

Fear and the Sovereign

A Debate on the State of Exception

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Introduction

The theory of the state of exception in political philosophy applies to a situation that lies outside all provision under the law in force. First formulated, in German, as the concept of *Ausnahmezustand*, by the Prussian jurist and philosopher Carl Schmitt in 1921 (*Die Diktatur*), the state of exception (or state of emergency) was appropriated by the “unclassifiable” thinker (to use Michael Löwy’s description) Walter Benjamin in 1940. The violent social and political upheavals in Europe, and not least in Germany, during the period in which Schmitt and Benjamin engaged in their radically different ways with the timely matter of what constitutes legitimacy in the exercise of power are central to the historical context – and the sense of that context and its great historic significance – and thus also, I shall try to show, to the priorities of these two very different thinkers as they sought to rescue the future from the intensifying crises of their time.

In *Fire Alarm*, his book on Benjamin, Michael Löwy makes an observation that I believe is applicable to both our authors, and which I shall consider in my thesis (Löwy, 2005: 18-19):

We have, then, to situate the document in its historical context. It was, to use Victor Serge’s expression, ‘midnight in the century’ and that terrible moment of contemporary history doubtless represents the immediate background of the text. However, we cannot for all that see it solely as the product of a precise conjuncture: it bears a significance that far exceeds the tragic constellation that gave birth to it.

It is evident that both Carl Schmitt’s *Political Theology* and Walter Benjamin’s *Theses on the Concept of History* respond, as Löwy notes, to the specific circumstances of their social and political environment; they each present idylls to set against the grim times in which they live, and these idylls differ radically. For the sake of his vision of salvation, each author feels the need to make a sacrifice, and what each chooses to sacrifice is deeply revealing, I believe, of their most profound fears, compelled as they are to identify what they each wish to hold on to in their utopian vision of society, and what they are eager or at least willing to get rid of. Close contemporaries born just four years apart (Schmitt in 1888, Benjamin in 1892) in the same nation state (the German Empire), they lived, and thought, and wrote, practically simultaneously. Yet their struggles and their outcomes were far from equal – Walter Benjamin’s death in 1940 (by his own hand?), in exile, after a long exodus which brought him to fascist Spain, is testimony to this.

It is my belief that, for all the ambiguities in Schmitt's thinking, often the subject of criticism, his thesis is of fundamental value – as is Benjamin's, in a rather different way. Benjamin's criticism of Schmitt is directed at his (Schmitt's) support of a system that can (lawfully!) sanction and endorse a sovereign who acts in a way that is detrimental to his subjects – indeed whose very goal is to eradicate them, as Hitler's was with regard to Roma, Slavs, Jews, homosexuals, socialists and others. Schmitt, however, did not affiliate to Nazism as such. His support for Hitler was not for the man but for what he represented: the embodiment of the totalitarian sovereign he believed society desperately needed in times of crisis; he despised Hitler as an individual, along with more than a few of his policies. The basis for Schmitt's specific conclusions as to what constitutes an emergency is, I would argue, that which he (and others gripped by a similar sense of crisis) most feared in the face of the emergency: chaos itself. The ethical void or disengagement is explained by this fear, which is directly linked to the “historical context” of which Löwy speaks. But for every utopia – that is, for every movement *towards* utopia – there must be some form of sacrifice: what is sought would not, otherwise, be a utopia – it would be the current state of affairs, since nothing (good or bad) would be left by the wayside: sacrificed.

What is it, then, that Benjamin is willing to sacrifice in the name of social stability and wellbeing? Is there a hole, an absence in his ethics too, or does he propose the ultimate solution? If Benjamin's sacrifices can be seen as ethically valid or validly ethical, as *truly* working in the service of the greater good, then Löwy's claim that Benjamin's thought is not solely a product of his time must be seen as perfectly legitimate. Thus (ibid: 19),

If [the ‘Theses’] still speaks to us today, if it arouses so much interest, so many discussions and polemics, this is because, through the prism of a determinate historic moment, it raises questions that bear on the whole of modern history and on the place of the twentieth century in the social development of humanity.

Löwy points towards the enduring validity of Benjamin's point of view in today's society. The authoritarianism and oppression Walter Benjamin feared (and stood up against with his criticism of Schmitt's *Ausnahmezustand*) are yet to be overcome, as across the globe the exception has become the rule.

The influence of Carl Schmitt's political theory, with his support for a system of government that allows for several interpretations – and can thus be moulded to fit one's own discourse –, has been widely used throughout the twentieth century and up to this day. The concept of the exception, which endorses and justifies the above-the-law power of the sovereign, is very

much apparent in our own recent history, from Nazi Germany, for example, up to and including the response of European governments to “terrorism” and the “refugee crisis”. In the USA, since 9/11, successive governments – those of George W. Bush, Barack Obama and Donald Trump – have rolled back rights and liberties to an unprecedented extent. The prisoners in Guantanamo, whistle-blowers like Edward Snowden and Chelsea Manning, even airline passengers and ordinary citizens using a laptop, tablet or mobile phone, all to very differing degrees instance the prioritising of “Homeland Security” – emergency has become the new normal. Thus, from Schmitt to Benjamin to current global politics, all of them seeking their own ideal society, it is possible to detect a constellation of utopias at whose centre – inevitably and invariably – lurks, in one manifestation or another, fear.

I. The Ethical Void in Carl Schmitt's Concept of Sovereignty

Many people have suggested that there is a 'void' in the political philosophy (or *theology*¹) of Carl Schmitt. His endeavour to produce a justification for authoritarianism, based on Hobbes' theory of man and the Leviathan (*homo homini lupus*), sought to urge his readers away from the dangers of his time, an age of social turmoil that was particularly intense in the German Empire given the economic burden of World War I reparations, the epidemic of the Spanish flu, the huge loss in terms of able (male) workers, and the rise of fascism and communism, to name a few key factors. In the face of all the uncertainties that weighed on the populace and that promoted radical postures, Schmitt supported a traditional take on the system of government. His concept of sovereignty deeply reflects this, in vesting absolute power (in times of emergency, where a situation arises for which there is no previously established law) to the sovereign.

With regard to Schmitt's definition of sovereignty, Walter Benjamin's concern was with the ominous likelihood that once the exception occurred and the sovereign assumed absolute power, he (almost invariably a man) might choose not to relinquish those rights that situated him "above the law", thus beginning an era in which the ruler, having legally acquired limitless power,² would dominate the people in absolute freedom from external restraint, enable to cause them untold harm in the pursuit of his own benefit, without end. This ethical void that so concerns Benjamin is not entirely overlooked by Schmitt. As Bruno Gulli, who asks whether the sovereign or (the capacity to make) the decision comes first, writes in *Glossator* (2009: 23-24):

What gives the sovereign that special capacity to see that there is an exception, a state of exception, and consequently decide on it? Does the sovereign become sovereign because he can decide on the exception, or is it rather the case that he can decide on it because he is already sovereign? [...] Schmitt does not speak of any sense of recognition, understanding, and judgment, but only of decision [...]. In fact, the decision itself can be a mere fabrication of the sovereign, which acquires dubious legitimacy on the basis neither of ethics nor of a violence travestied as force of law, but of a mere and raw violence. In this case, it is not the exception, the state of emergency, which calls forth the sovereign decision, but the other way around, the sovereign decision creates the exception, or the state of emergency.

¹ Bruno Gulli (2009: 23): "For Carl Schmitt, who follows Hobbes, the concept of sovereignty, as used in political philosophy and in juridical theory, is the secularization of a theological concept – but of a decisionist rather than rational theology."

² The sovereign's power would have been given to him according to Carl Schmitt's proposition, as the entity in charge of re-establishing normality, which presumes the (voluntary, yet expected) renunciation of such power but also grants the authority to suspend all previous laws "temporarily", without saying how long this period of suspension should last.

Gulli is essentially paraphrasing here the central problem of Schmitt's notion of sovereignty: his observation that the sovereign need not in fact be legitimate focuses on *how* the sovereign came to power, rather than on what he might be capable of once he possesses a power that knows no bounds. Indeed, Schmitt himself is the first to point out, in his criticism of Hugo Krabbe, that there is a danger of just such an eventuality in which the sovereign (ab)uses his power to indulge his personal ambitions and desires (Schmitt, 1922: 31):

A distinctive determination of which individual person or which concrete body can assume such an authority cannot be derived from the mere legal quality of a maxim. [...] That it is the instance of competence that renders a decision makes the decision relative, and in certain circumstances absolute and independent of the correctness of its content. [...] A legal validity is attributed to a wrong and faulty decision. The wrong decision contains a constitutive element precisely because of its falseness.

Bruno Gulli's interpretation of the problem locates legitimacy in the initial instance, the moment in which the sovereign is appointed. There is good reason for this, in so far as (Gulli, 2009: 24) "[a] genuine decision requires some inherent and special powers". but I think we are on firmer ground if we stay with Schmitt's expression of the problem, since it would be highly problematic to determine who in fact has the "special powers" needed to decide on the exception, particularly given that (ibid.) "[the] assumption in Schmitt (both on a logical and on an existential level) is that the exception is an essential part of the order of things". In other words, since the law cannot adduce rules for every possible situation that might occur, an exception is bound to arise sooner or later, and as such is implicit in the very idea of law.

However complacent he may appear to be about the risk of the system he proposes being exploited for personal benefit, Schmitt's thesis is not that of a conservative man with orthodox ideals (although he *is*) who writes solely in order to turn convention into something to be manipulated for selfish ends (he does not). Schmitt's primary definition of sovereignty reads *Souverän ist, wer über den Ausnahmezustand entscheidet* ("Sovereign is he who decides on the exception"), but the full context in *Political Theology* gives a necessarily more nuanced theory of the state, according to which the sovereign ought to make the decision from a benevolent and unselfish position, as an impersonal, almost disinterested actor in the destiny of the state. He devotes a whole chapter of *Political Theology* (entitled "The Problem of Sovereignty") to discussing the issue, which is explicitly acknowledged. The problem here, of course, is that there is no means of obliging such an all-powerful being or institution to act ethically without taking away some of the sovereign's power; and that, for Schmitt, only limits the capacity of the sovereign to suppress social unrest, a weakness that will

eventually cast us back into the chaos from which society is credited with having evolved. George Schwab, who has dedicated much of his life's work to studying Schmitt's thought, writes in his introduction to *Political Theology* that (1922: xxxi)

In my preface to Schmitt's *The Concept of the Political*, I raised the question of the reason for his adherence to National Socialism. I rejected the idea that he was blinded by ambition (though he was ambitious) or that he misunderstood what Nazism was about (as if what it was about in 1933 was only one thing and obvious). I suggested instead that Schmitt thought that the enemies of the regime were in fact (necessarily) enemies of what it was to be German. I still think this is true, but then the problem with Schmitt is that he allows the notion of enemy to too easily define the notion of friend.

The full significance of this last sentence is perhaps not immediately evident. I initially found myself disagreeing with Schwab here, in the belief that the major problem with Schmitt is his advocacy of a system it is far too easy for the sovereign to exploit, and while the hope he places in the benign well-meaning sovereign is no doubt noble, it is surely over-optimistic and ultimately a leap of faith. His vision of the sovereign as endowed with *truly unlimited* power over the state for a supposedly limited time (until his decision rules out the exception or emergency) is not impossible, but it is contradictory, in being at odds with his view of human nature. There seems to me to be a naive, almost religious, optimism in trusting to Providence that the sovereign will be equally all-powerful and well-meaning – his benign intentions are absolute, yet he is human – and that trust is in clear conflict with a conviction on which Schmitt's whole theory rests: namely, that man is wolf to man.

However, on closer consideration it emerges that the two versions of the basic problem (Schwab's and mine) are ultimately one and the same: Schmitt's advocacy of an all-powerful sovereign is indeed optimistic and his blithe hope of avoiding tyranny is unacceptably complacent, but this is an aspect of the more basic problem, which Schwab points to in his introduction. Schmitt *does* let the notion of enemy too easily define the notion of friend. In other words, it is the fear induced by what he sees as inherently corruptible humanity (the enemy) in a world unconstrained by rule or law that prevents him from seeing the potential (or the friend) in socialism. This may be, of course, because communism had appeared to him to constitute a much greater and more immediate threat – the dictatorship of the proletariat – than right-wing totalitarianism; and perhaps he tended to minimise the likelihood of an all-powerful sovereign refusing to relinquish his above-the-law status once the conditions for “business as usual” had been restored. This also tells us something more about Schmitt's conception of human nature, according to which, given the right system, the members of a

community will create laws to protect both themselves *and* others, and may be relied on to act in this sense even when their laws have not anticipated the specific situation in which they find themselves. This is not an outright condemnation of humanity as corrupt, but rather the belief that humanity is corruptible. Whether or not Schmitt was familiar with Dalberg-Acton's assertion that "Power tends to corrupt, and absolute power corrupts absolutely", he believed that corruptible humanity, without firm rule from above, would lapse into absolute lawlessness. With the Bolshevik Revolution and the Civil War in Russia (and the heavily slanted representations of these in the West), and with the 1919 Spartacist uprising, bloody clashes between Freikorps and workers and between socialists and proto-Nazis in Germany, communism would have been a palpable threat, encouraging Schmitt to turn for salvation to "a total elite-driven reconfiguration of state and society" (McCormick, 1987: 75). Since it is logically impossible for a set of laws to provide specifically for every possible situation – had it been logically feasible, the absolute sovereign could have been dispensed with in favour of the lawmakers – Schmitt was willing to run the (in his view, comparatively minor) risk of tyranny as preferable to a situation in which *no laws existed*.

Schmitt's concept of sovereignty provides him with the strongest alternative to the most dystopian of all possible systems of polity or 'governance'; the sovereign that acts ethically and makes the *genuine* decision is thus the perfect utopia. Schmitt ascribes to Hobbes's thesis that for society to work there must be a sovereign whose ruling is final, whom every citizen fears and dares not stand against; the hierarchical system endorsed by Plato in his *Republic*. Schmitt's overriding fear of social chaos makes the problem of a corrupt sovereign preferable to mayhem and the absence of law. While accepting that the concept of sovereignty is capable of falling short in practice, Schmitt dismisses Anarchism both in theory *and* in practice. It is not, however, the ultimate danger, though it may be a close second, as William Hooker observes (2009-14: 22):³

Anarchy is the key characteristic of this modern European state system, and Schmitt celebrates the existence of such anarchy as the necessary evidence that the political remained intact. Schmitt's account of the ordered world of European politics stresses that anarchy and order are not mutually exclusive categories. In a formulation that Hedley Bull surely could have subscribed to, Schmitt castigates the sloppy conflation of anarchy and disorder: '[such] use of the word "anarchy" is typical of a perspective not yet advanced enough to distinguish between anarchy and nihilism. For this reason, it should be stressed that, in comparison to

³ It is worth noting that Hooker cites Carl Schmitt many years after the publication of *On Dictatorship*, *Political Theology* and even *The Concept of the Political* (in 1921, 1922 and 1932 respectively); the quotation is from the 1979 *The Nomos of the Earth*, by which time Schmitt's views on anarchy would have shifted substantially.

nihilism, anarchy is not the worst case scenario. Anarchy and law are not mutually exclusive.’ For most of its history, the anarchy of the state system has been productive of a form of quasi-legal order. Schmitt’s great fear is that the twentieth-century assault on the state system will result in precisely the form of violent chaos that ‘liberal’ critics erroneously attribute to the state.

However, facing the exception (Hooker here is considering the norm), the argument behind Schmitt’s support for totalitarianism is that a decision has to be made. As Michael Hoelzl concludes in his *Journal for Cultural Research* article “Ethics of Decisionism: Carl Schmitt’s theological blind spot”: “In a radical interpretation of Schmitt, one could claim that the fact that a decision has been made is more important than the question who made the decision and what the content of the decision is.” I agree entirely: it is only through the decision that order can be restored, and so for Schmitt the fact that a decision has been made *is* more important than the specific content of that decision. He says of the distinction between anarchy and sovereignty (Schmitt, 1922: 55-56):

De Maistre spoke with particular fondness of sovereignty, which essentially meant decision. To him the relevance of the state rested on the fact that it provided a decision, the relevance of the Church on its rendering of the last decision that could not be appealed. Infallibility was for him the essence of the decision that cannot be appealed, and the infallibility of the spiritual order was of the same nature as the sovereignty of the state order. The two words *infallibility* and *sovereignty* were “perfectly synonymous.” To him, every sovereignty acted as if it were infallible, every government was absolute – a sentence that an anarchist could pronounce verbatim, even if his intention was an entirely different one. In this sentence there lies the clearest antithesis in the entire history of political ideas. All the anarchist theories from Babeuf to Bakunin, Kropotkin, and Otto Grass revolve around the one axiom: “The people are good, but the magistrate is corruptible.” De Maistre asserted the exact opposite, namely, that authority as such is good once it exists: “Any government is good once it is established,” the reason being that a decision is inherent in the mere existence of a governmental authority, and the decision as such is in turn valuable precisely because, as far as the most essential issues are concerned, making a decision is more important than how a decision is made.

Whether or not a decision is “infallible” as such, what is important for Schmitt is that it be made, since the exception is an inherently precarious state – indeed, he considers the exception an ‘emergency’, which I think speaks for itself – and is to be avoided wherever possible. What is more, the quality of the decision does not seem to concern Schmitt very much, as long as it serves to bring society under control and establish normality once again: a noble notion, then, in view of the implication that the decision should institute stability for all members of society.

However, the concept of an all-powerful sovereign that cannot be governed, however resolute a guarantor of stability, does not go very far towards ensuring the wellbeing of the people: slavery is fairly stable, as a rule. Here Schmitt's fear of lawlessness is very much in evidence, since what matters is that there be some form of law, no matter how draconian, rather than no law at all. Schmitt's need for law is apparent in Hoelzl's words:

When I translated Carl Schmitt's *Die Diktatur*, I was surprised that Schmitt only has little to say about the *virtue of deviating from law* called in Greek ἐπιείκεια as it is preserved in the Aristotelian-Aquinas tradition of thought. One could have expected, given Schmitt's affiliation with Catholicism, both in his writings and in his personal struggles, that the problem raised by Aristotle and Aquinas should have been examined more thoroughly. In fact, Schmitt dismisses the idea of a *virtue* of rightful deviation from law.

The exception, then, is not taken by any means as a positive development, but is instead the key moment, the point of uncertainty that is to determine the fate of the state. It is the instance that has the power to maintain the status quo and the power to explode it. As Schmitt himself says in *Political Theology* (Schmitt, 1922: 15): "In the exception the power of real life breaks through the crust of a mechanism that has become torpid by repetition." The sovereign decision is important because it establishes jurisdiction where there might be anarchy. Thus, so long as chaos is avoided, oppression is countenanced, and even encouraged, as a mechanism for suppressing any notion of rebellion. However conservative this approach is, however flawed, however oppressive, Schmitt's intentions would seem to remain pure in their concern for the wellbeing of society (ibid: 9): "Everyone agrees that whenever antagonisms appear within a state, every party wants the general good – therein resides after all the *bellum omnium contra omnes*." This statement by Schmitt will raise a few eyebrows nowadays ("every party wants the general good"?), and admittedly that is one of the reasons why I have singled it out, but I think that at the very least it testifies to the good intentions of the author, who champions sovereignty not in order to personally benefit from the oppression of his fellow subjects, but because he sees it as a necessary defence against the perils of lawlessness.

II. The Importance of the Ethical Void in Walter Benjamin

The unresolved issue of what limitations if any may constrain the freedom(s) of the sovereign is of the utmost importance to Benjamin, and he focuses closely on the problem inherent in Carl Schmitt's concept. Oppression is no small matter. At the time when he was writing the *Theses on the Concept of History*, a full decade after Schmitt's *Political Theology*, Benjamin had seen the theory of unrestrained sovereignty put into effect. The question of the *Ausnahmezustand* now undergoes a degree of distortion as Benjamin closes in on the situation of the oppressed in the new reality which Schmitt has endorsed for the sake of social wellbeing. In Löwy's words (Löwy, 2006: 16):

In a sense, [Benjamin's] whole work can be regarded as a kind of 'fire alarm' to his contemporaries, a warning bell attempting to draw attention to the imminent dangers threatening them, to the new catastrophes looming on the horizon. The 1940 'Theses' are the dense, compact expression of this approach and this disquiet.

Indeed, for Benjamin, who sees the whole of history as an endless succession of conflicts that invariably result in the victors oppressing the vanquished, the very notion of sovereignty is stained with the blood of the innocent and the sacrifice of the oppressed. His unwillingness to justify the subjugation of the many to the will of the few sets him against any and all forms of hierarchical social organisation. In his view, laws have always been framed by the victors and imposed to bind and humiliate the losers and prevent them from rising up against the few and stripping them of their power. "History," Acton said, "is not written by innocent hands." And Benjamin agrees: in this age-old struggle for domination, the losers are, by virtue of their condition as losers, innocent; they are the victims of cruelty and injustice, and until their oppression is acknowledged and retribution is made, no society will be truly just. A just society implies not just the equality of its present members but also the guarantee of equality for its future members, and for the dead, in the form of restitutive remembrance. It is not a question here, as it is in Schmitt, of the potential for wrongdoing by the sovereign: for Benjamin, politics and domination are synonymous, because there is no sovereign, no hierarchy, no rule without the prior oppression of the many. Benjamin does not repudiate the principle of an absolute and all-powerful sovereign because it contains the potential for manipulation and oppression: he sees even limited sovereignty as not only capable but also actually historically guilty of the endless litany of such abuses throughout history. The very organisation of societies under central rule, under a governing class, is itself an embodiment of injustice: it is the imposition of power by the few on the many.

However, Benjamin's uncompromising critique of sovereignty (not just of Schmitt's concept, but also of the historical fact) should not be taken as meaning that he was a traditional doctrinal Communist – or Marxist, for that matter. It is not, for Benjamin, a question of ascribing to certain movements or politics *per se*, but rather of fighting (generally understood as an essentially passive fight; in Gulli's words, "an all-consuming but bloodless violence") for the establishment of a truly just society. This, of course, means not that the many must rise in order to become the ruling class (a retributational or vengeful inversion of the previous system of the kind associated in Benjamin's day with the USSR: the dictatorship, once again, of the proletariat), but that the proletariat's struggle should result in the creation of a society that knows no classes, in which, to use Giorgio Agamben's term (Bull, 2004), "all men become *homines sacri*". Moreover, the Benjaminian understanding of history as a never-ending series of acts of violence by the oppressors distinguishes him from classic Marxists: class struggle – (Gulli, 2009: 29) "the antagonism that for Schmitt characterizes the political [...] between those who want to dominate and those who do not want to be dominated" – does not necessarily result in the lifting of the yoke of oppression. Löwy again (2006: 9):

Contrary to vulgar evolutionary Marxism – which is, admittedly, able to point to sources in some of the writings of Marx and Engels themselves – Benjamin does not conceive revolution as the 'natural' or 'inevitable' outcome of economic and technical progress (or of the 'contradiction between the forces and relations of production'), but as the interruption of a process of historical evolution leading to catastrophe.

To reprise a point made by Michael Löwy which I quoted in my introduction to this essay, Benjamin's position does not simply arise from the historical moment in which he is immersed: although he positions himself alongside the oppressed, he is not simply a German Jew exiled in France, fleeing the Gestapo. Let us look at Thesis VI in the context of what Löwy is saying:

Articulating the past historically does not mean recognizing it 'the way it really was'. It means appropriating a memory as it flashes up in a moment of danger. The danger threatens both the content of the tradition and those who inherit it. For both, it is one and the same thing: the danger of becoming a tool of the ruling classes. Every age must strive anew to wrest tradition away from the conformism that is working to overpower it. The Messiah comes not only as the redeemer; he comes as the victor over the Antichrist. The only historian capable of fanning the spark of hope in the past is the one who is firmly convinced that *even the dead* will not be safe from the enemy if he is victorious. And this enemy has never ceased to be victorious.

Benjamin is here proposing a benevolent counter to the sovereign:⁴ the chronicler, whose task is to undo the wrongs done by the oppressors, is also, in Benjamin's description, a historical materialist. Löwy's analysis of the previous theses made it clear that, for Benjamin, the only possibility of redemption from the domination suffered down the centuries by the oppressed is through remembrance and (Löwy, 2006: 32) "reparation – in Hebrew, *tikkun* – for the suffering and grief inflicted on the defeated generations, and the accomplishment of the objectives they struggled for and failed to attain". This is – hypothetically, in an optimistic view of the future⁵ – made possible by the historian who leaves out no detail, however minor, thus protecting each individual's memory for future generations and affording a fair and just verdict to each individual actor. Benjamin names this character the Messiah, the one whose mission is to set the exploited free and bring about the end of time, a new era in which humanity will live in perfect liberty in the Kingdom of Heaven on Earth.

There is, of course, a recurring and generally unanswered question as to the moment in time when the Messiah is expected: we can presume to know what happens after the coming – the end of time (or, in this case, the end of sovereignty) – but we do not know when this coming will take place. And much like the lack of a definite time for the arrival of the Messiah (the sooner the better), Benjamin's chronicler is shrouded in dubiety: we presume to know that he (or she) will redeem the victims of oppression by acknowledging their suffering, but we do not know how she (or he) is to prevail over the ruling class and triumph over oppression itself; again, Benjamin proposes no model for the new age to come (although we may assume that, in it, all citizens are truly equal). Benjamin greatly admired a passage in one of Friedrich Schlegel's early writings – "The revolutionary desire to realize the kingdom of God on earth is [...] the inception of modern history" – and it is one of the sources of inspiration for the idea of a "Romantic messianism" (Löwy, 2006: 7):

We come back here to the 'metaphysical' question of historical temporality: Benjamin ranges the qualitative conception of infinite time (*qualitative zeitliche Unendlichkeit*) 'which derives from Romantic messianism', and for which the life of humanity is a process of

⁴ The sovereign is the Antichrist, but only in the general sense, in the sense that equates sovereign(ty) to oppression. Thesis VI extends the idea to say that "[the] enemy has *never* ceased to be victorious"; Löwy states that (ibid: 25) "the historic enemy itself, the ruling classes" – thus it is not so much a question of the specific entity in charge of domination and oppression, as that the enemy is *oppression itself*, for oppression is the only enemy that has *never ceased to be victorious*; the names and forms of these oppressors vary, but the beast itself remains the same.

⁵ Against the concrete reality for the pessimistic Benjamin that this Messiah might never materialise ("if and when it comes, it will come with an all-consuming bloodless violence"), the insistence on the Messiah appears optimistic.

accomplishment and not merely of becoming, against the infinitely *empty* time (*leeren Unendlichkeit der Zeit*) characteristic of the modern ideology of progress.

Benjamin's chronicler is, indeed, the Messiah to the sovereign's Antichrist, but I do not believe this should be read strictly in terms of Judaic theology: it is clear that for Walter Benjamin the coming of the Messiah was not an absolute certainty, absolutely necessary though it was for the utopian redemption of society. The existence – never mind the actual arrival – of this Godot-like Messiah is by no means assured, but what Benjamin *can* assert with confidence is that until the chronicler comes among us there will be no restitution for the innocent and the oppressed. Löwy casts an interesting sidelight on Benjamin's pessimism, noting his reading of the work of Pierre Naville (expelled from the Communist Party in 1928, he became one of the leaders of the Trotskyist Left opposition), whose profound pessimism appears to have influenced Benjamin, alongside the spectacle of all that was happening – and failing to happen – in European politics at the time. As Benjamin said in his 1929 essay "Surrealism" (Benjamin, 2005: 216-17): "Mistrust in the fate of European humanity, but three times mistrust in all reconciliation: between classes, between nations, between individuals."

However, despite the temptation to name names, no particular sovereign can be responsible for all the injustices that history has witnessed; no one sovereign can be the embodiment of the Antichrist. Benjamin's conceptions of the Messiah and the Antichrist should be understood in terms of the achievements (positive and negative) in the grander scheme of historicity: the yet-to-come victory over oppression is symbolised by the figure of his Messiah, and the triumphs of oppression by the Antichrist. Löwy states in *Fire Alarm* that at the time of writing the *Theses* the "present enemy" for Benjamin was Fascism, but the very notions of Antichrist and Messiah transcend the present: they originate in the distant past and are cast forward, like the angel of history in Thesis IX, into the abyss of the future. Löwy's reading of Thesis XVI, which states that "The historical materialist leaves it to others to be drained by the whore called 'Once upon a time' in historicism's bordello" prompts him to suggest that historicism "receives victors one after the other": the whore has no attachment whatsoever to her clients, and although they each is different from the one before, she treats them all the same.

I believe we should regard Benjamin's register here as symbolic and see his Antichrist and Messiah (whose opposition mirrors the "friend-enemy distinction" in Schmitt) as the most absolute of antithetical personifications, which refer in fact to the ethical value of human

interaction, and not to actual people. Dialectical relationships of this kind are a recurrent feature of Benjamin's writing, in this case, with regard to temporality (Löwy, 2006: 35):

Irving Wohlfarth, one of the most insightful readers of Benjamin's work, rightly stresses that the chronicler anticipates the Last Judgement which, like him, rejects any form of discrimination – a view that reminds us somewhat of the doctrine, mentioned by Benjamin in his essay on Leskov, of certain schools of thought within the Orthodox Church which hold that all souls go to Paradise. [...] The redemption, the Last Judgement of Thesis III, is then, an *apokatastasis* in the sense that every past victim, every attempt of emancipation, however humble and 'minor', will be rescued from oblivion and 'mentioned in dispatches' (*cite à l'ordre du jour*), that is to say recognized, honoured and remembered.

The dialectical relationship of time in the previous passage is parallel to the way Benjamin deploys the ideas of the Antichrist and the Messiah. If on one level he typifies these actors as absolutes, it is because he personifies good and evil in the context of and in conjunction with the history he observes. This dialectic includes time in the equation by associating the past (and present) with evil – history, oppression, sovereignty, the Antichrist – while pointing to the future as the only time in which the Messiah's mission to liberate the masses has any possibility of success (Löwy, 2005: 63): "At the opposite extreme from Paradise lies Hell. [...] For Benjamin, in *The Arcades Project*, the quintessence of Hell is the eternal repetition of the same" (the *Immergleich*).

This dialectic is brought up again by Malcolm Bull, in his article on Agamben's *State of Exception*, where he notes the distinction Benjamin draws between two types of violence: one is mythical, the other is divine. The former "demands sacrifice, and holds power over bare life", whereas the latter "is non-sacrificial and expiatory". The chronicler in Benjamin's *Theses* becomes, in historical materialist terms, a kind of parallel to the figure of the Messiah,⁶ both Judaic and Christian (leaving aside the obvious distinction as to whether he is yet to come or appeared almost two thousand years ago). The chronicler thus becomes the exact antithesis to the sovereign, enacting the transition from a historically endless oppression (from the dawn of time to the coming of the Messiah) to a redemption that will last forever; this last idea is synonymous with the death of sovereignty. Bruno Gullì notes (2009: 29):

⁶ The interpretation Löwy offers in his commentary on Thesis VI (p. 45) that the Messiah is the theological embodiment of the proletarian class ("We have to see the Messiah as the proletarian class and the Antichrist as the ruling classes") is the immediate solution to Benjamin's concern at the time of writing the 'Theses', but since it focuses on specific actors who, in retrospect, cannot constitute the absolutes of the Messiah and the Antichrist, I shall not be giving these specific personifications much importance: it is the wider implications that captures my interest. To say that the Messiah is the proletarian class is, I think, a little unclear: if we accept the Antichrist to be oppression, it is clearer to say that the Messiah is he or she who rids the oppressed of their burden. It is clear, however, that the chronicler must either emerge from the proletariat, or be in line with its interests in order to protect its fate.

Rasch continues saying, however, neither Benjamin nor Agamben can say what this post-sovereign politics really is. They only say, according to Rasch, that “if and when it comes, it will come with an all-consuming but bloodless violence that, in Benjamin’s terms, will be divine... neither law-making nor law-preserving”, but precisely law-destroying.

Thus the essential disjunction between Carl Schmitt and Walter Benjamin becomes clear. The fear of lawlessness leads Schmitt to conclude that, since society cannot hope to prevail in the absolute absence of law(s), an actor with unlimited power must step in to re-establish a state in which laws can once again define the norm and dictate the conduct expected of the citizen (“To keep the peace is the first duty of the citizen”, proclaimed after the German defeat at Jena, and cited by Marx in a letter to Kugelmann.) Benjamin sees the system of law as having been forged by the ruling class as a tool for the further exploitation of the masses, and concludes that it is only by eliminating the laws created to oppress it that society can hope to function in a free and just manner. Schmitt’s solution to the lawlessness he fears is perfectly clear and specific: to produce a figure that, by its superiority, can maintain some form of social hierarchy. By contrast, Benjamin, who fears the oppression inherent in the power of the sovereign and the very existence of a social hierarchy, proposes only the abolition of oppressive law.

Schmitt speaks out often and heatedly against Marxism, but I would argue that his acceptance of the Marxist analysis that the proletariat (the oppressed) will sooner or later rise up against the bourgeoisie (the oppressors) can be inferred from his commitment to the sovereign and the sovereign state of exception as the defence against proletarian insurrection: this is the very basis of the need for the sovereign to be *all-powerful*, the exercise of his power unlimited and unquestionable, because any weakness will lead to the elimination of the class system. I think it is safe to say that though Benjamin was a fervent proponent of certain aspects of both Marxism and Socialism, he never supported the perversions of the Stalinist state, but rejected it as yet another form of the old oppression (Löwy, 2006: 15):

If during the years 1933-35 he seems won over, somewhat uncritically, to the Soviet model – perhaps as a reaction to the triumph of Hitlerian Fascism in Germany – and if at the beginning of the Moscow trials he chiefly showed perplexity – ‘I cannot make head or tail of it’, he wrote to Horkheimer on 31 August 1936 – from 1937 to 1938 onwards he distances himself clearly from the Stalinist variant of Communism.

[...] In [a note to Brecht from that period] he writes of ‘GPU practices’ and ‘procedures in which the worst elements of the Communist Party resonate with the most unscrupulous ones of National Socialism’.

Walter Benjamin's conceptions of the Messiah and the Antichrist work as a metaphor that introduces his ideal vision of society. The Antichrist, or "the enemy that has never ceased to be victorious" is oppression, and it exists now, as it has existed since the beginnings of human society: in the *zeitliche Unendlichkeit*. The Messiah is the necessary condition for a just human society to exist – the condition for the utopia. Since the Antichrist exists (has always existed) and the Messiah does not (for now), it would appear that Benjamin's utopia is constructed as the negative image of truly appalling historical circumstances (Löwy, 2005: 38):

Though almost all Marxists make reference to the class struggle, few devote such passionate, intense and exclusive attention to it as Walter Benjamin. What interests him in the past is not the development of the productive forces, the contradiction between the forces and relations of production, forms of property or state forms or the development or modes of production – essential themes of Marx's work – but the life and death struggle between oppressors and oppressed, exploiters and exploited, dominators and dominated.

This life and death struggle in the history of humanity is thus assimilated to the notions of the oppressed and the oppressors. In the equation of oppression and death, Benjamin's utopia is, like Schmitt's, a construct fashioned as an alternative to the threatened manifestation of its author's greatest fear. It has become apparent that while Benjamin's criticism of the negative aspects of human history is epitomised in his Antichrist, his hope for the Messiah is also his rejection of the actual and implicit negative features of an oppressive and hierarchical society. Benjamin's Messiah and his utopia are born, then, not of all the good in humanity but rather of a negation of all the evil.

III. The Result of Walter Benjamin's Fears

Benjamin's account of the only possible – indeed, necessary – factors that might contribute to the emergence of a truly ideal society is at odds with standard Marxist theory. As Löwy notes (Löwy, 2006: 107):

In the history of twentieth-century ideas, Benjamin's 'Theses' seem to represent a detour, a mere byway beside the great highways of thought. But whereas the latter are carefully marked out, clearly signposted, and lead to duly charted stopping-off points, Benjamin's little path goes to an unknown destination. The 1940 'Theses' represent a kind of philosophical manifesto, in the form of dialectical images and allegories rather than abstract syllogisms, for *the opening-up of history*. That is, for a conception of the historical process that opens onto a dizzying field of alternatives, without, however, falling into the illusion of absolute liberty: the 'objective conditions' are also conditions of possibility.

Aside from the great number of variants and disagreements between the interpretations and proposals which are indebted in one way or another to Marxist theory, there is one factor that I consider especially significant as to why Walter Benjamin only put forward his proposal for political theory in a symbolic or abstract form. In Benjamin's thinking, too, we sense a void. His unwavering revulsion for oppression became manifest with regard to the USSR too: the Stalinist approach to Communism presumably became for Benjamin a warning of how even the purest goal, even the noblest ideals, could be transfigured and twisted into something vile. Even without the gulag and the show trials, the authoritarian impulse was enough to disenchant him (Löwy, 2006: 107): "Benjamin wishes to wrench [Marxist tradition] from the bureaucratic conformism that threatens it as much as, if not more than, does the enemy."

The decay of human civilisation – the selfishness and greed that are behind every betrayal and every setting of oneself above others – is not, then, the sin of any one class. It precedes the class system. Instead, the greedy and the selfish invariably end up betraying their own (family, friends, colleagues...) for their own advantage, and in so doing take their place in the ruling elite. True leadership of the kind that Schmitt wished for in the state of emergency is practically non-existent. For a thinker like Benjamin, then, faced with the corruption and exploitation that were already at this stage visible in the Soviet Union, choosing to abstain from theorising was a fitting response: as is the case with Schmitt's normality, no amount of planning can create a fool-proof system, guaranteed not to fail in any circumstances. And Benjamin saw a regime, or even, in his case, a manifesto that proclaimed justice and redemption and built up people's hopes and expectations only to cast them down again, as abject failure.

Alongside his critique of a Marxism that allows for the further exploitation of the subjugated, Benjamin posits himself quite clearly against Marx and Engels. His pessimistic view of historicity, which is often seen as epitomised by Thesis XI's Angelus Novus – the angel who has his back turned to the future, who helplessly observes the path of destruction and domination exercised by humankind but is powerless to bring about change —, is testimony to this particular assessment, which considers doctrinal Marxism as partly responsible for the continued regime of domination, oppression and exploitation. It is Benjamin's reflection that the evolutionist progress that Marx and Engels propose, wherein the expectation that it is the natural fate or destiny of the working classes, of the oppressed, to eventually rise against the oppressive victor, stands in the way of revolution. (Löwy, 2005: 69-70): "In his French translation, Benjamin does not speak of 'snares' or 'nets', but substitutes the word '*promesses*': the illusory promises of the Left have had a paralysing effect; they neutralize people's efforts and prevent them from acting."

In the face of what might be seen as a sedentary, even passive confrontation with oppression, Benjamin stresses the need for an active leader in the struggle for emancipation. He conjures up an image of a railway track, with the passengers on the train (humanity) all headed to the same destination: for Benjamin, this destination is catastrophe. A revolution or a state of emergency act as a possible brake in this path to certain doom, which is something he strongly encourages: without forceful action, our collective fate is sealed. In conceiving history as an endless series of crimes and injustices, it becomes clear that it is the path itself that is to be avoided. His ideal of civilisation predates history: his utopia is "primitive classless society".⁷ Aside from proposing that someone (*else*, it is implied) should take immediate action and put the metaphorical train into reverse, back to the very start, his critique is essentially abstract. Indeed, it is anybody's guess whether his utopia proposes to return to a primitive form of civilisation and remain there, or to move in a different direction from the common starting point. His rejection of modernity leaves him unsatisfied with the direction in which human society has evolved, but he has very little, if anything, to say about other hypothetical modernities (Löwy, 2005: 74):

What was merely suggested in Thesis VIII is here explicitly affirmed: Fascism, in spite of its 'archaic' cultural manifestations, is a pathological manifestation of industrial-capitalist modernity, basing itself on the great technical achievements of the twentieth century, though

⁷ This is the interpretation that Löwy himself makes in reading Benjamin (p. 63): "Several clues suggest to us that, for Benjamin, it is primitive classless society." Aside from the 'clues' Löwy finds, there is very little to go on with regard to a material or specific utopia in Benjamin's view.

this does not mean, of course, that modernity for Benjamin cannot take other forms, or that technological progress is necessarily harmful.

It would appear to some that an attempt at creating such a system is as good a motivation as any, despite the possibility that it *might fail*. (To fail would be immensely more costly than simply being wrong. It would make Benjamin in person, however unintentionally, the cause of others' pain and humiliation.) I think, however, that to a writer such as Walter Benjamin, who insisted so continually on the role of history, the conviction that he might – or eventually *would*, if we accept his and Schmitt's assumptions about the inevitability of change – contribute to human suffering was too great a risk; in its stead he opted to take on the task of pointing out to well-meaning future ideologues the implicit hazard facing all those who concoct and promote theories of the state. Perhaps in this view, the still-conceivable possibility of a theory of state that he could have regarded as righteous had become so rare, so remote from the realities of human history, that its very coming was wrapped in an aura of the divine, a miracle.

Nonetheless, the problem remains. Though his critique often rightly pinpoints the failings of others' proposals, the masses are still left with no guidance, other than being pointed in the direction of prehistory. With his conception of the chronicler, Benjamin passes the buck, delegating the responsibility for devising a model to lead the fight for justice (which was never necessarily or specifically his, of course) to some future subject. It seems that this, then, is what Benjamin is willing to sacrifice in his utopia. In an important sense his wish for a historical Messiah (it does not even amount to faith) who will redeem the suffering of all the innocent of the past allows for suffering to continue. It is at best a deferred promise that all will be made well, and as such frees him of any liability: after all, the utopia of which Benjamin speaks is not technically his utopia at all. It is a utopia that he cannot guarantee will ever come to pass (Löwy, 2006: 10-11):

This pessimism manifests itself in Benjamin, as it did in Blanqui or Péguy, in a kind of 'revolutionary melancholia', which betrays a sense of a recurrence of disaster, the fear of an eternal return of defeats. How is it reconciled with his commitment to the cause of the oppressed? Benjamin's 'proletarian' choice was in no way inspired by any kind of optimism regarding the behaviour of the 'masses' or a confidence in the brilliant future of socialism. It is essentially a *wager*, in the Pascalian sense, on the possibility of a struggle for emancipation.

Furthermore, we must question the extent to which the idea of future justice truly redeems the past – and, in Benjamin's account, the present. If we accept it at face value, Benjamin's future utopia is to be achieved, on one hand, through the sacrifice of the past: however, this

sacrifice, given its eventual redemption by utopia, would only be temporary, as opposed to the (supposed) endlessness of a new era of humanity. If anything, Benjamin's role in the presumed coming of his Messiah is a passive one, as the bearer of a message of hope to the masses and a reminder to continue to think critically; Benjamin is the one who observes, helpless, the catastrophe to come: *he is the Angelus Novus*. (As Löwy says on page 67, "what the Angel of History is impotent to achieve only the Messiah will be able to accomplish".) On the other hand, and I think more importantly, the sacrifice necessary for the establishment of Benjamin's utopia is modernity, civilisation and progress. (ibid: 49): "in solidarity with those who have fallen beneath the wheels of those majestic, magnificent chariots called Civilization, Progress and Modernity" it is not enough to pull the defeated out from under the burden of the chariots' weight: the required action is to eliminate the bloody chariots altogether.

Benjamin's seemingly vague proposal thus becomes both deeply significant and profoundly radical. The implications have become crystal clear: society must abandon *everything*, in order to obtain even the smallest prospect of rebuilding itself in a righteous manner. The extreme nature of this idea is, of course, frightening – this is its great difficulty. Even those who are fully prepared to take this idea on board must find it hard to conceive, and even paradoxical: so-called progress, in its own way, makes sense, for it is the application of newly learned ideas, newly formed thoughts, to that which we already know. The ramification of Benjamin's call to a better, primitive, classless society is that it must first undergo a process of devolution: the entire world must unlearn what it already knows and immerse itself in an existence riddled with uncertainties. Hal Foster, in his 2011 article "I am the decider", in which he reviews Volume I of *The Beast and The Sovereign*, draws attention to Derrida's take on this catch-22:

Who will dare militate for a freedom of movement without limit, a liberty without limit? And thus without law? [...] The double bind is that we should deconstruct, both theoretically and practically, a certain political ontotheology of sovereignty without calling into question a certain thinking of liberty in the name of which we put this deconstruction to work [...] If ever this double bind [...] were lifted [...] it would be paradise.

The presumed unity of the masses as a result of class struggle, suggested in Marxist theory, to achieve emancipation from the ruling classes, is unfulfilled. In reading Benjamin, we encounter the added difficulty of dissenting not only from the traditional answer to fascism and oppression (namely, doctrinal Marxism), but from the entirety of human history, making Benjamin's suggested alternative utterly unsettling. Although Benjamin's apparent utopia is

very far from being incoherent, it is perhaps not the most practical, since, as humanity continues to evolve alongside technology, it becomes more and more dependent on so-called progress (which many Frankfurt School thinkers criticised), and thus the harder it is to envision a complete abandonment of our present way of life, let alone to actually prepare for a change of such magnitude. I find it hard to believe that the vast majority of humanity, exploited though we are, will stand so radical behind a model. And, unfortunately, mass support is what the emancipation from oppression most requires.

Facing this apparent dead end, I would like to take a couple of steps back and study the concept of utopia. The ideal that concerns us here is that of a society where oppression does not exist and all citizens live in harmony (general consensus imagines an ideal society in more or less those terms). Marxist class struggle, which as we recall from an earlier argument originates from “the antagonism [...] between those who want to dominate and those who do not want to be dominated”, then, considers utopia the emancipation of the masses, who have always been oppressed. But how do we describe oppression from the point of view of the oppressed? Löwy (2005: 81) calls oppression “the tradition of the oppressed”, Benjamin uses the terms “hatred’ and ‘vengeance’, and Nietzsche “applied the term *ressentiment* to the ‘thirst for vengeance and hatred’ of the oppressed, the downtrodden and the enslaved”. It appears to me that a variety of terms all designate the same sense of frustration that is at the root of the theories of class struggle, all of which assume similar connotations. Perhaps in part due to current political affairs worldwide, an additional synonym (although not etymologically exact) occurs to me: *Fear* — it might just as easily be called *Threat*.

Resentment, hatred and vengeance may all constitute very powerful emotions, yet fear is the most powerful of the lot. To see resentment, hatred or vengeance as the primary motives behind the confrontation between the working and ruling classes is to be concerned solely with the past; it is also to be dominated absolutely by one’s misfortunes to an extent where one sees no light at the end of the tunnel: one obsessed about what has been done, and forgets to focus on what might ensue. Of course, this is very much the case with a huge number of history’s defeated, but the term embraces such a vast amount of varying instances that it would be difficult to assert with full confidence that this is the case in every circumstance. (Let us not forget: Benjamin’s chronicler must be faithful to all events equally, “without distinguishing between major and minor acts”: we ought not to distinguish then, between those *more oppressed* and those *less oppressed*.)

If, instead, we consider the notion of “oppression” for the oppressed as a condition of fear, I think we might find it a more flexible term: one that might be adapted to all our cases, whether they be radical mistreatments or merely moderate misdemeanours. The term fear may be seen to include the first-hand experience of exploitation — thus linking the sentiment to the past —, as well as implying the continuation of this oppression, whether it should affect one directly or by way of others who are close to them. Indeed, since it is (that is to say that it *has been*, not that it should be so) the inalienable right of the ruling classes to exert punishment on the oppressed should they resist to be dominated — to shaft the oppressed —, it is not out of place to contend that it is the continued threat of the oppressors over the oppressed that sustains a fear that is often maintained in both directions: the historical conflict between the two main classes is reason enough for each to fear the other — something that can be inferred in Schmitt’s *Political Theology*. Throughout the ages humanity has learned to overcome the most terrifying threats, has conquered the vast majority of illnesses: it would seem to have conquered nature itself. It is not surprising that the only threat we cannot conquer is our human counterparts.

It is the condition of a utopia — now speaking in general terms, not of the specific case — that every constituent part of it be good, and that all that is negative is necessarily left out, because it would be antithetical for a utopia to support evil in any way, shape or form. Let us imagine that it is possible to speak of elements that are objectively *only good* or *only bad*. Dividing the entire world into two monolithic categories, good and bad, (with some things potentially categorised as neutral) creates an uncertainty in terms of what we decide to include in our utopia that can only be resolved by subjective thought. Once subjective thought becomes a factor in deciding what we consider to be the ideal materialisation of a society, it becomes, for all intents and purposes, incompatible with the opinions of others. The inconsistency of separate ideals among different groups or members of a society cannot be denied, whether it is objectively or logically proven that some of them might be in the wrong, and this constitutes another problem: if we plan on being consistent with Benjamin’s defence of all members equally, how do we propose a system that satisfies all members at once? Schmitt’s fear of lawlessness, which led him to creating one of the most highly debated political theories of the twentieth century, was nonetheless a valid fear; in this way, the utopias hinted at by Schmitt and Benjamin are perfectly irreconcilable. Thus it becomes clear how often, if not always, the utopias one constructs respond as much to personal and specific fears, desires and motivations, as much as they do on well-grounded logic. In ‘realistic’

terms, so to speak, it appears clear that utopias do not occur (or have not as yet occurred) because society as a whole has not managed to free itself from the subjective aspect in the construction of an ideal society, without which emancipation, a universal utopia is completely paradoxical.

Furthermore, those utopias that have come about as a direct result of Romanticism (no small amount) tend to contain within yet another failure: the idealisation of past times. This is a vision of the past that can only be characterised as blind, since it stubbornly ignored the glaring certainty that the past was never perfect. (In Benjaminian terms, it evades the evidence of the suffering of the past.) The Romantic utopia is particularly despairing because it fails to see that the very allure of the past consists in the absence of fear: where one may very well be afraid for that which is currently succeeding or one believes shall succeed in the future, it is unheard of to be afraid of the past. In Löwy's explanation on Romantic displacement from modernity we encounter this fictitious perception of past times (Löwy, 2006: 12): "The Romantic protest against capitalist modernity is always made in the name of an idealized past, real or mythical."

I would argue, then, that fear itself is that which moves society: it is not the rule at the bottom of every possible organisation of society, but it is a crucial element of our own, as exemplified in Benjamin's critique of modernity. In other words, the wrong turn taken by humanity in its course of evolution was having embraced a system that is based on fear. This, of course, has contributed greatly to technological progress that has made our lives easier, but "Civilization, Progress and Modernity" remain, in this view, symptoms of the ailment of our "evolved" species. To return to the appealing question regarding utopias, I mentioned earlier that a universal utopia cannot exist as long as subjectivity has a say in what we consider ideal. In my own view, and I venture, in Benjamin's too, the key to an objectively and universally ideal society must be to aim for the elimination of fear. Only a society that works to reassure every member equally in his and her disquiets can truly aspire to achieve equality and harmony, and to rid the world of oppression as a result.

IV. The Oppressed as a ‘Tool of the Ruling Classes’

Walter Benjamin’s preparatory notes for the ‘Theses’ reveal a metaphor that I mentioned earlier on (Löwy, 2005: 66-67): “Marx says that revolutions are the locomotive of history. But perhaps it is quite otherwise. Perhaps revolutions are an attempt by the passengers on this train — namely, the human race — to activate the brake.” As we have seen, the existence of government is then inherently linked to a hierarchical division of society, and thus, government is itself a sign of the oppression that has been conducted for the entirety of human history. In line with his trademark use of dialectics, Benjamin considered civilisation as the counterpart to barbarism (*ibid*: 50-51), but not as “mutually exclusive poles” — to use Löwy’s words —, rather, as “a contradictory unity”.

Throughout history, fear has played an undeniable role in the establishment and continuation of oppression. The pharaohs of Ancient Egypt were believed to possess godlike powers, which allowed them to “protect” their subjects from divine and profane enemies; in reality, the riches and opulence that surrounded them were paid for by the manual labour greedily taken from impoverished humble folk as tribute to the gods, in the best of cases, or by that of enslaved and oppressed former enemies. From the twelfth century onwards, Foucault explains, the divine right of Kings in the West allowed for the perpetuation of oppression under authoritarianism (1980: 94): “This resurrection of Roman Law had in effect a technical and constitutive role to play in the establishment of the authoritarian, administrative, and, in the final analysis, absolute power of the monarchy.” The exploitation of the many by a ruler (sometimes a ruling class) who was seen as protector and, often, divine was commonplace for a long enough time that culture itself is latent proof of a timeless and systematic oppression.

The falsification of history, which is a subject that is central to Walter Benjamin’s work, may be linked to the great cultural productions of humanity (such as the Pyramids of Giza, for instance): Benjamin sees monumental culture as yet another endorsement and worshipping of the oppressors. Löwy notes Benjamin’s particular fascination for triumphal arches, and he adds (2005: 51-54):

The dialectic between culture and barbarism applies also to many other prestigious works produced by the ‘anonymous toil’ of the oppressed — from the pyramids of Egypt, built by Hebrew slaves, to the Palais de l’Opéra erected, under Napoleon III, by the defeated workers of June 1848. In this thesis [VII] we find the inverted image of a theme dear to Nietzsche: the great works of art and civilization — the pyramids being a prime example — can be produced only by subjecting the multitudes to suffering and enslavement.

The preoccupation for monumental culture is not separate from that of oppression, not just in terms of the work put in for their very creation, but because it aids the falsification of history, which in turn allows for the continuation of oppression. (*ibid*: 55): “In other words, to quote one of the preparatory notes for the ‘Theses’, the history of culture ‘has to be integrated into the history of class struggle’.” The admiration of monumental culture often involuntarily forgets or purposely buries the turmoil and injustice suffered by its labourers. In what is clearly reminiscent of the Orwellian nightmare (it is no accident that it is so), Noam Chomsky writes, in *What Uncle Sam Really Wants*, about the strategic value of falsifying factual reality in order to avoid class war (1992: 95):

These sectors of the doctrinal system serve to divert the unwashed masses and reinforce the basic social values: passivity, submissiveness to authority, the overriding virtue of greed and personal gain, lack of concern for others, fear of real or imagined enemies, etc. The goal is to keep the bewildered herd bewildered. It's unnecessary for them to trouble themselves with what's happening in the world. In fact, it's undesirable — if they see too much of reality they may set themselves to change it.

Chomsky’s quote therefore suggests that the masses are seen as herds *by the ruling class* — otherwise, the shepherd. One of the fundamental distinctions between the lower classes and the ruling class is an antagonistic identification that is incapable of forgetting, in encountering the other class, which side it is on in the scale of oppression. The austere sense of otherness in the face of oppression (even if it is only a passive kind of oppression) feels powerfully dangerous, and because of it an innate sort of enmity arises. In *Dialectic of Enlightenment*, co-authored by Theodor Adorno and Horkheimer, this point is explicitly observed as a reflection of a society in which citizens technically enjoy freedom and equality, but wherein the distinction between friend and enemy (which had so upset Schmitt) is as strong as ever (1944: 150):

In fact, it is part of the irrational planning of this society that it reproduces to a certain degree only the lives of its faithful members. The standard of life enjoyed corresponds very closely to the degree to which classes and individuals are essentially bound up with the system. [...] Anyone who goes cold and hungry, even if his prospects were once good, is branded. He is an outsider; and, apart from certain capital crimes, the most mortal sin is to be an outsider.

Indignation in the face of injustice is a persuasive enough reason to deviate from the orthodoxy of the state and to dissent from common practices of oppression. Given that for the few to live as comfortably as they do, the oppressed must be many; and the anger and indignation sparked in the masses is potentially fatal to the specific ruling class. The balance

of power might fall, for the moment, on the rulers' hands, but it is a temperamental thing: hence the perpetual fear of the ruling classes with regard to the lower.

In order to avert identification as the masses' enemy, the ruling classes have the tendency of fighting a clandestine battle. As Adorno says of a joke current in Hitler's Germany — that “no one must go hungry or thirsty; if anyone does, he's for the concentration camp!” (*ibid*: 149):

With sly naïveté, [the joke] presupposes the most recent characteristic of society: that it can easily find out who its supporters are. Everybody is guaranteed formal freedom. No one is officially responsible for what he thinks. Instead everyone is enclosed at an early age in a system of churches, clubs, professional associations, and other such concerns, which constitute the most sensitive instrument of social control.

Social control comes in many different shapes, but is essentially and invariably a way of deterring the masses in their attempt to threaten the *status quo*. The aim of controlling society is, firstly, to disguise or obscure the origins of their power, because the origins of their power are the oppression and exploitation of the masses; ultimately, what matters is that the “victors” might go on living by means of exploiting others. The elimination of any trace of previous attempts at change from below is equally essential. This is exactly the sort of activity to which Benjamin referred when he attacked the rewriting of history. This erases the enraging evidence that the oppression one is living is not the exception, but the norm: a notion that would lead any radical to fight the system itself in lieu of its pawns. With the increase in literacy and the possibility of education being accessible to the lower orders it becomes more and more necessary to conceal or erase those writers of the past who argued for social change: this serves to kill inspiration before it is born and to alienate the oppressed individual in his suffering so that he becomes absolutely helpless.

Another method (which is particularly relevant today) is the channelling of fear and discontent into fascist movements (that is, misleading the oppressed in their dissatisfaction and giving them an alternative outlet for their frustrations): this technique secures the double advantage of expanding support for the authoritarian state and of diminishing the power of the opposition of the masses; this crucial strategy creates divisions and distractions in the masses. Closer contact between individuals and an overt dissent in terms of beliefs and principles allow for a shift in their priorities: the masses now stop fighting against the manifestation of oppression and quarrel among themselves. Along these lines, the division of the oppressed segregates into a variety of identities that reinforce their individualities and, by extension, creates a myriad of respective Others: groups with whom to compete in the name

of nation or tradition in place of the common enemy that is the oppressor. (For centuries, the persecution of the enemies of state or church under the guise of heresy transformed the persecuted into monstrous, dehumanised, alien beings.) This promotes a division between the masses that is likewise based on a mixture of fear and hatred. Like the confrontation of groups based on ideology, this served to make allies out of the state's "faithful members" who might then take on the task of dealing with the deviants. This blind enmity based on particular beliefs echoes Marx when he said that "Religion is the opium of the people."

A *locus classicus* that illustrates this division more recently (and more locally) is the demonisation of anarchism in Barcelona in the years 1937-38. In the May Days of 1937 the Unified Socialist Party of Catalonia (PSUC), the Republican Left of Catalonia (ERC) and the National Confederation of Labour (CNT) engaged in combat against one another after the rebellion against Franco split, when moderates and so-called communists came together to fight the anarchists. As George Orwell writes in *Homage to Catalonia*,

The thing for which the Communists were working was not to postpone the Spanish revolution till a more suitable time, but to make sure it never happened. This became more and more obvious as time went on, as power was twisted more and more out of working-class hands, and as more and more revolutionaries of every shade were flung into jail.

State control (and some international control) played then, in the May Days, an important part in the deterrent effort against the emancipation of the proletariat. Orwell, who had visited the city at this fundamental moment, stated that "there is a sense in which it would be true to say that one was experiencing a foretaste of Socialism, by which I mean that the prevailing mental atmosphere was that of Socialism," whereas four months after this first visit, now in April 1938, "once again it was an ordinary city, a little pinched and chipped by war, but with no sign of working-class predominance". This type of victory over the minds of the exploited in their aim to regain freedom and equality was observed by Adorno et al. in their study in *The Authoritarian Personality*, in a chapter entitled "There will be no utopia" (695):

According to the frame of mind which is being analyzed here, there is no utopia and, one may add, there should be no utopia. One has to be "realistic." This notion of realism, however, does not refer to the necessity of judging and accounting on the basis of objective, factual insight, but rather to the postulate that one recognizes from the very beginning the overwhelming superiority of the existent over the individual and his intentions, that one advocates an adjustment implying resignation with regard to any kind of basic improvements, that one gives up anything that may be called a day-dream, and reshapes oneself into an appendage of the social machinery. This is reflected by the political opinion in so far as any kind of utopian idea in politics is excluded altogether.

The problematic relationship we have observed in this chapter between the ruling classes and the oppressed appears epitomised in Giorgio Agamben's *State of Exception* as the relationship between the sovereign (who is above the law) and the *homo sacer* (the lowest of the low, who has no rights and is stripped of his condition of humanity). The animalisation of men, an extreme form of alienation first conducted in Ancient Rome, a form of oppression so cruel as to take away one's very humanity and one's existence reduced to "bare life" is still an important issue in present time, as the ruling classes' fear of losing their advantage in life stands expertly in the way of the masses' attempts at finding their Eden.

V. The State of Exception Today

The notion of an active oppression, which Benjamin openly feared, is still present today. It is the main reason as to why his text remains, as Michael Löwy pointed out, relevant (“it raises questions that bear on the whole of modern history and on the place of the twentieth century in the social development of humanity”). In his article “The Sovereign Exception: Notes on Schmitt’s Word that Sovereign Is He who Decides on the Exception”, Bruno Gullì wrote (2009: 26-27): “The state of the exception, from Auschwitz and Hiroshima to Guantanamo and Abu Ghraib, proves to be outside of the political, in the realm that belongs to violence, cruelty, gangsterism, and criminal justice.” These more or less contemporary examples of an actually enacted state of exception show a sovereign much more like the one Benjamin feared, and much less like the one Schmitt (I argue) hoped for.

Glen Newey wrote in a 2001 article that “The Balkan hole-plugging exercise carried out by the US was power-play thinly disguised as moralism.” At this stage, it should come to no surprise: at the very least Benjamin considered oppression to be the rule of our way of life. While history books (either written by the victors or for the victors) may give us the impression that we live in an idyllic time — what better way to keep the masses complacent than to offer them the opiate of a falsified history — a violence of the rulers against the masses is still observable. The reduction of human people to bare life, as occurs in Guantanamo Bay, in the torture prison of Abu Ghraib and in the treatment of refugees who must flee their countries in precarious conditions because of the political and economic interests of the West are just a few examples of the evident absence of true peace and equality worldwide. Arguing that the implicit categorisation of particular individuals as *homines sacri* should be considered a question of biopolitics (Foster, 2011), “Agamben then extends this principle to a judgment on post-war modernity: bare life now approaches normative status, and the camp is the ‘new biopolitical nomos of the planet’.”

In “I am the decider”, a review of Eric Santner’s book *On Creaturely Life* Hal Foster (mirroring Agamben’s observation) makes a point that takes Löwy’s statement that the ‘Theses’ continue to be relevant, to a more substantial point, in saying that we are living in an era where the state of exception is once again becoming the norm:

‘What I am calling creaturely life,’ Santner writes, ‘is the life that is, so to speak, called into being, ex-cited, by exposure to the peculiar “creativity” associated with this threshold of law and non-law.’ This creativity can take the form of criticality. Certainly this was the case for the philosophers evoked in all these texts, who witnessed the workings of power during times

of crisis, or indeed, states of emergency: Hobbes laboured on the Leviathan during the Civil War (it appeared in 1651, the year the war concluded); Rousseau conceived The Social Contract as the authority of European kings and princes began to crumble (it was published in 1762); Benjamin wrote his 'Critique of Violence' in 1921, in the wake of a destroyed Reich and in the midst of the Freikorps' rampages; Bataille debated the nature of sovereignty with his friends in the Collège de Sociologie as Fascism spread through Europe; and Schmitt devised his juridical theories as the Nazis gathered in force and rose to power. It is also no accident that in his first seminar on 'the beast and the sovereign', on 12 December 2001, Derrida speaks of the double figure of terrorism, state as well as non-state. Yet it is hardly 9/11 alone that produced the present conditions of radical insecurity. The last decade has included a stolen presidential election, the deception of the Iraq War and the debacle of the occupation, Abu Ghraib, Guantánamo Bay, rendition to torture camps, another problematic presidential election, federal indifference to the victims of Hurricane Katrina, the scapegoating of immigrants, the ecological disaster, the financial house of cards, the weird attack on government by those who would take it over (the Tea Party), the equally weird attack on society in the name of 'Big Society' and so on.

The presence of the state of exception or state of emergency (in Schmitt's conception of it, not Benjamin's)⁸ thus explains why the 'Theses' appear to be timeless: a critique is as timeless as its object of criticism; as long as the latter remains contemporary, so will the former. The American giant, whose political growth became particularly evident in the twentieth century around World War I, has been exceptionally active, for the past century, in forging its own version of the truth in order to justify the exploitation of less aggressive peoples and nations (Meaney, 2016): "US imperialism would go by other names: Manifest Destiny, Greater America, the American Century, the Free World, Internationalism. Colonies and dependencies were rarely declared outright: Americans knew how to conceal an empire, territorial or otherwise."

What brings about this renewed friction in political terms, as Eric Hobsbawm points out on the subject of terrorism, is a notable decrease in the monopoly of state power, which must be accounted for otherwise (2007: 125): "Since the late 1960s states have lost some of that monopoly of power and resources and more of the sense of legitimacy which made citizens law-abiding. This alone is enough to explain much of the rise in violence." This idea is supported by Lucio Levi's 2017 article, which stated that "what distinguishes the emerging multipolar system from similar international systems [...] is that states have to face an unprecedented challenge: competition with non-state actors" and "the global financial and economic crisis has marked the failure of the concept of self-regulated markets and neoliberal

⁸ For Walter Benjamin the state of exception or state of emergency is ironically a positive event, because it constitutes a break in an otherwise continuous line of oppressive and violent acts from above to be inflicted on the masses.

ideology. Politics, that had given up governing the economy and society, is re-occupying the stage.”

The closest instance of the state of exception in action, to most of us in the Western world is the combination of terrorist attacks and the refugee crisis — two separate matters that may as well be considered as one and the same. They’re both direct consequences of the Western “involvement” in the wars in the Middle East, and it would appear that the aim of (some) Western governments has been to turn both of these crises (that of the refugees and of terrorism) into a source of disquiet that fuels a xenophobic fear and/or hatred of a vastly heterogeneous group of people in order to redirect the frustrations of the common citizen to a safer direction for those who are really to blame (Picketty, 2012: 171-72):

After Iraq’s annexation of Kuwait in 1990-92, the united great powers sent their troops to restore the oil to the emirs — and to Western companies. Meanwhile, a new cycle of asymmetric and technological wars was launched — a few hundred dead in the coalition to ‘liberate’ Kuwait versus tens of thousands on the Iraqi side. This logic was pushed to its limit in the second Iraq War, between 2003 and 2011: roughly 500,000 Iraqi dead versus 4,000 American soldiers killed, all to avenge the 3,000 who died on September 11, though that had nothing to do with Iraq. Today this reality, amplified by the Israeli-Palestinian conflict, with its extreme asymmetry of human costs and its lack of a political horizon, serves as justification for every atrocity perpetrated by the jihadists.

Noam Chomsky is not far off this interpretation of recent history himself, when he points out the hypocrisy of American citizens defending — even those who had opposed the government — their intervention in the Communist-inspired wars of Central America, or the bombing of Libya, and attacking so-called “soft targets” — women and children, hospitals, et cetera — with Anthony Lewis stating that otherwise “murderous states would never fear retribution” (1988: 80): “on the principle that Anthony Lewis enunciates, innumerable people around the world are entitled to bomb Washington”. Chomsky follows this with the shocking yet undeniably true accusation that “It is the hallmark of a terrorist culture that observations such as these may never be expressed, and must be incomprehensible when voiced far from the mainstream, where elementary rationality and minimal honesty are not excluded as intolerable affronts to decency.” The West’s responsibility in the conflict in the Middle East is strident (Newey, 2017): “Western foreign policy created a power vacuum, this time in Libya, leading to a growth of jihadism and a refugee crisis — problems which, unlike mass death in Libya’s civil war, we can’t ignore.”

If the sovereign of old obtained his subjects' fealty and submission through their seeking his protection against the threat of the enemy, the contemporary sovereign (the ruling classes) obtains legitimacy by being seen to take on an indispensable task, thus making it (them) irreplaceable. The most material threat to the individual in Western civilization is presented (by the media) as being a crazed, irrational and murderous anger that is supposed to constitute an uncompromising divide between the masses of one part of the world and those of another. As Chomsky very rightly points out, the media is the instrument that is most often used to instil a fear of the Other, and its purpose is to benefit the governing class (1988: 221): "The media serve their function by defining carefully the range of expressible views, framing news reporting within the assumptions laid down by Operation Truth and simply excluding facts that are inappropriate, a highly consistent practice as has been illustrated throughout." He goes on to say (*ibid.*: 222) that "there is no longer any danger of sane discussion informed by fact or guided by conditions of rationality". This sense of alienation from the rest of the world, the perceived Otherness of individuals whose existence is, in fact, not so different from our own, is capitalised on, on the grounds that it creates a deeper sense of unity and connection with one's own culture. It is at the root of the current bouts of nationalism that elected chauvinists to the highest offices in the United States and the United Kingdom, and that voted for the ridiculous and impulsive proposals of building a wall to separate the US from Mexico or of taking Britain out of the European Union.

This current of thought that is based on the agitation of the masses through fear, now resurfacing as a renewed form of racism and xenophobia, is responsible for the success of the surveillance state, the obsession in the US and the UK with so-called 'security' under the pretext of fighting terrorism and protecting one's own country — the policies of Trump's wall and Brexit protecting the citizen in terms of financial security from immigrants supposedly "stealing their jobs". The antagonism between the masses, supported and promoted by the official discourse in mainstream media, provides a justification for British Prime Minister Theresa May to suggest, in the face of two recent terrorist attacks in England, the most overtly Schmittian proposal in the face of this 'emergency' — the suspension of human rights (Newey, 2017): "Now [after the atrocity in Manchester] the election campaign is overshadowed by what is in effect a state of emergency." In their 2016 article, Matthew Held and Kyle McNally reflected that

A tough test for any politics of accommodation, liberal or otherwise, is how a political community addresses the issues of refugees and migration more generally. Western

democracies have jealously guarded the privileges for those inside their borders from those that stand outside. This is not new. What is new is the diminished voice for an alternative, inclusive, more human rights-based treatment of all migrants.

Add to this the policing practices in the US, with their abusive treatment of young black males, who are significantly more likely to be stopped and searched, arrested, or shot, culminating in the shameful and catastrophic need for public demonstrations following the rallying cry that “Black Lives Matter”. Add to this the denial of climate change, which produced the catastrophes of Hurricane Katrina and Haiti, to name just a few, and which threatens the future of the entire ecosystem on which we rely, ostensibly creating a whole new source of oppression for future generations who will struggle to obtain fresh air and water. Why is the denial of climate change so prominent, given its gargantuan risks? The obtuse and careless negation that such a threat (a real one, this time, that could do with genuine protection of, and perhaps *from*, the sovereign) even exists, because to acknowledge the threat would demand the introduction of regulations that would be unpopular among the people who put these leaders in power. In the face of all this, Noam Chomsky recently said in an interview with the BBC that the Republican Party is the most dangerous organisation on earth in human history, on the basis that “[they] are dedicated to trying to destroy the prospects for organised human existence.”⁹

An important issue is then the impotence that many feel in view of that significant percentage of the masses that buys the official discourse and thus stands in the way of the establishment of a just society. What is to be done? *Can* a just society exist? Although the answer to this double question hinted at in Benjamin’s is perhaps too extreme for anyone to realistically consider (some hermits will) there is an interesting notion that might be deduced from his admiration of primitive classless culture. It might still be in our nature as human beings to organise in such a way that we do not menacingly push one another and ourselves into death pits. In *The Beast and the Sovereign*, Derrida noted (2009: 32): “the analogy, the resemblance, the alliance, the hymen depending on the fact that [beast and sovereign] both share that very singular position of being outlaws, above or at a distance from the law”. This analogy is useful: although Benjamin opposed the (bloody) violence of the sovereign, there is no harm in being beasts — or, as Agamben would have put it, *homines sacri*. While not a utopia as such, a potentially *better* society, one that is not organised in a hierarchical manner (this ends oppression) and does not assume an ambitious rivalry among its members in order

⁹ The interview was broadcast by BBC Two programme “Newsnight” on 10 May 2017.

for some to thrive, might in fact be one that is based on the system of matriarchal societies, which Johann Jakob Bachofen had studied (whom Benjamin had read and admired). The turn towards matriarchy — which does not necessarily entail we abandon all our discoveries and **regress into cavemen** — could mean we establish a society where, in the absence of competition, aggression and fear are minimised and, with a decrease of the force of these subjective, emotional components, which are an important part in one's determination of what the utopia is (as my analysis of Schmitt and Benjamin has attempted to demonstrate), we come a step closer to a universal idyll.

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