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Endroits of Planetary Ordering: Violence, Law, Space, & Capital in the Diplomatic History of 19th Century Europe

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Abstract

If Derrida once praised English for the richness of the expression “to enforce the law,” in this article I return the favor and embrace the ambiguity of the French word *endroit*. While it means nothing more than *place*, I suggest one could draw from Benjamin’s work on dwelling to ponder on the meaning of being within the spaces of 19th century (counter) revolutionary internationalism. In this vein, I read Benjamin’s unfinished *Arcades Project*—and, in particular, its analysis of the rise of iron & glass architecture that accompanied the conquering bourgeois and the persistent aristocracy—to analyze the new built environments of the *fin de siècle* North Atlantic diplomacy. Despite the growing interest in the history of global governance, for historians and critical legal scholars alike, the spatial dimension of “the international” have been a largely unexplored affair. Conversely, I suggest Benjamin’s insistence on the materiality of architecture reminds us that international law’s castles were not built solely in the air. In this vein, I suggest one can trace a material history of the spaces in which revolutionary and counterrevolutionary internationalisms struggled to fashion a shell for themselves during Europe’s turbulent 19th century.

Keywords: Theory and history of international law; science and technology studies; law and architecture; legal materiality; Walter Benjamin

“To dwell” as a transitive verb—as in the notion of “indwelt spaces”; herewith an indication of the frenetic topicality concealed in habitual behavior. It has to do with fashioning a shell for ourselves.¹

For in the exercise of violence over life and death, more than in any other legal act, the law reaffirms itself.²

A. Introduction: Violence, Law, Space, and Justice

In his famous 1989 keynote address, Derrida begins “in medias res,” with strong opening remarks about the relation of the “problem of language to the question of justice—of the possibility of

¹WALTER BENJAMIN, *THE ARCADES PROJECT* (Rolf Tiedemann ed., Howard Eiland & Kevin McLaughlin trans., 1999). Convolute I4,5 at 221. A note on citation: As I explain with more detail further below, Benjamin’s *Arcades* project is organized into a series of “convolutes”—as the German word *konvolutes* has been traditionally translated by scholars into this neologism—which are often marked by a combination of letters and numbers. For instance, here I am referring to convolute I4,5 (as Benjamin himself numbered it), which is found in page 221 of the edition consulted. Thereafter, any reference to *The Arcades Project* will follow the same logic and include both the pincite to the page and the convolute numbering system used by Benjamin.

²WALTER BENJAMIN, *Critique of Violence*, in *SELECTED WRITINGS VOLUME 1: 1913–1926* 236, 242 (Marcus Bullock & Michael Jennings eds., 1996).

justice.”³ Chief among them is a relatively small excursus on the richness of the English expression “to enforce the law.”⁴ In his view, this notion—at least compared to the more natural French idiom *appliquer la loi* [to apply the law]—reminds us that law is nothing without force.⁵ This seems quite appropriate, seeing that Derrida’s address was based on a re-lecture of Walter Benjamin’s famous essay *Towards the Critique of Violence*, which dealt precisely with the turbulent relationship between law, justice, and violence.⁶ Despite international law’s liberal narrative that ties the history of law to an irenic evolution from conflict to peace, Benjamin, Derrida, and other voices along the “socio-critical spectrum”⁷ remind us that “legal interpretation takes place in a field of pain and death.”⁸ They remind us, in other words, that any inroad into the theory and history of international law must be attentive to its political economy of foundational violence.⁹

In this vein, in what follows, I return the favor to Derrida to embrace the ambiguity of the French word *endroit*. While it linguistically means nothing more than *place*, I suggest one could draw from Benjamin’s work to use it as a conceptual scaffold to interrogate the relationship between *Critique*’s triad (violence, justice, and law) with another central concern of Benjamin’s work: Space.¹⁰ To do so, I will bring into conversation some fragments from Benjamin’s monumental but unfinished, and difficult to categorize, historical exploration of urban space, art, and capitalism in Europe’s 19th century with some of his considerations on international law and diplomacy in *Critique*. The result, I hope, will not necessarily be a Benjaminean project but rather an attempt to think with—and perhaps even against—Benjamin in my quest to incorporate materiality and spatiality into international legal history.¹¹

Indeed, as I have argued more extensively elsewhere, questions of space and matter have been conspicuously absent from the growing literature on the theory and history of international law.¹² While the turn to history has revealed much about the “who’s who” in our dude wall of leading North Atlantic leading diplomats and doctrines,¹³ we still know little about the competing “places (where’s)” that claimed the mantle of “the international.” By displacing human protagonists, and their seemingly free-floating ideas, I insist that international legal activities always occurred somewhere.¹⁴ And these “where’s,” as Biltoft has shown, can be understood as “spaces embedded

³Jacques Derrida, *Force of Law: The “Mystical Foundation of Authority”*, in *DECONSTRUCTION AND THE POSSIBILITY OF JUSTICE 3* (Drucilla Cornell, David Carlson & Michel Rosenfeld eds., 1992).

⁴*Id.* at 5–6.

⁵Pierre Bourdieu, *The Force of Law: Toward a Sociology of the Juridical Field*, 38 *HASTINGS L.J.* 805 (1987).

⁶BENJAMIN, *supra* note 2, at 236.

⁷MARGARET DAVIES, *LAW UNLIMITED: MATERIALISM, PLURALISM, AND LEGAL THEORY* 14 (2017).

⁸Robert Cover, *Violence and the Word*, 95 *YALE L.J.* 1601 (1986).

⁹THOMAS R. KEARNS & AUSTIN SARAT, *LAW’S VIOLENCE* 1–22 (1995); JOHANNA OKSALA, *FOUCAULT, POLITICS, AND VIOLENCE* 36–50 (Northwestern Univ. Press 2012).

¹⁰BENJAMIN, *supra* note 2.

¹¹I have offered a more detailed review of the resurgence in Benjaminean legal histories in the domestic United States and international spheres elsewhere, see Daniel Ricardo Quiroga Villamarín, *Domains of Objects, Rituals of Truth: Mapping Intersections Between International Legal History and the New Materialisms*, 8 *INT’L POL. REVIEWS* 8, 129–51 no. 2 (2020). I prefer not to use the adjective ‘American’ to refer to the United States, for the Americas are two continents and the US is but a single country. See further Daniel Ricardo Quiroga-Villamarín, “*Holding Fast to the Heritage of Freedom*”: *The Grotian Moment(s) of the Universal Declaration of Human Rights and the Early United Nations (1941–1949)* 44 *GROTIANA* 94, fn 4 at 95 (2023). On the notion of working with Benjamin, see ANDREW BENJAMIN, *WORKING WITH WALTER BENJAMIN: RECOVERING A POLITICAL PHILOSOPHY* 1–14 (2013).

¹²Daniel Ricardo Quiroga Villamarín, *Beyond Texts? Towards a Material Turn in the Theory and History of International Law*, 23 *J. OF THE HIST. OF INT’L LAW* 466 (2021).

¹³With the term “dude wall” I make reference to the hall of fame, typically found in Universities and other higher education institutions, in which leading intellectuals are honored through the use of bust sculptures or photos. For instance, think of the University of Vienna’s famous Arcaded Courtyard—with its statues of Sigmund Freud or Hans Kelsen.

¹⁴Juan M. Amaya-Castro, *Teaching International Law: Both Everywhere and Somewhere*, in *LIBER AMICORUM IN HONOUR OF A MOD. RENAISSANCE MAN: GUDMUNDUR EIRIKSSON* 521 (Juan Carlos Sainz Borgo et al. eds. 2017).

within and so reflective of the structures and mentalities of a particular world historical conjuncture.”¹⁵ In fact, as the broader spatial turn in the humanities and social sciences has shown, “space is not simply a container for human action, but also an artifact of human existence . . . [and] a mode of intellectual production deserving of interpretation on its own right.”¹⁶

In this article, I focus on what has been commonly understood as the long 19th century in European history (1815–1914).¹⁷ This period, as Koskenniemi noted, was marked by the fact that the relations between European powers were no longer built on one power’s search for primacy . . . [or in imaginaries of a *respublica Christiana*] but were instead based on complicated legal procedures and alliances . . . [with governing principles that were] neutral and objective—that is, legal.¹⁸

To bring in Benjamin’s concerns on the centrality of violence in legal practices seems quite urgent, as the liberal historiographical narratives of this period in Europe—just as most histories of law—have tended to portray this epoch as a time of peace, or at least progressive pacification.¹⁹ As Baker quipped, only in this view can “a century of savage global war still be called the *pax Britannica*.”²⁰ This narrative is especially prevalent and virulent in our histories of international law, where “the nineteenth century floats in our memories as [the] non-legal context for an emerging legal order.”²¹ Indeed, when our discipline addresses this period, it often does so in a teleological way that only highlights the “final decades, from roughly 1870 . . . until 1914.”²² This period, for mainstream accounts, is but a prologue for a posterior system of global governance—a *not yet*.

Critical and postcolonial accounts, on the contrary, have highlighted the enormous amounts of violence required—in both Europe and beyond—to enact the great transformations of this

¹⁵Carolyn Biltoft, *Sundry Worlds Within the World: Decentered Histories and Institutional Archives*, 31 J. OF WORLD HIST. 729, 733 (2020).

¹⁶John Randolph, *The Space of Intellect and the Intellect of Space*, in RETHINKING MOD. EUR. INTELL. HIST. 212–31, 225 (Darrin M. McMahon & Samuel Moyn eds. 2014).

¹⁷I take the notion of a long century from E. J. HOBBSAWM, THE AGE OF REVOLUTION 1789–1848 (1996); E. J. HOBBSAWM, THE AGE OF CAPITAL, 1848–1875 (1996); E. J. HOBBSAWM, THE AGE OF EMPIRE, 1875–1914 (1989).

¹⁸Martti Koskenniemi, *The Politics of International Law*, 1 EUR. J. INT. LAW 4, 5–6 (1990). To be sure, my argument is not that law suddenly emerged in this period and that there were no prior institutional arrangements for inter- and extra-European encounters. As Benton and Clulow have shown, even in the Early Modern period one can see the existence of dense webs of “interpolity law” that effectively governed the relations between and beyond European empires. Lauren Benton & Adam Clulow, *Empires and Protection: Making Interpolity Law in the Early Modern World*, 12 J. GLOB. HIST. 74, 76 (2017). Even within Europe itself, others have read the long 18th century as the hightide of an era of highly sophisticated use of the “Law of Nations” in imperial and diplomatic practice. See Raphaël Cahen et al., *Training, Ideas and Practices. The Law of Nations in the Long Eighteenth Century: An Introduction to the Focus Section*, 22 J. HIST. INT. LAW. 45 (2020). Even in the first decades of the 19th century (especially in colonial contexts) one can see an increasingly aggressive use of legal categories for imperial purposes. INGE VAN HULLE, BRITAIN AND INTERNATIONAL LAW IN WEST AFRICA: THE PRACTICE OF EMPIRE, 27–72, 206–55 (2020). As I’ve noted with more detail elsewhere, the focus on the modern era in the history of international law can be partially explained if one considers the “prevalence to the written word” that has been given by most of the literature. Daniel Ricardo Quiroga Villarmarin, *Beyond Texts? Towards a Material Turn in the Theory and History of International Law*, J. HIST. INT. LAW 1, 483–84 (2020). Accordingly, in this article I seek to turn to materiality to expand our understanding of the post-19th century international legal project using Benjamin’s reflections on the 19th century. But I am more than willing to concede that solely focusing on this period has often resulted in a limited (and Eurocentric) reading of the history of international law. I thank one of the reviewers for their very helpful comments in relation to this issue!

¹⁹See SERGE BERSTEIN & PIERRE MILZA, HISTOIRE DU XIXE SIÈCLE (1996); THE SHORT OXFORD HISTORY OF EUROPE: THE NINETEENTH CENTURY (T. C. W. Blanning ed., 2000).

²⁰Andrew Baker, *Divided Sovereignty: Empire and Nation in the Making of Modern Britain*, 46 INT. POL. 691, 695 (2009); Martti Koskenniemi, TO THE UTTERMOST PARTS OF THE EARTH: LEGAL IMAGINATION AND INTERNATIONAL POWER, 1300–1870 783–94 (2021).

²¹David Kennedy, *International Law and the Nineteenth Century: History of an Illusion*, 17 QLR 99, 105 (1997).

²²*Id.* at 106; MARTTI KOSKENNIEMI, THE GENTLE CIVILIZER OF NATIONS: THE RISE AND FALL OF INTERNATIONAL LAW 1870–1960 (2009). INGE VAN HULLE & RANDALL LESAFFER, INTRODUCTION TO INTERNATIONAL LAW IN THE LONG NINETEENTH CENTURY 1776–1914 7–9 (2019).

period.²³ Violence, as Wagner shows, was both routine and exceptional as well as internal and colonial in every European Empire of the day.²⁴ Along these lines, in this article I draw from the work of the Marxist political scientist turned diplomatic historian Arno Mayer.²⁵ For all his flaws, Mayer places revolutionary, and counterrevolutionary, dynamics at the core of his historical account of European diplomatic history in the 19th and 20th centuries.²⁶ In this perspective, the 19th century is not merely a period of disorder that, through progressive development, teleologically led to our present²⁷ but rather a tense time of revolutionary upheaval and counterrevolutionary reaction in which violence, justice, and law were intimately intertwined. Unsurprisingly, Meyer's notion of containment and Benjamin's *Critique* provide for productive encounters.

But what, then, about space? I suggest that thinking about international law's relationship to *place* and not only violence might reveal something about its possibilities of justice—or lack thereof. If the 19th century can be understood as a *time* of revolutionary and counterrevolutionary tensions, then it only follows that there must have been series of concrete *places* in which the release or suppression of these pressures was negotiated. And here, hence, is where the *Arcades* come in. In this ever-changing project, Benjamin interrogated these material assemblages to draw attention to the fact that architectonic constructions such as the arcades owed their existence to and serve the industrial order of production, while at the same time containing in themselves a promise never to be fully fulfilled withing the confines of capitalism.²⁸

In a similar gesture, in this article, I trace the history of international diplomacy not through the work of the leading diplomats or international legal textual doctrines but rather through the spaces in which European imperial powers met to negotiate the relationship between planetary order and violence. In particular, I pay attention to an emerging technology of imperial diplomatic negotiation: The international conference or congress.²⁹ In his *Critique*, Benjamin himself recognized that certain developments in the “techniques of civil agreement” allowed for nonviolent agreement, chief among them was “the conference” (*Unterredung*).³⁰ One could follow Derrida and argue that, in this and many other points, Benjamin's analysis is “quite obscure, if not quite traditional.”³¹ Thus, instead of suggesting like Benjamin that conferencing emerged as “the means for nonviolent agreement” which “engendered its own forms and virtues” due to its use by diplomats in “thousands of years in the history of states,”³² I want to interrogate the relationship between diplomatic conferences as spatialized and material practices, violence, and international law. This will take us from the alpine spa or resort to the towering international *expos*, and the headquarters of the new-born international organizations—*endroits* in which revolutionary and counterrevolutionary internationalisms struggled to fashion a shell for themselves.

So far, we have violence, law, and space. But what about justice? Paying heed, I conclude that these material spaces might tell us something about the ways in which the “forms and virtues” of

²³ANTHONY ANGHIE, *IMPERIALISM, SOVEREIGNTY AND THE MAKING OF INTERNATIONAL LAW* (2005); SVEN BECKERT, *EMPIRE OF COTTON: A GLOBAL HISTORY* (2015); SECURING EUROPE AFTER NAPOLEON: 1815 AND THE NEW EUROPEAN SECURITY CULTURE (Beatrice de Graaf et al. eds., 2019).

²⁴Kim A. Wagner, *Savage Warfare: Violence and the Rule of Colonial Difference in Early British Counterinsurgency*, 85 *HIST. WORKSHOP J.* 217, 231 (2018).

²⁵ARNO MAYER, *POLITICS AND DIPLOMACY OF PEACEMAKING: CONTAINMENT AND COUNTERREVOLUTION AT VERSAILLES, 1918–1919* (1967); ARNO JOSEPH MAYER, *THE FURIES: VIOLENCE AND TERROR IN THE FRENCH AND RUSSIAN REVOLUTIONS* (2002); ARNO J. MAYER, *THE PERSISTENCE OF THE OLD REGIME: EUROPE TO THE GREAT WAR* (2010).

²⁶Greg Grandin, *History as Containment: An Interview with Arno J. Mayer*, in *A CENTURY OF REVOLUTION* 415, 415–21 (Gilbert M. Joseph & Greg Grandin eds., 2010).

²⁷Thomas Skouteris, *Progress*, in *CONCEPTS FOR INTERNATIONAL LAW* 719, 719–29 (Jean d'Aspremont & Sahib Singh eds., 2019).

²⁸Rolf Tiedemann, *Dialectics at a Standstill: Approaches to the Passegen-Werk*, in *THE ARCADES PROJECT* 929, 933 (Rolf Tiedemann ed., Gary Smith & André Lefevere trans., 1999).

²⁹For now, it suffices to take these two notions as synonyms.

³⁰BENJAMIN, *supra* note 2, at 244; Derrida, *supra* note 3, at 49.

³¹Derrida, *supra* note 3, at 29.

³²BENJAMIN, *supra* note 2, at 247.

diplomatic infrastructural arrangements exclude and constrain those who participate in law-making activities within them. If Derrida reminds us that—only until recently and even so—when North Atlantic Empires say “humankind” they actually only mean “we adult white male Europeans, carnivorous and capable of sacrifice,”³³ then it only follows that these hierarchies must be also embedded in the humanitarian spaces of a thoroughly humanitarian century.³⁴ By focusing on the materiality of 19th century practices of *Unterredung*, I wish to reveal how these meetings not only allowed counterrevolutionary projects to negotiate how and why to dispense “lawmaking” and “law-preserving” violence but also embodied a particular spatial understanding of justice, in which certain bodies were given prevalence above others.³⁵ While the 19th century congresses and conferences are well known for the ways in which they shifted the borders of Europe,³⁶ in what follows I want to pay more granular attention to how internationally-oriented spaces emerged by redrawing the boundaries what lies “between inside and outside” themselves.³⁷

To do so, after the introduction already provided to the reader, in Section B, I will offer a brief introduction to Benjamin’s work, contextualizing both the *Critique* essay and the *Arcades Project* unfinished manuscript.³⁸ Then, in Section C, I will take different fragments from these works to interrogate the dialectics between revolutionary and counterrevolutionary projects in 19th Century European history, highlighting some material spaces in which the relationship between justice, coercion, law, authority was negotiated present. Finally, in Section D, I offer some concluding remarks on technology, law, and the myth in the modernist quest to govern the world.³⁹

B. “Deeply Unorthodox, Revolutionary, and Messianic:”⁴⁰ An Overview of Benjamin’s *Critique* and *Arcades Project*

While Benjamin’s *Critique* was written roughly a century ago, its style and substance has seemed to have a wider resonance with our contemporary dilemmas than with the legal discussions of 1921. In fact, as Fenves has shown, the *Critique* “generated almost no response” during the Weimar period.⁴¹ One can speculate that it was perhaps overshadowed by some of the other interventions that were published side by side in Issue 47 of the *Archiv für Sozialwissenschaft und Sozialpolitik*,⁴² which included posthumous essays by Marx & Engels and Max Weber, plus

³³Derrida, *supra* note 3, at 18.

³⁴Davide Rodogno, *Humanitarian Intervention in the Nineteenth Century*, in THE OXFORD HANDBOOK OF THE RESPONSIBILITY TO PROTECT 19 (Alex J. Bellamy & Tim Dunne eds., 2016); Mark Swatek-Evenstein, *A History of Humanitarian Intervention in Nineteenth-Century International Law*, in A HISTORY OF HUMANITARIAN INTERVENTION 42 (2020).

³⁵See ANDREAS PHILIPPOPOULOS-MIHALOPOULOS, SPATIAL JUSTICE: BODY, LAWSCAPE, ATMOSPHERE 3 (2015). See also Felix Rösch, *Affect, Practice, and Change: Dancing World Politics at the Congress of Vienna*, 56 COOP. AND CONFLICT 123 (2020).

³⁶Randall Lesaffer, *The Congress of Vienna (1814–1815)*, OXFORD PUB. INT’L L., <https://opil.ouplaw.com/page/congress-vienna-1814-1815> (last visited May 10, 2021).

³⁷Biltoft, *supra* note 15, at 738.

³⁸WALTER BENJAMIN, ONE-WAY STREET (Michael Jennings ed., E. F. N. Jephcott trans., 2016); 4 WALTER BENJAMIN, *On the Concept of History*, in WALTER BENJAMIN: SELECTED WRITINGS 1938–1940 401 (Michael Jennings & Howard Eiland eds., 2003); Walter Benjamin, *The Work of Art in the Age of Mechanical Reproduction*, in ILLUMINATIONS: ESSAYS AND REFLECTIONS 166 (Hannah Arendt ed., Harry Zohn trans., 2019).

³⁹MARK MAZOWER, GOVERNING THE WORLD: THE HISTORY OF AN IDEA, 1815 TO THE PRESENT (2013).

⁴⁰ROSE PARFITT, THE PROCESS OF INTERNATIONAL LEGAL REPRODUCTION: INEQUALITY, HISTORIOGRAPHY, RESISTANCE 29 (2019).

⁴¹Peter Fenves, *Introduction* to TOWARD THE CRITIQUE OF VIOLENCE: A CRITICAL EDITION 1, 3 (Peter Fenves & Julia Ng eds., 2021).

⁴²In English: *Archives for Social Science and Social Welfare*. This journal is perhaps best remembered for its publication of Max Weber, *The Protestant Ethic and the Spirit of Capitalism* in two parts—see XX ARCHIVES FOR SOCIAL SCIENCE AND SOCIAL WELFARE 1–54 (1904) and XXI ARCHIVES FOR SOCIAL SCIENCE AND SOCIAL WELFARE 1–110 (1905)—or Carl Schmitt, *The Concept of the Political*, in 58 ARCHIVES FOR SOCIAL SCIENCE AND SOCIAL WELFARE 1–33 (1927).

contributions from Ludwig Mises and Hans Kelsen.⁴³ Alternatively, as Fenves suggests, perhaps the editor of the *Archiv*, Emil Lederer, only reluctantly accepted to publish the essay because he understood that it would be relegated to relative obscurity.⁴⁴ For that, among other reasons, a more detailed exploration of the essay's institutional and intellectual context might allow us to better grasp its content.

First, it is well worth noting that the *Critique* was originally envisioned as part of a broader project, or even book, on the general theme of *Politics*.⁴⁵ While Benjamin's correspondence reveals that in his *Critique*, he wanted to draw and contribute to an anarchist strand of literature that "treat[ed] violence in a particular way, not only rejecting violence in respect to the state but also more or less defending the revolutionary kind,"⁴⁶ his broader project dealt with the moral philosophy of political life. Taking a passage in Kant's *Towards Eternal Peace* as a point of departure, the project would include essays with draft titles such as "Teleology without Final Purpose," "The True Politician," and the "Dismantling of Violence"—an ambiguous precursor to the *Critique*.⁴⁷ In the end, only the *Critique* and the highly celebrated, but also perplexing, collection of aphorisms *One-Way Street* would see the light of day.⁴⁸

As for the *Critique* itself, the essay was written for another journal, *Die weißenn Blätter*, edited by Lederer.⁴⁹ Personal correspondence between Benjamin and his friend Gershom Scholem suggests that Lederer had commissioned the piece from Benjamin for a special issue on "Sociological Problems of the Present."⁵⁰ However, Lederer declined to include Benjamin's final piece in *The White Pages* due to its length and difficulty but arranged instead for its publication in the *Archiv* as a consolation. In its stead, Lederer would publish his own essay "Sociology of Violence: A Contribution to the Theory of Social-Formative Forces"⁵¹ in *The White Pages*. While one can only speculate due to the fragmentary nature of the available historical evidence, most scholars see this shift of publishing venue as a product of the tension between Benjamin and Lederer's approaches to the question of violence. While Lederer's translator concluded the latter saw violence as something that could be reduced through the Social-Democratic institutionalization of conflict, the former's insistence on the persistence of violence resonated with far-left and far-right forms of extra-parliamentarian politics. Similarly to Derrida, Lederer's translator points to overlap between the *Critique's* and certain Schmittian overtones as a reason for his editorial hesitance.⁵² Fenves, in turn, suggest that Benjamin's overtly romantic and perhaps even metaphysical approach to syndicalism might explain their disagreement.⁵³ What is clear, is that Benjamin's notoriously unorthodox approach did not find an easy reception within the mainstream of its times, nor of ours.

This is unsurprising given that, despite any biases, Lederer was not wrong in his assessment of the essay's length and difficulty. Famously, the text begins by positing that the task of the critique of violence, a statement which resonates with his preface *The Task of the Translator*, which was

⁴³WALTER BENJAMIN, TOWARD THE CRITIQUE OF VIOLENCE: A CRITICAL EDITION 61 (Peter D. Fenves & Julia Ng eds., 2021).

⁴⁴Fenves, *supra* note 41, at 11.

⁴⁵*Id.* at 12.

⁴⁶Julia Ng, *Afterword in TOWARD THE CRITIQUE OF VIOLENCE: A CRITICAL EDITION* 113, 118 (Peter Fenves & Julia Ng eds., 2021).

⁴⁷Fenves, *supra* note 41, at 18.

⁴⁸Ng, *supra* note 46, at 117; Benjamin, *supra* note 38.

⁴⁹In English: *The White Pages*, perhaps best remembered by the publication of Kafka's *The Metamorphosis* in 1915.

⁵⁰Fenves, *supra* note 41, at 10.

⁵¹BENJAMIN, *supra* note 43, 237–45.

⁵²Austin Harrington, *Translator's Preface in TOWARD THE CRITIQUE OF VIOLENCE: A CRITICAL EDITION* 236 (Peter Fenves & Julia Ng eds., 2021). See Derrida, *supra* note 3, at 29 (discussing Derrida's reading of Benjamin's closeness to Schmitt). But see Judith Butler, *Critique, Coercion, and Sacred Life in Benjamin's "Critique of Violence," in POLITICAL THEOLOGIES: PUBLIC RELIGIONS IN A POST-SECULAR WORLD* 201, 206–07 (Hent de Vries & Lawrence E. Sullivan eds., 2006) (discussing an opposing view).

⁵³Fenves, *supra* note 41, at 11.

written in this same period,⁵⁴ lies in a presentation of its relation to law and justice through the analysis of the relationship between means and ends. This requires, in his view, a critique of the leading approaches to the study of the law in the early 20th century German field: Natural law and positive law.⁵⁵ These two approaches suspend or exclude certain forms of questions, as the former takes violence for granted as a “natural datum” whereas the latter sees it as a “product of history.”⁵⁶ Therefore, while natural law limits its analysis of law to the judgment of its *ends*, positive law restricts its purview to its means. For all of their differences, both schools are united by their “common basic dogma: Just ends can be attained by justified means, justified means used for just ends.”⁵⁷ With this in mind, Benjamin discards the natural law tradition, as it “can only lead to bottomless casuistry,” and departs tentatively from a central tenet of legal positivism: The distinction between sanctioned and unsanctioned force. As Abbott noted, Benjamin radicalizes this basic dichotomy not to make an argument about the “justification or justifiability of violence” but to highlight the “questions raised by the very fact that we make a distinction between just and unjust violence in the first place.”⁵⁸

Gewalt, as scholarly commentators often note, has a more expansive meaning than mere violence.⁵⁹ It has a threefold meaning that includes not only also force or coercion but also authority or power. Therefore, by centering the dichotomy between authorized *Gewalt* and unsanctioned *Gewalt*, Benjamin aimed to highlight not only that the modern state requires violence to legitimate itself, but also that it must label all other forms of violence as unjust.⁶⁰ For that reason, law “sees violence in the hands of individuals as a danger undermining the legal system.”⁶¹ Influenced by George Sorel’s work on the general strike,⁶² Benjamin then poses that revolutionary upheavals of violence can “found and modify legal conditions, however offended the sense of justice may find itself thereby.”⁶³ The stage is set for Benjamin’s famous productive dichotomy between lawmaking violence and law-preserving violence.⁶⁴ The latter is exercised by courts and by the police in their “repeated and institutionalized efforts to make sure law continues to be binding on the population it governs,”⁶⁵ while the former is more exceptional. It is the kind of violence that only occurs when a polity is forged, often through the twin processes of war and revolution.⁶⁶ However, the excess of law-preserving violence, as Benjamin notes in the context of the expansion of the policing operations, endows all violence potentially threatening and lawmaking. It signals that the state can no longer guarantee itself.⁶⁷ As Menke puts it, law’s violent implementation “must endlessly repeat its instauration,” which in turn acts as an opening for other forms of lawmaking violence.⁶⁸

⁵⁴Walter Benjamin, *Thesis on the Philosophy of History*, in ILLUMINATIONS: ESSAYS AND REFLECTIONS, 253 (Hannah Arendt ed., Harry Zohn trans., 2019).

⁵⁵See Ng, *supra* note 46, at 121–37 for a broader overview of Benjamin’s engagement with the legal theory of the 1920’s.

⁵⁶BENJAMIN, *supra* note 2, at 237.

⁵⁷*Id.*

⁵⁸Mathew Abbott, *The Creature Before the Law: Notes on Walter Benjamin’s Critique of Violence*, in COLLOQUY: TEXT THEORY CRITIQUE 16, 80(2008); See also *id.* at 81–86.

⁵⁹Derrida, *supra* note 3, at 6; BENJAMIN, *supra* note 11, at 95–98; David Lloyd, *From the Critique of Violence to the Critique of Rights*, 3 CRITICAL TIMES 109, 114 (2020).

⁶⁰*Black Flowers of Civilization: Violence, Colonial Institutions, and the Law in Coetzee’s Waiting for the Barbarians*, 2 GRAD. PRESS 37, 41 (2020).

⁶¹BENJAMIN, *supra* note 2, at 238.

⁶²Chryssoula Kambas, *Walter Benjamin lecteur des Réflexions sur la violence*, 2 CAHIERS GEORGES SOREL 71 (1984).

⁶³BENJAMIN, *supra* note 2, at 240.

⁶⁴*Id.* at 241.

⁶⁵Butler, *supra* note 52, at 202.

⁶⁶Benjamin Morgan, *Undoing Legal Violence: Walter Benjamin’s and Giorgio Agamben’s Aesthetics of Pure Means*, 34 J. LAW SOC. 46, 50 (2007).

⁶⁷BENJAMIN, *supra* note 2, at 243.

⁶⁸Christoph Menke, *Law and Violence*, in LAW AND VIOLENCE: CHRISTOPH MENKE IN DIALOGUE 3, 32 (2018).

But, if the state is founded and preserved through violence, is there any space for a “nonviolent resolution of conflict”?⁶⁹ Without doubt, replied Benjamin. In his original wording, “the culture of the heart has placed pure means of accord in human hands.”⁷⁰ Chief among them, for Benjamin, was the conference, *Unterredung*, as a technique of civil agreement. While the polysemic nature of *Unterredung* lends itself to a variety of interpretations and translations—for instance, the more modest word “discussion”⁷¹—in this article I will read it as conference. Just as Benjamin uses it in close connection to the activities of diplomats engaged in international negotiations.⁷² This will allow me to problematize Benjamin’s relatively charitable—and perhaps even Kantian—vision of international conferencing.⁷³ While for him the “forms and virtues” of international diplomacy are “beyond all legal systems and therefore beyond violence,” in what follows I will claim that these technologies of civil agreement are also deeply embedded in cycles of lawmaking and law-preserving violence.⁷⁴ Even if international law operates beyond the violence of Benjamin’s municipal state, this does leave such law beyond the reach of violence. I argue, the production of international law occurs within the realm of planetary violence/force/authority, intimately linked to processes of imperial rivalry and world-ordering before, during, and after global warfare.

This will allow me to provide for a different engagement between Benjamin’s work and international law. For better or worse, most scholars within the discipline have centered on his concept of history or his methodological insights on allegory and representation.⁷⁵ Instead, I want to focus on his arguably scattered and limited comments in international law to push for a critique of violence that does not take the boundaries of the municipal legal order—*die Rechtsordnung*—as its point of end and departure.⁷⁶

In my argument, moreover, I draw insights from Benjamin’s posterior, but perhaps also notoriously long and difficult, *Arcades Project*.⁷⁷ Roughly six years after the publication of the *Critique*, Benjamin first mentioned this massive project in his correspondence and continued working on it until his untimely demise in 1940.⁷⁸ Scholars have often read this project as Benjamin’s attempt to synthesize many of his life-long intellectual influences—a tenuous compromise between the “metaphysical and theological” early stage of his work and a later more decisively Marxist phase.⁷⁹ To the mix, moreover, one must also add a potent dose of the surrealist “dream wave,” which sharply molded the ways in which the project would unfold in terms of both substance and style.⁸⁰ The *Arcades Project* resists any easy characterization as a traditional

⁶⁹BENJAMIN, *supra* note 2, at 244.

⁷⁰See BENJAMIN, *supra* note 42, at 50 (a translation from 1996 had instead rendered this phrase as (sic) “[n]onviolent agreement is possible wherever a civilized outlook allows for the use of unallowed means of agreement”). See also BENJAMIN, *supra* note 2, at 244.

⁷¹BENJAMIN, *supra* note 43, at 50. See Ng, *supra* note 46, at 116, to be sure, even if Fennes and Ng translate the word as “discussion,” their use of this notion is still linked to diplomatic knowledges and practices.

⁷²For a similar reading, see HAUKE BRUNKHORST, *CRITICAL THEORY OF LEGAL REVOLUTIONS: EVOLUTIONARY PERSPECTIVES*, 365 (2014). For a cursory example of the use of *Unterredung* in a German-speaking international legal and diplomatic context, see Michael Koch, *The Tabatabai Case: The Immunity of Special Envoys and the Limits of Judicial Review Comments*, 25 GER. YEARB. INT. L. 539, 566 (1982).

⁷³Pablo Oyarzún, *Law, Violence, History*, 2 CRITICAL TIMES 330, 331 (2019) (discussing Benjamin’s Kantian filiation).

⁷⁴BENJAMIN, *supra* note 2, at 247.

⁷⁵See Richard Joyce, *International Law and the Cold War: Reflections on the Concept of History*, in *INTERNATIONAL LAW AND THE COLD WAR*, 27, 27–48 (Matthew Craven et al. eds. 2019); PARETT, *supra* note 40 for the former. See Matthew Nicholson, *Walter Benjamin and the Re-Imagination of International Law*, 1 L. AND CRITIQUE 27, 103, 103–29 (2016) for the latter.

⁷⁶BENJAMIN, *supra* note 11, at 121.

⁷⁷BENJAMIN, *supra* note 1.

⁷⁸SUSAN BUCK-MORSS, *THE DIALECTICS OF SEEING: WALTER BENJAMIN AND THE ARCADES PROJECT* 5 (1989).

⁷⁹*Id.* at 6.

⁸⁰See WALTER BENJAMIN, *Surrealism: The Last Snapshot of the Eur. Intelligentsia*, in *ONE-WAY STREET, AND OTHER WRITINGS* 225, 226 (1979). See also Anca Pusca, *Walter Benjamin, A Methodological Contribution*, 3 INT’L POL. SOCIO. 238, 239 (2009).

book—a format which Benjamin saw as obsolete, at least to a degree.⁸¹ While his correspondence of the mid-thirties suggest that he planned for a volume with six main divisions which paired a historical figure with a historical process—with tentative titles such as “Fourier or the Arcades,” “Grandville or the World Expositions,” “Baudelaire or the Streets of Paris,” or “Hausmann or the Barricades”—the actually existing work is composed mainly of vast collection of notes and commentary, that Benjamin collected in three distinct historical moments.⁸² Whether there was or was not a final manuscript in the black suitcase that Benjamin carried over the Pyrenees the week before his demise will be a question without solution for the ages. What matters is that the *Arcades* that saw the light of day—first in German in Volume V of Benjamin’s collected writings in the early eighties and then as an English translation in the late nineties—is composed of a set of “records and materials” that Benjamin entrusted to Georges Bataille and which remained hidden at the *Bibliothèque National de France* during World War II.⁸³

This seemingly endless compendium of notes, primary sources, and secondary references were organized thematically, not necessarily chronologically, by Benjamin into different *konvoluten* (the German word for folder or file), which have been traditionally translated by scholars into the neologism *convolute*.⁸⁴ Benjamin’s archive reveals the careful work that the author undertook to organize these convolutes around a sophisticated system of color-based referencing and ordering, using a special paper for every single one of the sheets and 850 bibliographical references.⁸⁵ It would be a mistake, as Andrew Benjamin notes, to see the citations or materials as accessory to the commentary.⁸⁶ As Walter Benjamin himself confesses, the *Arcades Project* followed the surrealist method of the “literary montage.”⁸⁷ This meant that he “needn’t say anything. Merely show. I [Benjamin] shall purloin no valuables or appropriate no ingenious formulations. But the rags, the refuse, these I will not inventory, but allow, in the only way possible, to come into their own: By making use of them.”⁸⁸

Along with the assortment of convolutes, Benjamin also prepared a short exposé titled *Paris, the Capital of the Nineteenth Century* in 1935, which he later revised in 1939, and a short essay titled *The Ring of Saturn, or Some Remarks on Iron Construction*.⁸⁹ Needless to say, this unfinished and titanic project lends itself to a myriad of interpretations, especially when one considers that the writings and bibliographical entries were composed throughout a period of thirteen years in, and beyond, Germany. Buck-Morss convincingly shows that the project exceeds the confines of Paris, as it was crafted along a spatial grid that evolved with Benjamin’s travels from Berlin to Naples or Moscow.⁹⁰ It was, in fact, a total history of the rise of the capitalist commodity-form and bourgeoisie society throughout a century of enormous social dislocations.

But at the same time, it was not a traditional Marxist social history of urban space.⁹¹ On the contrary, Benjamin aimed to go beyond the limitations of what he saw as the “doctrine of the

⁸¹BENJAMIN, ONE-WAY STREET, *supra* note 38, at 43; WALTER BENJAMIN, *Unpacking My Library*, in ILLUMINATIONS: ESSAYS AND REFLECTIONS 1, 9 (Hannah Arendt ed., Harry Zohn trans., 2019).

⁸²BUCK-MORSS, *supra* note 78, at 47–55.

⁸³Richard Sieburth, *Benjamin the Scrivener*, 6 ASSEMBLAGE 6, 7 (1998).

⁸⁴See BENJAMIN, *supra* note 1, at xiv.

⁸⁵I thank Ursula Marx and her team at the Walter Benjamin Archive for giving the participants of the workshop “Working with Benjamin on Law” the opportunity to see some original manuscripts of the *Arcades Project* on 16 July 2021. See also WALTER BENJAMIN’S ARCHIVE: IMAGES, TEXTS, SIGNS, 251–86 (Ursula Marx et al. eds., Esther Leslie trans., 2015).

⁸⁶BENJAMIN, *supra* note 11, at 213.

⁸⁷BENJAMIN, *supra* note 1. Convolute N1A,8 at 460.

⁸⁸See George L. Dillon, *Montage/Critique: Another Way of Writing Social History*, 2 POSTMODERN CULTURE 14 (2004). See also BENJAMIN, *supra* note 1. Convolute N1,10 at 458.

⁸⁹See BENJAMIN, *supra* note 1, at 1–26 (the essay *Paris, the Capital of the Nineteenth Century*), 885–87 (the essay *The Ring of Saturn, or Some Remarks on Iron Construction*).

⁹⁰BUCK-MORSS, *supra* note 78, at 25.

⁹¹Under the twin influences of Theodor Adorno, on the one hand, and Bertolt Brecht & Asja Lacin, on the other. See Tiedemann, *supra* note 28, at 936–41; BUCK-MORSS, *supra* note 78, at 26–31.

ideological superstructure” in orthodox Marxism.⁹² Instead of the establishment of a linear causal connection between the economy and culture, Benjamin pushed for an analysis that grasped the “expression of the economy in its culture.”⁹³ This is not to say that he was not interested in the concrete transformation in the means of production and consumption, but rather that he sought to trace the relationships between these economic processes and the human perception of the urban lifeworld. In this vein, Benjamin deployed a surrealist “heightened graphicness” in tandem with a heterodox form of historical materialism to interrogate the material “perceptibility” of the industrial transformations of the age.⁹⁴ Through the collection and interrogation of “concrete historical phenomena—architecture, fashion, advertising, prostitution or photography—Benjamin hoped to develop a historico-philosophical construction of the century from which he stemmed.”⁹⁵

Of particular interest to my own work is Benjamin’s extensive references to architecture and the “warmth” of material things.⁹⁶ As Khatib noted, not only does the project take its title from one of the most salient built environments that accompanied the emergence of capitalism, but also fully structured as an edifice in the making: “a slender but sturdy scaffolding.”⁹⁷ In Benjamin’s own words, the project was to emerge as the “assembly of a large-scale construction out of the smallest and most precisely cut components.”⁹⁸ Additionally, the project analyzed capitalist urban space through a geological cross section of its piles of layers of meaning, composed by the material traces of “leftover commodities” or material infrastructures.⁹⁹ But Benjamin was not solely interested in material places due to their function as fossil evidence of prior life, but also due to their role as articulators of particular “spacetimes” and “dreamtimes” that persist long after their day and age.¹⁰⁰ After all,

[b]uildings have been man’s [and woman’s] companions since primeval times . . . [as] the human need for shelter is lasting, Architecture has never been idle. Its history is more ancient than that of any other art, and its claim to being a living force has significance in every attempt to comprehend the relationship of the masses to art.¹⁰¹

Writing under the sway of both Freud and Marx, as Leslie aptly noted,¹⁰² Benjamin engages with built environments to exorcise the visions of social ordering that live within them: The inherent “dream consciousness of the collective” that dwell within their dark corners.¹⁰³ To place these later insights in conversation with Benjamin’s earlier notes on law and violence, I bring forward the

⁹²BENJAMIN, *supra* note 1. Convolute K2,5 at 392. His reading of this orthodox doctrine came mainly from the work of Korsch, which he recorded and commented in his Convolute N (on the theory of knowledge, theory of progress). See N17 and N18,2, at 484–485.

⁹³*Id.* Convolute N1a,6 at 460.

⁹⁴See *id.* Convolute N2,6 at 461.

⁹⁵WALTER BENJAMIN’S ARCHIVE, *supra* note 85, at 252.

⁹⁶BENJAMIN, ONE-WAY STREET, *supra* note 38, at 38.

⁹⁷Sami Khatib, *Walter Benjamin and the Arcades Project*, UNFOLD #1 (2015), http://thevolumeproject.com/unfold/documents/Walter_Benjamin_and_the_Arcades_Project.pdf. See also Benjamin, *supra* note 1. Convolute N1a,1 at 459.

⁹⁸Benjamin, *supra* note 1. Convolute N2,6 at 461.

⁹⁹Buck-Morss, *supra* note 76, at 66.

¹⁰⁰See BENJAMIN, *supra* note 1. Convolute K1,4 at 389. The original word play is lost in the translation: in German he refers to *Zeitraum & Zeit-traum*. See also Sigrid Weigel, *The Flash of Knowledge and the Temporality of Images: Walter Benjamin’s Image-Based Epistemology and Its Preconditions in Visual Arts and Media History*, in 41 CRITICAL INQUIRY 344, 350–51 (Chadwick Truscott Smith et al. trans., 2015); BENJAMIN, *supra* note 11, at 224.

¹⁰¹Benjamin, *The Work of Art in the Age of Mechanical Reproduction*, in ILLUMINATIONS: ESSAYS AND REFLECTIONS, *supra* note 38, at 192.

¹⁰²Esther Leslie, *Homes for Ghosts: Walter Benjamin and Kurt Schwitters in the Cities*, 3 SOCIETIES 414, 416–17 (2013).

¹⁰³See BENJAMIN, *supra* note 1. Convolute K2a,4 at 393. See also Patricia Morton, *The Afterlife of Buildings: Architecture and Walter Benjamin’s Theory of History*, in RETHINKING ARCHITECTURAL HISTORIOGRAPHY 215 (Dana Arnold et al. eds., 2006).

idiom of the *endroit*. This allows me to center the places in which practices of *Unterredung* were held, highlighting the material and imaginary powers that such *endroits* exercised in the quest of certain empires to enact planetary systems of legal ordering after global upheavals of lawmaking violence.

C. Halls of Crisis: Spaces of Revolutionary and Counterrevolutionary Lawmaking & Law-preserving Violence

Kriegsgewalt (translated as “military force”) offers, for Benjamin, the “primordial and paradigmatic” example of the lawmaking character of violence.¹⁰⁴ After military defeat, the victor can erect a “new” law of war, *Kriegsrechts*, that reconstitutes the sphere of constitutional relations. But this violence, Benjamin recognizes, always requires some sort of peace ceremony—a moment of official sanction that recognizes the legality of this new constitutional order, regardless of whether it needs “*de facto* any guarantee of [its] continuation.”¹⁰⁵ While Benjamin seems to think of this moment in the terms of a singular polity, Europe’s turbulent 19th century offers a fecund ground to reflect on these instances of lawmaking “violent peace” at the planetary level. In other words, if war and revolution do not tend to limit themselves to the tidy borders of any single nation-state, our analysis of the lawmaking effects of these twin phenomena should also defy any reduction to the frontiers of a specific municipal legal order. What follows is a post-national historical account of the interrelation between lawmaking global violence and the places in which its peace was ceremoniously sanctioned.¹⁰⁶

Both traditional and critical historiographies of the long 19th century anchor the start of the epoch with the Congress of Vienna and the reordering of Europe after the Napoleonic upheavals. As Van Hulle and Lesaffer note, the choice of 1815 responds largely to history’s empathy with the victors, as it frames Conservative Restoration, and not the French Revolution, as the motor of the era (See Figure 1).¹⁰⁷ Despite such efforts, the first decades of the century were marked by the return of liberal and nationalist revolutionary violence, which threatened, and quickly overturned, the order of Restoration.¹⁰⁸ For that reason, Meyer suggests that we see this epoch as neither the slow but sure rise of liberalism nor as an age frozen under the grip of conservative reaction, but rather as a time of iterative struggles between revolutionary and counterrevolutionary forms of lawmaking violence.¹⁰⁹

Such dance between revolution and reaction began quite early at the Congress of Vienna itself.¹¹⁰ Although the Congress was much more of a patchwork of bilateral and informal negotiations than a single event,¹¹¹ its main proceedings occurred in the Baroque *Geheime Hofkanzlei*, built in 1742 by the architect Johann Lukas von Hildebrandt to house the Austrian Empire’s foreign policy apparatus.¹¹² Erected next to the *Hofburg* Imperial residence at the *Ballhausplatz*, the Chancellery remained a “redoubt” of the aristocracy quite late into the 20th century.¹¹³ It was, in many ways, “the most important institutional and spiritual meeting place of

¹⁰⁴BENJAMIN, *supra* note 2, at 240-01; BENJAMIN, *supra* note 43, at 44–45.

¹⁰⁵BENJAMIN, *supra* note 2, at 240.

¹⁰⁶NICO KRISCH, BEYOND CONSTITUTIONALISM: THE PLURALIST STRUCTURE OF POSTNATIONAL LAW (2010).

¹⁰⁷See VAN HULLE & LESAFFER, *supra* note 22. See also Lesaffer, *supra* note 36.

¹⁰⁸HOBBSAWM, *supra* note 17.

¹⁰⁹MAYER, *supra* note 25; Grandin, *supra* note 26.

¹¹⁰Rösch, *supra* note 35.

¹¹¹GLENDIA SLUGA, THE INVENTION OF INTERNATIONAL ORDER: REMAKING EUROPE AFTER NAPOLEON (2021).

¹¹²*Family-, Court-, and State-Archives (Haus-, Hof-, Und Staats-Archiv) at Vienna*, 4 TRANSACTIONS OF THE ROYAL HIST. SOC’Y 49, 55 (1921).

¹¹³WILLIAM D. GODSEY, ARISTOCRATIC REDOUBT: THE AUSTRO-HUNGARIAN FOREIGN OFFICE ON THE EVE OF THE FIRST WORLD WAR (1999). See Richard Kurdiovsky et al., *Legitimacy Through History and Architecture. The Vienna Hofburg as Dynastic Hub and Seat of Government Between Tradition and Innovation*, 2 THE COURT HISTORIAN 20, 109 (2015) (discussing the architecture of *Hofburg* and its relation to the legitimacy of Austrian law). See *id.* at 111, on the *Hofkanzlei*.



Figure 1. Austria's stately *Ballhaus*. Photograph taken by Daniel R. Quiroga-Villamarín (2023).

the socially and politically dominating strata in the Hapsburg-Monarchy—of the nobility and the bureaucracy of the Empire.”¹¹⁴ Even after the fall of the Habsburgs it would remain a central *endroit* of the Austrian state. It later became the official residence of the Austrian Federal Chancellery. It was in its halls, after all, where the law-preserving violence of this inchoate state was fatally wounded by insurgent Nazi lawmaking violence, when an armed group assassinated the Austrian chancellor Dollfuss in July 1934.¹¹⁵ Indeed, like the Ottoman *Sublime Porte*, the French *Quai d'Orsay*, or the English *Downing Street*, the Chancellery at *Ballhausplatz 2* has retained its status as the material embodiment of the metaphor of state power.

But as early as 1814, the vision of counterrevolutionary world ordering that was forged in the aptly named ball house was challenged by the return of Napoleonic revolutionary violence. Ironically, the sanctioning of peace through the adoption of the final act of the Congress in 1815 preceded Napoleon's ultimate defeat at Waterloo by a few days, proving, in a way, the resonance of Benjamin's quip on the violent correlation between peace and war.¹¹⁶ Afterwards, the conservative empires of Europe attempted to control the twin perils of revolution and war through the establishment of an international systems of balance known as the Concert of Europe.¹¹⁷ In terms of architecture and built environment, the *Unterredungs* that were held in the next decades under the aegis of this system of the balance of power would follow the same stylistic lines that were upheld in Vienna in 1815.¹¹⁸ A “succession of dinners, receptions, and conferences” in private

¹¹⁴Helmut Rumpel, *The «Ballhausplatz» in Vienna. The Social and Political Centre of Empire-Policy*, in *OPINION PUBLIQUE ET POLITIQUE EXTÉRIEURE EN EUROPE. I. 1870-1915*, 139, 139–55 (1981).

¹¹⁵See *AUSTRIAN FOREIGN POLICY IN HISTORICAL CONTEXT* (Günter Bischof, Anton Pelinka, & Michael Gehler, eds. 2006). In fact, a recent movie about the rise and fall of the right-wing Austrian politician Sebastian Kurz is aptly called *PROJEKT BALLHAUSPLATZ* (director Kurt Langbein 2023).

¹¹⁶BENJAMIN, *supra* note 2, at 240. See also CAROLYN BILTOFT, *A VIOLENT PEACE: MEDIA, TRUTH, AND POWER AT THE LEAGUE OF NATIONS* (2021).

¹¹⁷Matthias Schulz, *Paradoxes of a Great Power Peace: The Case of the Concert of Europe*, in *PARADOXES OF PEACE IN NINETEENTH CENTURY EUROPE*, 131, 131–52 (Thomas Hippler & Miloš Vec eds., 2015).

¹¹⁸BEATRICE DE GRAAF, *FIGHTING TERROR AFTER NAPOLEON: HOW EUROPE BECAME SECURE AFTER 1815*, 93, 93–137 (2020).

aristocratic residences Frankfurt eventually gave way to the 1818 Congress at Aix-la-Chapelle at the late Medieval Adalberstor tower.¹¹⁹ The *Kongressdenkmal* chapel-like monument that was erected afterwards clearly articulates the vision of world ordering of the Monarchical Holy Alliance: An ecumenical, but overwhelmingly Christian, order upheld by the Catholic Habsburgs, the Protestant Hohenzollerns, and the Orthodox Romanovs.¹²⁰ Their vision of international order was not only contained within its two international legal protocols, but also in the *endroits* chosen to host such negotiations and the monuments that were enshrined after its wake.¹²¹

But the twin revolutionary violence of liberalism and nationalism could not be so easily contained within the Baroque Palaces and Christian chapels of the *Ancien Régime*. Despite the dispensation of law-preserving violence through counterrevolutionary policing, the specter of lawmaking violence reared its head once again.¹²² The second half of the century, especially after the breakthrough of the revolutions of 1848 and the collapse of the Congress system after the Crimea War of 1853–1856, was marked by the rise of a new kind of international architecture, linked to the incipient but unstoppable emergence of global capitalism.¹²³ Increasingly, the castles of the aristocracy would cede their place to the “dreamhouses” of the Bourgeoisie—or, to be sure, to a hybrid between the mores of the nobility and the taste of the new industrial elites.¹²⁴ Increasingly, palaces like the *Hofkanzlei* or Versailles seemed like outdated stages “on which the tragedy of absolute monarchy was performed like an allegorical ballet.”¹²⁵

A good example of this interpenetration is offered by Benjamin in his comments on the museum in the *Arcades*.¹²⁶ Benjamin cites the work of the modernist architectural historian Sigfried Giedion to note that every epoch has its own architectural fascination. For the Gothic age, this venue was the cathedral, while for the Baroque it was the palace. The 19th century, instead, was tormented by the regressive tendency to saturate the present with the past through the museum.¹²⁷ For instance, Benjamin notes the historic museums of Versailles, which were inaugurated “to the everlasting glory of France” in 1837, as an example of such marriage between aristocratic veneer and emerging nationalist feelings.¹²⁸ However, Benjamin disagreed with Giedion insofar he detects that another architectural form eventually overcame, and transformed, the museum during the second half of the century: The international exhibition.¹²⁹ Benjamin saw these new fairs as “places of pilgrimage to the commodity fetish” in which the expression of capitalism in architecture and cultural fabric of the time could be seen in its brightest light.¹³⁰

But *expos* were merely a salient example among many. Benjamin notes that, among others, “arcades, winter gardens, panoramas, factories, wax museums, casinos, and railroad stations”

¹¹⁹Albert Tangeman Volwiler, *Robert Owen and the Congress of Aix-la-Chapelle, 1818*, 19 SCOTT. HIST. REV. 96, 98 (1922).

¹²⁰Stella Ghervas, *From the Balance of Power to a Balance of Diplomacy?: Peace and Security in the Vienna Settlement*, in SECURING EUROPE AFTER NAPOLEON 95, 95–113 (Beatrice de Graaf et al. eds., 2019).

¹²¹Randall Lesaffer, *The Congress of Aachen [Aix-la-Chapelle] (1818) and the Completion of the Vienna System*, OXFORD PUB. INT'L L. (2023), <https://opil.ouplaw.com/page/741>.

¹²²Beatrice de Graaf, Ido de Haan, & Brian Vick, *Vienna 1815: Introducing a European Security Culture*, in SECURING EUROPE AFTER NAPOLEON, 1, 1–18 (Beatrice de Graaf et al. eds., 2019).

¹²³See HOBBSBAWM, *supra* note 16. See also Douglas Moggach & Gareth Stedman Jones, *Introduction*, in THE 1848 REVOLUTIONS AND EUROPEAN POLITICAL THOUGHT 1–13 (Douglas Moggach & Gareth Stedman Jones eds., 2018).

¹²⁴MAYER, *supra* note 24. See also KOSKENNIEMI, *supra* note 19, at 688.

¹²⁵BENJAMIN, ONE-WAY STREET, *supra* note 38, at 67.

¹²⁶BENJAMIN, *supra* note 1. Convolute L1a,2 at 407.

¹²⁷See TONY BENNETT, THE BIRTH OF THE MUSEUM: HISTORY, THEORY, POLITICS 128–62 (1995) (providing a Foucauldian approach to the history of the museum).

¹²⁸BENJAMIN, *supra* note 1. Convolute L2,1 at 408.

¹²⁹*Id.* Convolute L1a,2 at 407.

¹³⁰See WALTER BENJAMIN, *Paris, Capital of the Nineteenth Century-Exposé of 1939*, in THE ARCADES PROJECT 14, 17 (Rolf Tiedemann ed., Howard Eiland & Kevin McLaughlin trans., 1999). See also Daniel Ricardo Quiroga-Villamarin, *All's Fair in Love and War Imperial Gazes and Glaring Omissions at the Expositions Universelles (1851–1915)*, 1 COGNITIO 1, 1–15 (2021).

served as “dream houses of the [bourgeois] collective.”¹³¹ By the same token, *expos* were not the only spatial innovations that allowed for new ways to engage in civil interaction through *Unterredung*. As Soroka noted, one of the most striking features of this time was the rise of the practice of “spa diplomacy” in lake-side or alpine resorts.¹³² Without the safe inheritance of a family castle, the rising bourgeois relied on the role of the “ailing liver” as a “great leveller” that brought them to the same level as their blue-blooded peer in the comforting waters of the mineral spa.¹³³ The material practices of diplomacy that underpinned the meeting between the chief minister of Piedmont and Napoleon III in the spa town of *Plombières-les-Bains* in 1858 were entirely different from those that deployed at the previous *Unterredungs* to suppress the threat of Napoleon I.

But, for Benjamin, the biggest transformations in the means of production, consumption, and architecture were related to the rise of iron and glass architecture.¹³⁴ Indeed, the eponymous Arcades were only possible due to the rapid and revolutionary adoption of this technique of making built environments, which “although in grotesque style . . . [offered] limitless possibilities.”¹³⁵ The austere *Biedermeier* gave way to the boundless utopia of iron and glass, which promised the possibility of building a “house or passage having not outside -like the dream.”¹³⁶ Benjamin taps from the drawings of the French cartoonist Grandville, which he accurately describes as a precursor to his own surrealist inspirations,¹³⁷ to show the endless revolutionary allure of such technological developments. Perhaps, one day, the bourgeoisie could erect a bridge between planets, that rendered the rings of Saturn “nothing other than a circular balcony on which the inhabitants of Saturn strolled to get a breath of fresh air.”¹³⁸

D. Concluding Remarks: Myth, Technology, Law, and the Promise of “Another World”

At the time of writing, it seems not much has changed. Indeed, the current privatized space race between entrepreneurs shows that the bourgeoisie never truly abandoned its aspirations to dream “another world” through technology. Be that as it may, for our present discussion what matters is the role that international law has played the articulation of such imaginaries of planetary reordering. As Bell has convincingly argued, the success of the capitalist liberal international has depended on its ability to function as a “dream machine” that obscures its racialized premises and imperial ambitions, lulling us in its promises of global stability.¹³⁹ But Benjamin would remind us that such dream is not merely a discursive or ideological production—it relies on material relays, architectures, and infrastructures that create such “spacetimes” and “dreamtimes” for the collective imagination. What is more, Benjamin would argue that any attempt to disentangle such dreams, or nightmares, would require an interrogation of the so-called “world of modern

¹³¹BENJAMIN, *supra* note 1. Convolute L1,3 at 405.

¹³²MARINA SOROKA, *THE SUMMER CAPITALS OF EUROPE, 1814-1919* 117–294 (2017).

¹³³HOBBSAWM, *supra* note 17, at 241; BENJAMIN, *supra* note 1. Convolute L4a,1 at 414.

¹³⁴See WALTER BENJAMIN, *The Rings of Saturn or Some Remarks on Iron Construction*, in *THE ARCADES PROJECT* 885 (Rolf Tiedemann ed., Howard Eiland & Kevin McLaughlin trans., 1999). See also Detlef Mertins, *The Enticing and Threatening Face of Prehistory: Walter Benjamin and the Utopia of Glass*, 29 *ASSEMBLAGE* 6, (1996); Tyrus Miller, ‘Glass Before Its Time, Premature Iron’ *Architecture, Temporality and Dream in Benjamin’s Arcades Project*, in *WALTER BENJAMIN AND THE ARCADES PROJECT* 240–58 (Beatrice Hanssen ed., 2006); Iva Stoyanova, Ine Wouters, & Inge Bertels, *Glazed Wrought-iron Arcades: Building Technologies and Spatial Effects*, 30 *CONSTR. HIST.* 45 (2015).

¹³⁵BENJAMIN, *supra* note 134, at 885.

¹³⁶BENJAMIN, *supra* note 1. Convolute L1a,1 at 406. See BENJAMIN, *ONE-WAY STREET*, *supra* note 38, 25–27, on the bourgeois interiors.

¹³⁷BENJAMIN, *supra* note 1. Convolute K4, 1 at 396.

¹³⁸J. GRANDVILLE, *UN AUTRE MONDE* 139 (1844).

¹³⁹DUNCAN BELL, *REORDERING THE WORLD: ESSAYS ON LIBERALISM AND EMPIRE* 19–61 (2016); DUNCAN BELL, *DREAMWORLDS OF RACE: EMPIRE AND THE UTOPIAN DESTINY OF ANGLO-AMERICA* (2020).

technology.”¹⁴⁰ In his view, only a thoughtless observer could deny the correspondence between such sphere and the “archaic symbol-world of mythology.”

The stage is set then for an exploration between the transformation of the techniques of construction and technologies of civil argument through *Unterredung*, aiming to clarify the relationship between these mutations in the means of production and the mythical narratives of global governance. If the rise of iron and glass architecture allowed the “modernist imagination” to reinvent the style of architecture in the 20th century,¹⁴¹ the modernist international layers would push for a similar reform in our field.¹⁴² These two revisionist projects would meet in their common quest to erect the great conference complexes of 20th century international organizations during international law’s “move to institutions.”¹⁴³ Here, international lawyers and diplomats dared to imagine their role as “architects of the better world,” literally and metaphorically.¹⁴⁴ The task ahead is to follow Benjamin’s invitation to exorcise the myths that lie within these conference halls, revealing the intimate connection of this *endroits* with practices of capitalist accumulation, planetary violence, and the modern desire for cosmic powers.¹⁴⁵

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¹⁴⁰BENJAMIN, *supra* note 1. Convolute N2A,1 at 461.

¹⁴¹MARK CRINSON, REBUILDING BABEL: MODERN ARCHITECTURE AND INTERNATIONALISM 93–141 (2017).

¹⁴²DANIEL DAMLER, BAUHAUS LAWS 15–36 (David L. Burnett trans., 2019); Miriam Bak McKenna, *Designing for Intellectual Law: The Architecture of International Organizations 1922–1952*, 34 LEIDEN J. INT. LAW 1 (2021).

¹⁴³David Kennedy, *The Move to Institutions*, 8 CARDOZO L. REV. 841 (1987).

¹⁴⁴HARRY S. TRUMAN, *The President of The United States, Address to the United Nations Conference in San Francisco*, in PUBLIC PAPERS OF THE PRESIDENTS OF THE UNITED STATES - HARRY S. TRUMAN 1945 20 (1966).

¹⁴⁵BENJAMIN, ONE-WAY STREET, *supra* note 38, at 94.

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