

Cheka were not spontaneous. They fitted into the pitiless logic of a civil war opposing revolution and counter-revolution, Reds and Whites, peasants and landowners, urban popular classes and tsarist aristocracy, Russian Communism and Western anti-Communism.

The logic of the 'empty throne' was also at work in the first months of the Spanish Civil War, when Franco's *pronunciamiento* triggered a real social revolution in the Republican zones. José Luis Ledesma has convincingly shown, analysing the case of Republican repression in Aragon, that the great majority of its victims were killed in summer 1936. The eruption of popular violence at that time was the result of the breakdown of the state and the consequent power vacuum.⁶⁷ In these weeks, according to Gabriele Ranzato, Spain experienced an 'overflow of bloody and iconoclastic radicalism' that killed 6,800 religious – a massacre that government authority was unable to stop.⁶⁸ Priests and landowners were hunted down in a repression arising from class impulses, especially in the countryside: it spared people whose hands showed the marks of manual work and condemned the others. Such anarchistic (and often anarchist) violence came to an end in the autumn, when the Republican state was reconstituted and imposed its law. Popular tribunals continued to pronounce death sentences, but the wave of violence declined: the revolution began to create its own institutions. There was a fundamental difference in the anti-Republican violence that intensified as Franco's army consolidated its power, with executions continuing for more than ten years after the end of the civil war and the establishment of the *caudillo's* regime.

The atrocities of the Second World War, particularly those perpetrated on the Eastern front, were documented by thousands of photographs taken by the soldiers of the Wehrmacht. These often unbearable images, showing violence and death in the most naked and horrible factual way, are not easy to interpret, beyond their

⁶⁷ José-Luis Ledesma, *Los días de llama de la revolución. Violencia y política en la retaguardia republicana de Zaragoza durante la guerra civil* (Zaragoza: Institución Fernando el Católico, 2003).

⁶⁸ Gabriele Ranzato, *L'eclissi della democrazia. La guerra civile spagnola e le sue origini 1931–1936* (Turin: Bollati-Boringhieri, 2004), pp. 408–10.

immediate dimension as 'documents' or 'moments of truth' captured by the lens.⁶⁹ In many cases, the photographers were involved in the murderous actions, and their pictures testify to a complicit gaze accompanying the pleasure of killing. The captions several soldiers wrote beneath the pictures, as a kind of commentary in their souvenir albums, reveal this dimension of the visual document: the war trophy.⁷⁰ More frequently, pictures of this kind fulfilled another aim. Not taken in response to an order or to be widely distributed, but rather on the initiative of soldiers themselves, and deposited in their private archives, they reveal another dimension of the war and a different gaze on violence. The camera 'neutralizes' the feelings and emotions of the soldiers, amateur photographers who, while taking part in the killings, might well view them with a 'cold eye'.⁷¹ The camera allowed them to establish a distance with respect to the regarded object – the act of killing and its victim – through a separation and neutralization that conferred on them the status of bystanders instead of actors. Today, these pictures detach themselves from their original destination, the secret imagination of the soldiers, and settle themselves in our collective memory as 'secular icons' of death in the twentieth century.

Cold Violence

In order to understand civil wars, it is necessary to compare their violence with the far more large-scale violence of the total wars of which they are often components or appendices. The difference is glaring. The bloody conflicts that tore Germany apart at the moment of its defeat and the birth of the Weimar Republic, between January and May 1919, claimed a number of victims incomparably lower

⁶⁹ Georges Didi-Hubermann, *Images malgré tout* (Paris: Éditions de Minuit, 2003), p. 47.

⁷⁰ See Judith Levin and Daniel Uziel, 'Ordinary Men, Extraordinary Photos', *Yad Vashem Studies* 26 (1998), pp. 265–93.

⁷¹ See Dieter Reifahrth and Viktoria Schmidt-Linsenhoff, 'Die Kamera der Täter', in Hannes Heer und Klaus Naumann, eds, *Vernichtungskrieg. Verbrechen der Wehrmacht 1941 bis 1944* (Hamburg: Hamburger Edition, 1995), p. 497.

than the battles of the Somme or Verdun. The particular character of the European civil war lies in the fact that it was a mixture of total wars, revolutions, civil wars and genocides. It created a context in which a savage and ancestral violence merged with the modern violence of total war, the technology of aerial bombing and the industrial extermination of gas chambers. In this war, one might say, borrowing the words of Alain Corbin, the 'Dionysiac drives' of avenging crowds coexisted with the 'pasteurized massacres' of state violence.⁷² In other words, the violence born from the regression in the civilizing process combined, in an astonishing dialectic of non-contemporaneity, with a modern and much more murderous violence based on the technology of industrial society. Violence of this kind implied, both socially and anthropologically, the achievements of the civilizing process: the state monopoly of weapons, managerial and productive rationality, the fragmentation of tasks and the division of labour, self-control of instincts, the freeing of social agents from moral responsibility, spatial separation between victims and executors. While *Einsatzgruppen* soldiers and policemen killed Jews in Polish villages, piling them in common graves, SS lieutenant-colonel Adolf Eichmann remained in his office, where he organized the deportation of other Jews to the death camps. An army of civil servants performed tasks essential to the extermination process – whether censuses, expropriation decrees, or the train timetables that made possible the convoys to the death camps – but which, considered in isolation, had nothing murderous about them. They became murderous only through being integrated into a global chain culminating in the gas chambers, a chain whose final outcome was not necessarily known to its individual participants, one of its very premises being 'the social production of moral indifference' so typical of modern societies.⁷³ The image of Oradour-sur-Glane, the small French village where, on 10 June 1944, the SS burned the whole population alive in the village church, belongs as much to

72 Alain Corbin, *Village of Cannibals: Rage and Murder in France, 1870* (Cambridge, MA: Harvard University Press, 2004).

73 Zygmunt Bauman, *Modernity and the Holocaust* (Cambridge: Polity, 2000), p. 18.

the memory of the Second World War as do the chimneys of Auschwitz. These different forms of violence, 'hot' and 'cold', coexisted in the same war. Despite Norbert Elias's theory helping us to study the expressions of an avenging crowd in a civil war, his attempt to explain the Holocaust as 'a throwback to the barbarism and savagery of earlier ages'⁷⁴ turns out to be deceptive and false. It would be far more appropriate to interpret it, in the wake of Adorno and the Frankfurt school, as the expression of a barbarism 'inscribed within the principle of civilization'.⁷⁵ Civilization and barbarism are not absolutely antagonistic terms, but two indissociable aspects of the same historical process carrying both emancipatory and destructive tendencies. Emancipation and domination go together as two potentialities of a single dialectical movement.

In an interesting reflection on the implications of distance as a source of moral indifference – a reflection whose genealogy he reconstructs from Aristotle to Chateaubriand – Carlo Ginzburg reminds us of the metaphor of Diderot's 'Letter on the Blind'. If there was no fear of punishment, many men would prefer to kill another person a long way off than to use their own hands to kill a cow. Distance keeps the horror of blood at bay, rendering the criminal indifferent, like a blind man who cannot see and consequently neutralizes his moral reactions. According to Ginzburg, the air war of the twentieth century, transforming the enemy into a microscopic target and removing blood from the bombers' vision, proves Diderot's assertion. 'When pushed to extremes', Ginzburg concludes, 'distance may lead to an absolute lack of pity for other human beings.'⁷⁶ These observations grasp an aspect of war and mass violence in the modern world. In the European civil war, however, cold violence and 'distance' are combined with the heat and passion of a crusade against a known enemy, aiming to kill him and to exhibit his corpse as a trophy. Distance and the moral

74 Elias, *The Germans*, p. 302.

75 Theodor Adorno, 'Education after Auschwitz', in *Critical Models: Interventions and Catchwords* (New York: Columbia University Press, 1999), p. 191.

76 Carlo Ginzburg, 'To Kill a Chinese Mandarin: The Moral Implications of Distance', in *Wooden Eyes: Nine Reflections on Distance* (London: Verso, 2002), p. 167.

indifference that makes it possible to bomb towns and murder en masse are mixed with the physical closeness and emotional involvement of the combat seeking to kill Bolsheviks, torture partisans and eliminate *Untermenschen* in a struggle experienced as 'redemptive'.⁷⁷ The images of executions of partisans and Jews that the Wehrmacht soldiers sent back to their wives from the Eastern front, like the films showing soldiers grinning as they cut the beard of an old Jew or humiliate naked women in the Polish winter, are the mirror of this brutalization of mental dispositions and practices of the violence of war.⁷⁸

Dictatorship

The European civil war transformed the meaning and usage of the term 'dictatorship'. Following the advent of the regimes of Mussolini, Hitler, Franco and Stalin, it became synonymous with an authoritarian or even totalitarian regime of oppression and terror, eclipsing the meaning it had always had previously.⁷⁹ Charlie Chaplin's parody of Hitler in *The Great Dictator*, made in Hollywood in 1940, brought this new meaning of the word into mass culture. From Antiquity to the twentieth century, dictatorship had been seen as a corollary of democracy. In its classic meaning, it denoted the form of republican government in a time of crisis, when the exercise of power was monopolized by a single individual called a 'dictator'. The Roman dictatorship, however, was a magistracy with limited prerogative powers, field of action and duration. It was not a despotic, arbitrary or illegal power, and its basis remained republican. The dictator was appointed by a consul, at the request of the Senate, and his mandate lasted for six months. As an 'extraordinary

77 See Saul Friedländer, *Nazi Germany and the Jews: Volume 1, The Years of Persecution 1933–1939* (New York: HarperCollins, 1997), pp. 73ff.

78 These images are published in Daniel J. Goldhagen, *Hitler's Willing Executioners* (New York: Vintage, 1997). On this subject, see in particular Bernd Hüppauf, 'Der entleere Blick hinter der Kamera', in Heer and Naumann, *Vernichtungskrieg*, pp. 504–27.

79 Giovanni Sartori, 'Dittatura', in *Enciclopedia del Diritto*, vol. 13 (Milan: Giuffrè, 1964), p. 357.

magistrate', he was appointed to deal with a major peril, whether internal (sedition) or external (war). If the dictator embodied authority, from a strictly institutional point of view this dictatorship was not the actual state power, but simply an *extraordinary organ* of it, its character being conjunctural rather than structural.⁸⁰ In the popular imaginary, the figure of a dictator was embodied by Cincinnatus, the legendary commander who was called upon to save the endangered Roman republic and who, after defeating the enemy in two weeks, went home to plough his fields.

Dictatorship implies a *state of exception*, i.e. the suspension of law and limitation of individual liberty. But this is a matter of temporary measures authorized by legitimate bodies of the state. In Giorgio Agamben's definition, inspired here by Carl Schmitt, the state of exception separates the norm from its application, in order to preserve it and make it effective: 'The state of exception is an anomie space in which what is at stake is a force of law without law.'⁸¹ The dictator, accordingly, cannot be equated with a usurper or tyrant who seizes power in a coup d'état, since the power that he exercises is not simply de facto but de jure. He can provisionally suspend the application of the law, but he can neither change the law nor suppress the constitution, nor again promulgate new laws. This conception of dictatorship runs through the entire history of political thought.

Taking inspiration from Bodin, Carl Schmitt defined two types of dictatorship. In 1920, he distinguished between classical dictatorship, which he defined as the dictatorship of a *commissioner*, and *sovereign* dictatorship: the former being the emanation of a constituted state power, while the latter was the organ of a constituent power.⁸² The model for the latter Schmitt saw in the English Revolution of the seventeenth century: after dissolving the Long

80 Alfred Cobban, *Dictatorship: Its History and Theory* (New York: Haskell House, 1971 [1939]); Franz Neumann, 'Notizen zur Theorie der Diktatur' (1954), in *Demokratischer und autoritärer Staat* (Frankfurt: Fisch, 1986), pp. 224–47; Sartori 'Dittatura', pp. 359–60.

81 Giorgio Agamben, *The State of Exception* (Chicago: University of Chicago Press, 2005), p. 39.

82 Carl Schmitt, *Dictatorship* (Cambridge: Polity, 2013).

Parliament, Cromwell had established a military dictatorship that was not answerable to any higher body, and transformed itself into a genuine sovereign power, no longer delegated or provisional, but permanent and absolute. Schmitt also included the French Revolution in this category, the Constituent Assembly having played a similar role when it established its own organ of Terror, the Committee of Public Safety, in 1793. The final example he gave was that of the regime established by the Bolsheviks in October 1917, prefigured by the Marxist concept of the dictatorship of the proletariat. In this case, too, the dictatorship was not the extraordinary organ of a legal power, but a constituent power that created a new order. In this case, it happened to be a revolutionary power that could not claim national legitimacy (it had dissolved the Constituent Assembly, in which it was a minority), but based itself on a class legitimacy – the soviets; though this representation was immediately confiscated by the party that had organized the insurrection. In the course of the civil war, the constituent power came inevitably to be identified with the dictatorship of a militarized revolutionary party.⁸³

It was immediately after the First World War, a period marked in Central Europe by the bloody confrontation between revolution and counter-revolution, with the rise of more or less lasting military dictatorships, that Max Weber reformulated his theory of 'charismatic authority', now integrating into it the various forms of Caesarism whose typology he had presented in *Economy and Society*.⁸⁴ Charismatic authority is that of a man of providence with a vocation for swaying crowds, the leader with supposedly exceptional qualities who appears as a 'saviour' in a period of crisis. He seems touched by 'grace' and capable of performing miracles, in the manner of the thaumaturgical kings of the Middle Ages. A 'charismatic community' of disciples forms around him, united by a

83 On the revolution as 'constituent power', see Antonio Negri, *Le Pouvoir constituant* (Paris: Presses Universitaires de France, 1997), pp. 352–85.

84 Max Weber, *Economy and Society: An Outline of Interpretive Sociology* (Berkeley: University of California Press, 1978), pp. 241ff. On this shift, see Peter Baehr, 'Max Weber and the Avatars of Caesarism', in Peter Baehr and Melvin Richter, eds, *Dictatorship in History and Theory: Bonapartism, Caesarism, and Totalitarianism* (New York: Cambridge University Press, 2004), p. 167.

quasi-religious feeling of belief in his extraordinary properties, who voluntarily submit themselves to his will. In a similar way to the early Christian communities (*ecclesiae*) who had no formal structure but a charismatic foundation linked to the personality of Christ, so the dictatorships that arose after the First World War often claimed an extra-legal legitimacy, appealing not to human law but to the higher laws of Nature or History. They were distinct both from traditional power, whose legitimacy rested on the force of customary law, and from modern forms of domination based on the rational constraint of the law. The feature shared by their leaders, Weber emphasizes, lies in the fact that they are obeyed not by virtue of any custom or law, but because they are viewed as possessing exceptional powers.⁸⁵ Charismatic power is by its very nature fragile and transitory, like the disturbed and chaotic times that engender it, and ineluctably condemned, according to Weber, to a 'routinization' (*Veralltäglicdung*) that erodes it and undermines its characteristics. In its rise, however, it annuls or neutralizes the law, and replaces it with the decision of a leader. This is then a personal power that claims to be original and free of legal constraints. A personal power embodied by a single, sacred, irreplaceable body, neither dynastic nor institutional, but precisely charismatic; a body identified with gestures, expressions, a voice; the mystical object around which the crowd can assemble and commune. This is the body of the Führer as presented by Leni Riefenstahl in her film on the Nuremberg rally, *Triumph of the Will*; or the body of the Duce, whose power of fascination over his disciples is stressed by the writer Vitaliano Brancati: 'If he finds himself in the midst of a crowd, the crowd begins to surge and boil around him; the people surround him, forming a pyramid and placing him spontaneously at the summit.'⁸⁶ It is inevitable that the end of this charismatic power should involve the destruction of its embodiment: trampled, humiliated and hanged by the feet, like the body of Mussolini in April 1945; 'self-immolated' like that of Hitler a few days later, when the Third Reich collapsed, to escape an

85 Max Weber, *Complete Writings on Academic and Political Vocations* (New York: Algora, 2008), p. 159.

86 Quoted in Luzzatto, *Il corpo del Duce*, p. 19.

equally horrible death. The body of the dictator does not survive the European civil war, its end often culminating in his immolation. Like the execution of Louis XVI or Tsar Nicholas II, this symbolic moment marks the emergence of a new legitimacy.

In 1920, Trotsky's pamphlet against Karl Kautsky, *Terrorism and Communism*, seems to anticipate Schmitt's essay on dictatorship. In this work, the head of the Red Army analyses and legitimizes the revolutionary terror as an indispensable tool for creating a new state power. After recalling that 'no one ever considered war a school of humanity – still less civil war', Trotsky justifies Bolshevik policy in the name of the laws of history, seeking to prove that it does no more than follow the example of Cromwell, the Jacobins, and the Paris Commune. On each occasion, the revolutionaries were accused of terrorism. Each time, the defence of the revolution demanded the taking and execution of hostages, the imposition of censorship, the neutralization or elimination of enemies (from expediency, he spells out, not from principle). The violence of Bolshevik power, Trotsky concludes, rests on class foundations that follow the direction of history. His strictly historicist argument leads to the following conclusion:

The Red Terror is a weapon utilized against a class, doomed to destruction, which does not wish to perish. If the White Terror can only retard the historical rise of the proletariat, the Red Terror hastens the destruction of the bourgeoisie ... This hastening – a pure question of acceleration – is at certain periods of decisive importance. Without the Red Terror, the Russian bourgeoisie, together with the world bourgeoisie, would throttle us long before the coming of the revolution in Europe. One must be blind not to see this, or a swindler to deny it.⁸⁷

A few months earlier, Victor Serge had proclaimed the same principle, in a formulation that was equally frightening, even if inspired more by revolutionary enthusiasm than by *raison d'état*: 'We – the

⁸⁷ Leon Trotsky, 'Terrorism and Communism', at marxists.org.

Reds – despite hunger, mistakes, and even crimes – we are on the way to the city of the future.'⁸⁸

These passages illustrate very well the paradoxical position of the Bolsheviks in 1920. On the one hand, they practised terror as a weapon of survival, in a desperate struggle against an enemy that threatened to crush them; on the other hand, they justified this in the name of the laws of history, and theorized it as the forceps needed to give birth to a new society. Respecting the codes of revolutionary scholastics, the practices of the Cheka could even find a theoretical legitimation in Marx's thesis of violence as the 'midwife' of history.

This apology for terror was basically only one aspect of the new perception of violence in European societies as these emerged from the trauma of the Great War. On the nationalist side, fascists and 'conservative revolutionaries' idealized war as the laboratory of a form of civilization organized by the total state and embodied by the new humanity that had emerged from the trenches. The Great War had forged the values, mentality and political vision of the fascist leaders. Mussolini and Hitler were veterans who believed that they had discovered the meaning of life in the experience of war. The war had created a 'combat community' (*Kampfgemeinschaft*) that became, after 1918, a model of society, transformed into a monolithic and totalitarian 'national community' (*Volksgemeinschaft*).⁸⁹ Idealized by futurism as an aesthetic experience, and exalted by nationalism as the mission of the 'new man', war remained at the heart of the fascist view of the world. As distinct from Russia, where the Bolshevik dictatorship was born out of a social and political revolution that had broken the state apparatus inherited from tsarism and destroyed the former ruling elites, in Italy and Germany fascism seized power by legal means. In both countries, the construction of a totalitarian regime involved a 'legal revolution',⁹⁰ which, without immediately

⁸⁸ Serge, 'Endangered City', p. 81.

⁸⁹ Omer Barton, 'Fields of Glory', in *Mirrors of Destruction: War, Genocide and Modern Identity* (New York: Oxford University Press, 2000), pp. 9–44.

⁹⁰ Emilio Gentile, *Qu'est-ce que le fascisme? Histoire et interprétation* (Paris: Folio-Gallimard, 2004), p. 45.

affecting the institutional façade of the state, suspended its laws for the duration. In Italy, the demolition of the liberal state was completed around the end of 1925, with the promulgation of the *leggi fascistissime* – laws that followed Anteo Zamboni's attempted assassination of Mussolini. In the space of three years, the parliamentary system was practically destroyed, all powers were concentrated in the executive, and basic liberties suppressed (including freedom of association and the right to strike). Press pluralism was abolished by the imposition of censorship, the death penalty reintroduced, local administration entrusted to *podestà* who were appointed by the central authority, and finally, in 1928, the Fascist Grand Council became the regime's supreme constitutional organ. In Germany, it was the emergency decree 'for the protection of people and state' issued by Hitler on 28 February 1933, following the Reichstag fire, that suspended *sine die* all freedoms enshrined in the Weimar constitution. This is why Roman Schnur defined the Nazi regime as a 'legal civil war'.⁹¹ The Hitler dictatorship 'legalized' civil war because it could not consolidate itself without making permanent the state of exception characteristic of civil war. The political scientist Ernst Fraenkel termed it a 'dual' state – a state in which two opposing legal structures could coexist: on the one hand, rational modern law concerning the economy and the private sphere, and on the other hand, the law of exception that allowed the political power to free itself from any legal and rational procedure.⁹² The fascist dictatorship suspended law in order to make the state of exception a permanent norm. The context of crisis, during the interwar period, provided the soil from which Schmitt drew the elements of his political theology, which brought back on to the agenda, in a secular form, the postulates of absolutism. The prerogative of the holders of absolute power thereby became the *nomos* of modern politics: 'Sovereign is he who decides on the exception.'⁹³

91 Roman Schnur, "Zwischenbilanz": zur Theorie des Bürgerkrieges. Bemerkungen über einen vernachlässigten Gegenstand', in *Revolution und Weltbürgerkrieg. Studien zur Ouvertüre nach 1789* (Berlin: Duncker & Humblot, 1983), p. 134.

92 Ernst Fraenkel, *The Dual State* (New York: Oxford University Press, 1941).

93 Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* (Chicago: University of Chicago Press, 2006), p. 5.

THREE

War against Civilians

Annihilation

The first global conflict, the act of birth of the European civil war, began as a classic confrontation between states, which is why its actors were stunned by the unprecedented and unexpected forms that the conflict very rapidly took. Their reaction reveals the culture and mentalities that were typical of nineteenth-century Europe: aristocratic and imperial, confident of its power, shocked to see a 'barbarism' that had previously been relegated to the 'uncivilized' world resurface in its midst, and to discover that war was no longer a gentlemen's business but an eruption of devastating violence.¹ The German military who occupied Belgium were fearful of 'snipers', in an echo of the war of 1870. This led to a wave of violence against civilians in the frontier villages, which were immediately ravaged and set on fire. The historians John Horne and Alan Kramer have counted 6,427 civilian victims during the first

1 This is the same stupefaction that Sigmund Freud showed in 1915, when he noted in "Thoughts for the Times on War and Death" that 'the great world-dominating nations of white race upon whom the leadership of the human species has fallen' had proved incapable of developing this along peaceful paths. The war, he concluded, 'strips us of the later accretions of civilization, and lays bare the primal man in each of us'. Sigmund Freud, *Standard Edition*, vol. 14 (London: Hogarth, 1957), pp. 276, 299.