War in Europe Again - Transformations of Political Violence

The re-emergence of war violence and the spectre of nuclear war have shocked Western societies in recent months. Yet the rather long history of violence has not yet ended in the 20th century, even though it is present in changing forms in our postmodern world. Two new books help to provide a deeper understanding of the intrinsic relationship between the political sphere and violence.

While horrifying images and video footage attest to the brutality of war in Ukraine, the reality is that the arms race between the great powers has been intensifying since the 2008 financial crisis. The nuclear threat has not disappeared with the collapse of the Soviet Union, and the development of long-range ballistic missiles has only made the military defence systems more challenging. But fear of war and destruction is in fact a long-standing driving force of human civilisation, and brute force has not entirely disappeared from our various political systems. We often call this legitimate state violence.

Two new volumes help us to come to terms with old and new forms of violence, the latter being transnational violence aimed at overthrowing the global order, of which the terrorist attack on the United States on 11 September 2001 is a classic example. An examination of the 'shapeshifting' of violence and of classical philosophical reflections on violence helps us to gain deeper insights into the world of law and politics.

Interpersonal violence - a declining trend?

Philip Dwyer's book (Violence - A Very Short Introduction) presents the most basic constellations in the relational systems of violence. Dwyer explores the most basic moral dilemmas in the first half of the book: „The list of what constitutes violence is endless and is so pervasive across so many societies and cultures that it forces us to ask, is it part of human nature? All societies are violent, and all individuals have the capacity for violence, but not all societies and individuals are equally violent. But if violence is a constant throughout history, what does that say about us as a species? Does violence come naturally to people or do people have to overcome their reluctance to engage in violent acts? Might modern humans find it more difficult to overcome that reluctance than people in past centuries (depending on the culture in question)? Or is violence a social tool or function that is culturally dependent?" However, the first difficulty is not the moral issue and the cultural difference, but the dilemma of what violence is, what is the definition of violence. Dwyer focuses primarily on physical violence, for him violence is the deliberate abuse of other individuals, groups or communities that results in physical injury or even death.[1] Physical violence may take place in intimate relationships, but also in the political sphere, between hostile groups and communities that do not know each other, or in religious forms, but in the modern era, secular violence has become increasingly common. Genocide and pogroms are serious and specific forms of political violence and gang violence emerged in the United States in the 20th century. In these cases, the role of the state, which has to use counter-violence to contain the struggle between social groups, has become crucial.

The role of the state has become more important as social reproduction has become more efficient through modern technology, energy and food. The accumulation of capital can take place within state systems, or at least within the framework of state regulation. Thus the nature of the struggle between social groups has changed. The role of the state is extremely complex

in the history of violence. Max Weber's classic idea is that the state has acquired a monopoly over violence and that interpersonal violence has declined as a result of the state's centralisation and bureaucratisation of violence. However, this model is not entirely accurate, as in many cases in history the civilian sphere has had to put up strong resistance to state violence against individuals. Examples of the degeneration of state violence against individuals include the Armenian genocide, Soviet collectivisation and the Holocaust. A little known example is the eugenics programme in the United States, which led to the sterilisation of tens of thousands of women. A classic example of inter-state violence is warfare, which also takes many different forms. Violence also takes very different forms in the functioning of modern bureaucratic states. Examples include police violence against minorities, prison, modern slavery.

Transnational violence vs. global order

Dwyer's line of thought is essentially taken up by Mark Shirk in 'Making War On The World - How Transnational Violence Reshapes Global Order'; this book has elaborated a new form of violence: transnational violence. Shirk's starting point for transnational violence is the 'Golden Age of Piracy', which had an important impact on certain state transformations, the emergence of maritime trade and the rise of Britain. It is true that these processes later led to the end of the age of piracy. There is a close correlation between the fact that most of the pirates were English (Francis Drake, Henry Mainwaring, Henry Morgan, William Dampier, etc.) - they caused quite a lot of problems for the French, Spanish and Dutch - and the fact that it was during this period that England became a major power in the Atlantic. „The golden age of piracy was a crisis for European Atlantic empires that would shatter the practices that drew the line. Shattering comes down to three things— enough material damage to matter, a challenge to state legitimacy, and the illegibility of the violence itself. While sea raiding was not an illegible action— it was expected— the way in which sea raiding took place and the justifications for it were illegible. (…) The pirates of the golden age created a crisis that went beyond monetary losses; it struck at the heart of the state, empire, and society by challenging the line and the boundaries that created colonial rule. That pirates made exotic claims about acting under their own authority is at the crux of the challenge: the authority of God, country, and property were rejected. Pirates could not be accommodated or defeated within contemporary boundaries." – explained Shirk.[2]

According to Shirk, the "modern pirates" are the anarchists and terrorists who, through assassinations and negative communication, also make the existing system illegitimate. They are the modern representatives of transnational violence, who classify the existing international system as illegitimate and "corrupt" through their violent acts. Political violence generally has two important elements: 'shattering' and 'reinscribing' ('reestablishing'). The aim of violence is to shatter the system or order, which can then become illegitimate. The 'shattered' state must therefore rewrite itself, reorganise itself. This is an opportunity for revision for terrorists or opponents of the system. In our modern world, the mass media play an important role for propagandists, while terrorists seek to exploit the Internet. Physical violence is thus complemented by propaganda, the dissemination of an ideology, and generally a moral critique of the existing state order. According to Shirk, parallels can be drawn between the "golden age of piracy" and the rise and fall of the Islamic State. The Islamic State's attacks also became transnational through attacks in Paris and Brussels, but this triggered a response from the international community, and the United States in particular, and the Islamic State suffered a military defeat and a decline in support within a few years.

Law - a specific product of violence?

So we can see that violence has been an important factor in the history of politics. It is also worth looking at some of the classical thinkers on the subject.

The first of these was Rudolf Jhering, an influential jurist of the 19th century. In 1868, the German thinker delivered his lecture "Der Kampf ums Recht" ("The Struggle for Law"), which was translated into more than 20 languages over the next two years or so. As Jhering makes clear in his lecture, the central idea of the 'struggle for law' was also to emphasise the political nature of law. Jhering found the role of coercion, of violence, in the reality of law to be increasingly important. Jhering thus saw violence, in the image of the state, as recognising a norm to which it submits, and it is this norm that violence accepts: law. Law is therefore not prior to violence in its origin, and violence does not have to conform to law. From the above, it can be concluded that, according to Jhering, law is a specific product of violence, that is, law arises from the power of the powerful, which limits itself by the norm in its own powerful interest. In this sense, law is also a politics of force. The violence that 'gives' the norm through the state thus becomes limited precisely by the norm it gives, but also by the legal constraint exercised by the state. "The history of violence on earth is the history of human egoism, and the history of egoism consists in man's effort to master how violence can be used in such a way as to render foreign forces not only merely harmless but also useful to himself." - Jhering wrote.[3]

Max Weber's reasoning in relation to social and political phenomena, his conceptualizations of the state, power, etc., serve as a foundation for the theory of law and the state to this day. In his Politics as a Vocation, Weber quotes Trotsky, who in his famous Brest-Litovsk speech said, "All states are founded on violence."[4] By relations of domination, Weber basically meant a state in which the orders of the person in a position of domination are to be obeyed, at least to a certain extent. This is also relevant to the relationship between violence and law, because in comparison with Weber's concept of power, the relationship of domination takes on a different content. Without domination, there could be no social order, and domination in Max Weber's model is a constitutive element of all essential social relations.

Max Weber's contemporary was George Sorel, who can rightly be called a "theorist of violence" in the sense that Sorel was essentially the first to place violence explicitly at the centre of his socio-political investigations. Sorel distinguishes violence from coercion. The former is conceived as a means of rebellion against state power and as a means of creating a new one, which seeks to abolish the state and all hierarchies. For him, however, coercion is more a factor of representative power, exercised by the powers that be in order to maintain state power (an example of the most extreme form of coercion is Jacobin terror). In his Reflections on Violence, written around 1908, Georges Sorel says: "The army is the clearest, most tangible and most solidly rooted manifestation of the state." According to Sorel, there is only one great and serious factor in the whole course of human history, and that is violence, provided that violence is a brutal and direct expression of class struggle. Sorel argues that, according to bourgeois philosophy, violence is a remnant of barbarism and is destined to disappear with the development of enlightenment.[5] But this is a misconception. The disappearance of cruelty and barbarism is indeed a positive development, but various forms of violence are still part of our society. Sorel argued that the development of protectionism, colonialism, taxation, etc., also implies brutal manifestations of violence. Capitalism is therefore neither a given nor the result of natural development, but the consequence of the use of violence.

"The purpose of history is the eradication of violence"

Another tragic thinker, Walter Benjamin, in his influential book Critique of Violence, nails down one of the starting points of his thought, that "to create law is to create power, and this act is thus a direct manifestation of violence."[6]

Benjamin's remarkable idea is that human history is fundamentally dialectical in terms of violence: different forms of violence give rise to a dialectic of history, that is, law-making and law-preserving violence alternate in human history. Benjamin's messianistic philosophy of history is thus the eradication of violence. It is important to note that in his view, for example, parliament cannot be considered as a non-violent instrument of conflict resolution, since the scope of parliament's action is defined and determined only by the rule of law. And the law, in its origin and implementation, is fraught with violence, which is also manifested in the compromise solutions so often used in the political arena. However, it is also the violence that creates the compromise itself, after which either party has the feeling that 'it should be better than this', that it should be better. Benjamin saw the role of contracts in a similar way, as also involving manifestations of violence. Benjamin refers back to Sorel, who believed that, in the beginning, all rights were the privilege of kings or of the great, in short, of the powerful. This also follows from the fact that there is no equality in terms of violence - at most, there is equal violence. And only violence can secure rights.

If we want to settle conflicts by means of law, then we have to acknowledge that we are using violence, and if violence is an unacceptable instrument, then ultimately the application of law itself is problematic. It is possible to settle conflicts without violence, but in this case we should forget about law and rely on non-violence, on non-violent solutions," Benjamin suggests. According to Benjamin, non-violent, pure means can be cordiality, tenderness, love of peace, trust, etc.

It was largely on the basis of Georges Sorel's work that Hannah Arendt, who is particularly well respected in Germany, wrote her 1970 treatise Power and Violence. Arendt reflected on the role of violence in society and its role in the process of 'progress' in the wake of the student uprisings following the Second World War and the brutal technological development of the means of violence. For Arendt, power is part of the essence of every state community, indeed of every somewhat organised group. But violence is instrumental, it needs a purpose to guide it and justify its use.

Power is absolute, it is an end in itself. The usual equivalence of violence and power is based on the interpretation of state-regulated coexistence as domination by means of violence. Arendt sought to illustrate the separation of violence and power by example or explanation. For the German thinker, such an example was the non-violent resistance of the Czech and Slovak peoples to the Russian tanks, which Arendt regarded as a classic example of the opposition of violence and power.[7] But Arendt argues that even the greatest power can be destroyed by violence. As he put it, "the most effective command always comes from the barrel of a gun", but power never comes from it. Arendt thus confirmed his categorical view that violence and power are not the same. But he was not satisfied with this. In his view, in a certain set of relations, power and violence are just the opposite of each other. This, he argues, also follows from the fact that in historical cases where one is absolutely dominant, the other is absent. When power is threatened, violence appears. Violence can destroy power, but it cannot create it.

Finally, it is important to discuss Arendt's last line of thought, which rejects dialectics (Hegel, Marx). Not only did Arendt not equate power with violence, but he also argued that there are no quantitative or qualitative transitions between power and violence. Power cannot be derived from violence, nor vice versa; power is not a tame manifestation of violence, just as violence is not necessarily a manifestation of power.

The „interest of law"

As a representative of post-modern thought, it is worth mentioning the (legal) philosophy of Jacques Derrida. Derrida was, of course, less a philosopher of law than a very controversial philosopher. However, his theory of philosophical-literary deconstruction, which has become notorious in academic circles, has had a significant impact on legal theory. In addition, he has undoubtedly made a number of public statements on public issues that also concern legal matters. Jacques Derrida, studying the work of Walter Benjamin, notes that the most fundamental element of European (Western) law is its prohibition and condemnation of individual violence when it threatens not this or that law, but the legal system itself. This is in the law's own interest.[8] From this interest comes the exclusion of individual violence and the monopolization of violence. The French thinker clearly linked law to coercion. In his view, the creation of law is not based on some higher value, such as justice. Law is based on violence. Violence is therefore not a kind of incidental element of law, but a kind of intrinsic, inseparable part of it. Derrida, however, saw that the world of law could be deconstructed and that more noble legal institutions could be established.

When examining violence in social science, it is difficult not to mention the work of Norbert Elias. Elias studied the processes of civilisation in Western societies. He argued that in the complex processes of capitalism, globalisation and urbanisation, the interdependence[9] of people has given rise to a particular order, more compelling and powerful than the will and reason of the individual people who make it up. In this particular order, we can speak of a process of pacification of social mechanisms, i.e. the reduction of violence in social interactions. This presupposes, on the one hand, subjectively, self-control on the part of each individual and, on the other hand, externally, the monopolization of the means of violence by the state, and at the same time results in it. This certain 'normalisation' of coexistence has resulted, according to Elias, in the gradual replacement of physical violence (coercion) by a kind of symbolic violence, whose 'violence' in reality is gradually fading away. Elias thus put forward a concept according to which violence in Western societies is at least gradually losing its importance in social mechanisms.

[1] Philip Dwyer: Violence – A Very Short Introduction. Oxford University Press, Oxford, 2022. 5.

[2] Mark Shirk: Making War On The World – How Transnational Violence Reshapes Global Order. Columbia University Press, New York, 2022. 54.

[3] Rudolf von Jhering: Der Recht im Zweck. Druck und Verlag von BreitKopf und Härtel, Leipzig, 1877. 243.

[4] Max Weber: Politik als Beruf. Phillip Reclam jun. GMBH, Stuttgart, 1992. 6.

[5] Georges Sorel: Gondolatok az erőszakról. Századvég Kiadó, Budapest, 1994. 68.

[6] Walter Benjamin: Angelus Novus. Magyar Helikon, Budapest, 1980., 50.

[7] Hannah Arendt: Hatalom és erőszak, In: Gulyás – Széplaky: Az árnyék helye. Kalligram Kiadó, Pozsony, 2011., 190-191. o.

[8] Jacques Derrida: A törvény ereje: az „autoritás misztikus alapja". In: Gulyás Gábor – Széplaky Gerda: Az árnyék helye – Tanulmányok a hatalom, a morál és az erőszak kérdéseiről. Kalligram Könyv- és Lapkiadó Kft., Pozsony, 2011, 232.

[9] Norbert Elias: The Civilizing Process. Sociogenetic and Psychogenetic Investigations. Blackwell Publishing, Oxford, 2000. 129.