violence* – violence as the 'only way to set the scales of justice right again'.
- 4 [Note by Emerson] Literature on necropolitics similarly focuses on violence within the context of ends and means, albeit by emphasizing the power of death within sovereign administration. For Achille Mbembe (2003: 11-2; 2019: 66), it is control over mortality that is integral to sovereignty. The subjugation of life to the power of death is accordingly what constitutes contemporary bio- *qua* necro-politics.
- 5 [Note by Emerson] In his work on the thanatopolitical, Roberto Esposito (2008) disrupts ends and means, albeit by inverting the official thanatopolitical *dispositif* so as to render it both immanent and therefore, similar to Benjamin, surpassable.
- 6 [Note by Emerson] This distinction allows Foucault to forward a 'historico-political discourse' based on conflict, in contrast to a 'juridico-political theory of sovereignty' as exemplified by Thomas Hobbes. For more, see Foucault (2003: 166-70).
- 7 [Note by Emerson] As Esposito (2012: 56) makes clear, there is an implicit bio-necropolitical assumption at work here: 'if the natural purity of the race has been corrupted through blood, it can only be restored through the shedding of blood'.
- 8 [Note by Emerson] Derrida (1992: 6): '*Gesetzgebende Gewalt* is legislative power, *geistliche Gewalt* the spiritual power of the church, *Staatsgewalt* the authority or power of the state. *Gewalt*, then, is both violence and legitimate power, justified authority'.
- 9 [Note by Emerson] For more on the connection between war and radical empiricism in 'martial empiricism', see Bousquet et al. (2020).

Bibliography

Agamben, G. 2000. 'Notes on Gesture.' In: *Means Without Ends*. Minneapolis: University of Minnesota Press.

Agamben, G. 2005. *State of Exception*. Chicago: University of Chicago Press

- Agnew, J. 1994. 'The Territorial Trap: The Geographical Assumptions of International Relations Theory.' *Review of International Political Economy* 1(1): 53–80.
- Arendt, H. 1970. *On Violence*. New York: Harcourt.
- Arendt, H. 1973. *The Origins of Totalitarianism*. New York: Mariner Books.
- Bagelman, J. 2013. 'Sanctuary: A Politics of Ease?' *Alternatives* 38(1): 49–62.
- Bagelman, J. 2016. *Sanctuary City: A Suspended State*. London: Palgrave Macmillan.
- Bauder, H. 2016a. *Migration Borders Freedom*. New York, NY: Routledge.
- Bauder, H. 2016b. 'Possibilities of Urban Belonging.' *Antipode* 48(2): 252–271.
- Bauder, H. 2019. 'Urban Sanctuary in Context.' In: Darling J and Bauder H (eds) *Sanctuary Cities and Urban Struggles: Rescaling Migration, Citizenship, and Rights*. Manchester: Manchester University Press, pp. 25–49.
- Benjamin, W. 1978. "Critique of Violence." In: *Reflections: Essays, Aphorisms, Autobiographical Writings*, edited by Peter Demetz, translated by E. F. N. Jephcott, 1st ed. New York: Schocken Books, pp.277-300.
- Benjamin, W. 1997. 'On Language as Such and on the Language of Man.' In M Bullock and M Jennings (eds), *Selected writings / Walter Benjamin*. Cambridge: The Belknap Press of Harvard University Press.
- Bousquet, A., J. Grove, N. Shah. 2020. 'Becoming war: Towards a martial empiricism.' *Security Dialogue* 51(2-3): 99–118.
- Clausewitz, C. von. 2007. *On War*. Oxford: Oxford University Press.
- Connolly, W.E. 2002. *The Augustinian Imperative: A Reflection on the Politics of Morality*. Rowman & Littlefield Publishers.
- Darling, J. and H. Bauder. 2019. *Sanctuary Cities and Urban Struggles: Rescaling Migration, Citizenship, and Rights*. Manchester University Press.
- Davis, K. 2012. *Periodization and Sovereignty: How Ideas of Feudalism and Secularization Govern the Politics of Time*. University of Pennsylvania Press.
- Derrida, J. 1992. 'Force of Law: The 'Mystical Foundation of Authority'', in *Deconstruction and the Possibility of Justice*, David Gray Carlson, Drucilla Cornell, and Michel Rosenfeld, eds. New York: Routledge, pp. 3-67.
- Dillon, M. 2015. *Biopolitics of Security: A political analytic of finitude*. New York: Routledge.
- Emerson, R.G. 2019. *Necropolitics: Living Death in Mexico*. London: Palgrave Macmillan.
- Engels, F. 1987. *Collected Works: Volume 25 Engels*. New York: International Publishers.
- Esposito, R. 2008. *Bios: biopolitics and philosophy*. Minneapolis: The University of Minnesota Press.
- Esposito, R. 2011. *Immunitas: The Protection and Negation of Life*. Cambridge: Polity Press.
- Esposito, R. 2012. *Third Person: Politics of life and philosophy of the impersonal*. Cambridge: Polity Press.
- Foerster, A. 2019. 'Solidarity or Sanctuary? A Global Strategy for Migrant Rights.' *Humanity & Society* 43(1).

- Foucault, M. 1978. *The History of Sexuality, Volume 1: An Introduction*. New York: Pantheon Books.
- Foucault, M. 1995. *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books.
- Foucault, M. 2003. *Society Must Be Defended (Lectures at the College De France, 1975–1976)*. London: Palgrave Macmillan.
- Foucault, M. 2007. *Security, Territory, Population (Lectures at the Collège de France, 1977–1978)*. New York: Picador.
- Gordon, P.E. 2020. *Migrants in the Profane: Critical Theory and the Question of Secularization*. Yale University Press.
- Han, B. 2002. *Foucault's Critical Project: Between the Transcendental and the Historical*. Stanford: Stanford University Press.
- Hanssen, B. 2000. *Critique of Violence: Between Poststructuralism and Critical Theory*. New York: Routledge.
- Lambert, H. 2008. 'International refugee law: dominant and emerging approaches.' In: Armstrong D (ed.) *Routledge Handbook of International Law*. Routledge, pp. 344–354.
- Lenard, P.T., and L. Madokoro. 2021. 'The Stakes of Sanctuary,' *Migration and Society* 4(1): 1–15.
- Magnusson, W. 2006. 'The City of God and the Global City,' *CTheory*: 10/5/2006-10/5/2006.
- Maira, S. 2019. 'Freedom to Move, Freedom to Stay, Freedom to Return: A Transnational Roundtable on Sanctuary Activism,' *Radical History Review* (135): 138–159.
- Mbembe, A. 2019. *Necropolitics*. Durham: Duke University Press.
- Oksala, J. 2012. *Foucault, Politics, and Violence*. Evanston: Northwestern University Press.
- Piirimäe, P. 2010. 'The Westphalian myth and the idea of external sovereignty.' In: Kalmo H and Skinner Q (eds) *Sovereignty in Fragments: The Past, Present and Future of a Contested Concept*. Cambridge: Cambridge University Press, pp. 64–80.
- Pirie, S. 2013. 'The Origins of a Political Trial: The Sanctuary Movement and Political Justice,' *Yale Journal of Law & the Humanities* 2(2): 381-416.
- Rocheleau, J. 2011. 'Proceduralism.' In: Chatterjee DK (ed.) *Encyclopedia of Global Justice*. Dordrecht: Springer Netherlands, pp. 906–906.
- Scott, J.C. 1998. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven: Yale University Press.
- Squire, V., and J. Darling. 2013. 'The "Minor" Politics of Rightful Presence: Justice and Relationality in City of Sanctuary,' *International Political Sociology* 7(1): 59–74.
- Ty, M. 2019. 'Benjamin on the Border,' *Critical Times* 2(2): 306–319.
- Villarreal, A. 2019. 'Sanctuaryscapes in the North American Southwest,' *Radical History Review* 2019(135): 43–70.
- Villazor, R.C., and P. Gulasekaram. 2018. 'Sanctuary Networks,' *Minnesota Law Review* 103: 1209–83.
- Walker, R.B.J. 2015. *Out of Line: Essays on the Politics of Boundaries and the Limits of Modern Politics*. New York: Routledge.
- Walls, J.L. 2011. *Purgatory: The Logic of Total Transformation*. Oxford: Oxford University Press.

Weber, S. 2008. *Benjamin's –abilities*. Cambridge: Harvard University Press.

Wimmer, A., and Schiller, N.G. 2002. 'Methodological nationalism and beyond: nation–state building, migration and the social sciences.' *Global Networks* 2(4): 301–334.

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Biopoder: Fórum sobre a atualidade da “Crítica da Violência” de Benjamin em seu centenário, Parte IV

Resumo: Walter Benjamin publicou seu influente ensaio “Crítica da Violência” / “Zur Kritik der Gewalt” em 1921, e o trabalho tem perturbado e provocado pensadores de várias disciplinas há mais de um século. Este Fórum reúne um grupo de estudiosos em filosofia, ciência política, relações internacionais e estudos jurídicos para refletir sobre a atualidade do ensaio de Benjamin para a teoria crítica contemporânea. sasha skaidra e R. Guy Emerson elaboram sobre como o clássico de Benjamin ilumina as compreensões contemporâneas da política da vida e da morte (violenta) globalmente. skaidra foca no movimento da Cidade Santuário na Europa e América do Norte. Argumentando que a política do Santuário é limitada em sua capacidade de desafiar as fronteiras em si mesmas porque o movimento está preso em uma falsa antinomia entre lei natural e positiva que Benjamin critica, a contribuição de skaidra propõe uma crítica das fronteiras que emula o método de Benjamin, isolando a violência da mistificação da teoria jurídica. Enquanto os movimentos de justiça migratória ameaçam a ordem estatal desafiando as noções de tempo westphaliano, o Santuário opera como um purgatório onde uma potencial figura migrante messiânica poderia anunciar o fim das fronteiras estatais. skaidra propõe a ideia de um purgatório utópico como meio de isolar como as Cidades Santuário contribuem e limitam uma crítica das fronteiras. A contribuição de Emerson relembra Benjamin em relação a Foucault, pensando o biopoder por meio de critérios irreduzíveis a qualificações oficiais sobre a vida ou à gestão eficiente de populações. Como meio puro sem fins, a violência para Benjamin não pode confirmar nada externo a ela, seja a proteção da vida que vem após sua eliminação em outro lugar ou a regulação da vida que segue a supressão da alteridade. Para Emerson, o biopoder violento, como puro, manifesta uma ordem mortal que atinge imediatamente a vida de uma maneira muito abrupta para confirmar a regra ou regular as populações. O resultado é um critério para entender tanto a violência quanto a vida no biopoder, que mantém sua distância das intenções oficiais.

Palavras-chave: Cidade Santuário; Migração; Cidadania; Fronteiras; Walter Benjamin; Michel Foucault; Biopolítica; Violência.

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