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FORUM

Violence, change and continuity in times of transition

Alexander W. Schwarz · Florian P. Kühn · Julia Eichenberg

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Abstract This article discusses how analyses of conflict often overlook competing interpretations of violence in times of change and transition. As a result, in historiography as well as in public discourse, wars just 'end' while neglecting the phenomena that are overlapping war and peaceful periods. This article argues that, along the dimensions of state domination, economy and law, alternative periodizations are required to do justice to actors whose politics are often not very strategic yet important for the political dynamics of transitions. Violence, we argue, can be used as a marker and entry point into the complex politics of change, which are motivated by ideology, opportunity, societal dynamics and lack of coherent control by the state or other institutions.

Keywords Violence · State · Capitalism · Law · Transition · Conflict

✉ Alexander W. Schwarz · Florian P. Kühn · Julia Eichenberg
Universität Bayreuth, Universitätsstr. 30, 95447 Bayreuth, Germany
E-Mail: Alexander.schwarz@uni-bayreuth.de

Gewalt, Wandel und Kontinuität in Zeiten des Übergangs

Zusammenfassung Der Artikel erörtert, wie Konfliktanalysen häufig konkurrierende Interpretationen von Gewalt in Zeiten Übergangs übersehen. Dies führt dazu, dass sowohl in der Geschichtsschreibung als auch im öffentlichen Diskurs Kriege einfach „enden", während die Phänomene, die Krieg und friedliche Perioden überlagern, vernachlässigt werden. In diesem Artikel wird argumentiert, dass entlang der Dimensionen von staatlicher Herrschaft, Wirtschaft und Recht alternative Periodisierungen erforderlich sind, um Akteuren gerecht zu werden, deren Politik oft nicht sehr strategisch, aber dennoch wichtig für die politische Dynamik von Übergängen ist. Gewalt, so argumentieren wir, kann als Marker und Einstiegspunkt in die komplexe Politik des Wandels dienen, die durch Ideologie, Möglichkeiten, gesellschaftliche Dynamiken und das Fehlen einer kohärenten Kontrolle durch den Staat oder andere Institutionen motiviert ist.

Schlüsselwörter Gewalt · Staat · Kapitalismus · Recht · Übergang · Konflikt

1 Introduction

Violence plays a significant role in shaping political perceptions during political transitions. It can be the driving force that triggers upheavals such as wars or revolutions, or it can occur in the aftermath of political change, for example as protest violence or civil wars. In this forum contribution, we reflect on the interplay between violence and times of political transition. While times of transition can lead to an increase of domestic violence or crime (Roman 2022), we focus on violence committed by states or by groups that identify themselves as (semi-)official formations (including paramilitary, para- or pro-state groups) serving political purposes. By drawing on the intrinsic connections between violence and political transitions, we relate them to three analytical categories central to modern societies of the 20th century: institutionalised power, capitalism, and law. These focal points shed light on different but corresponding factors in the transformation of violence within social formations (see Sändig and Kühn 2025).

Transitions between war and peace are often narrated as a clear-cut end of one era and the beginning of a new one (see Gaddis 1992, p. 22). This perspective treats violence as an almost binary phenomenon, e.g. a phenomenon that is either on or off. Grey areas of violence, such as revolutionary violence, post-war civil unrest, criminal violence around black markets or retaliatory violence between (former) enemies, collaborators and resistance, are often neglected, as are transformations of violence embedded in state organisations such as the police and intelligence services (see Keen 2000). Many of these can be integrated into our analysis by looking at physical violence as a working practice (Lüdtke 1992) and, as we suggest, by focusing more on its relationship to the state, capitalism and law in transitional periods.

This forum article focuses on long-term trajectories of violence across 'eras' and how different time periods are connected by violence (cf. Gerwarth and Horne 2012;

Mulligan et al. 2015). Periods of violence, we argue, dynamise the development of modern society. It can be viewed from different academic perspectives, which are of course never completely detached from each other. This article focuses on the meanings assigned to what happens in transitional periods, often portrayed as 'between' different time periods, because they explain practices, justify or re-order hierarchies and rationalise forms of order. These meanings follow an inherent logic that determines how violence and processes of societal re-formation intersect. Approaching violence in this way allows us to compare violence and its political 'value' before and after epochal turning points such as the end of wars. It also allows us to describe the forces and crucial aspects of such shifts in both material and epistemological terms.

In order to demonstrate why the transition of meanings across epochs is a productive approach to questions of violence, we proceed as follows: First, we critically evaluate the role of the state in the organisation of violence. According to Cassirer, the state plays down its own exercise of violence and conceals how its very existence is based on violence (Cassirer 1979; Tilly 1992; Popitz 1992). Transitions from one regime to the next, often flanked by narratives of epochal change, often redefine violent practices, legitimising some and delegitimising other forms of violence. The use of violence for political ends can be portrayed in retrospect as strategic and in the long run as a path to pacification. Such arrangements are embedded in social stratification and may follow patterns of hierarchical economic interests. In other words, violence is generally linked to economic reproduction. The second part of this article therefore looks at patterns of concrete shifts in the way capitalism is linked to violence by legalising violently exploitative social relations or naturalising and thus legitimising unequally distributed rights for different groups for the benefit of capitalist practice. The third section focuses on the relationship between violence and law, which is closely intertwined with capitalist and domination practices due to their focus on the state. Here, too, long-term trajectories must be taken into account, as legal codifications often remain valid across regimes and state transitions. In fact, like international regulation, laws can stabilise the foundations of international conflict, forms of violence and arrangements of domination. In short, the transitions we are interested in are themselves part of longer-term transitions.

We have chosen the examples of state, the economy and law to show that the interpretation of violence is an integral part of processes of political and societal transformation. Conflicts over meaning that play out in these processes of interpretation are inextricably linked to, if not embedded in, the conflicts that were previously carried out violently. Questions of legitimacy and recognition (as an actor, a victim, even as a political subject) are negotiated in the process. As it is negotiated how different individuals or groups relate to violence, these developments shape identity formation. Consequently, these processes cannot be meaningfully periodised and epochally compartmentalised. If we want to analyse how transitions unfold and are socially managed (or mismanaged), the function and meaning of violence determines how interstitial interpretations connect one era to the next and dilute clear divisions and epochal labels.

2 Violence and interstitial interpretations of history

2.1 State and violence

The central imperative of the state is the regulation of violence. In phases of apparent stability of the state's existence, there is the illusion of achieving the ideal of a monopoly on the use of force. In phases of relative instability, the organisation of violence becomes much more apparent. This includes wars with other state(s) or civil wars.

The complex relationship between the state and violence becomes most apparent during war and in transitional phases. In these transitional periods, patterns of diminished state control become evident, especially in phases of national unity (e.g. the German *Burgfriedenpolitik* in 1914). Outbreaks of violence are intentional events that often resemble war-like actions and occur both during and especially after the 'official' end of wars. During these periods, different groups use violence to shape a volatile situation in their favour, which underlines the importance of viewing transition as a process. The quest for state control regularly leads to violence, including violence against uninvolved third parties.

The tendency towards civil wars in the aftermath of state wars arises not only from military factions unwilling to accept the end of the official conflict, but also from political ideologies that drive certain groups to power struggles. One of the most influential events of the 20th century is undoubtedly the October Revolution of 1917 in the Tsarist Empire. In terms of the relationship between the state and violence, it was followed by the Russian Civil War and the success of the ideology of Leninism (and later Stalinism). Towards the end of the First World War, the Russian Revolution inspired another violence-driven ideology—anti-Bolshevism—as a transnational counter-dynamic. Its far-reaching impact on violence in the state-building process can be seen, for example, in the establishment of the first German democracy (Schwarz 2023). The fear of a Bolshevik revolution served as a central argument in favour of violent repression instead of democratic engagement. The practical result of this anti-Bolshevism is marked by dehumanisation, which can be traced in the motives of individual paramilitary actors (Theweleit 1995).

Post-war periods feature moments of uncertainty regarding who holds and can enforce the monopoly on violence. These moments of doubt are typically resolved through use of massive violence by factions closely tied to the outgoing regime (Jones 2016; Gerwarth 2016) or through widespread integration into the institutions of the newly formed state (Schlichte 2009, see also Migdal 2001). Extensive use of violence directed against civilians can certainly be historically reinterpreted by the perpetrators in order to legitimise or conceal their actions afterwards. The long-term success of such historical distortions is questionable (see Zöhrer et al. 2025).

Escalations of violence do indeed find societal acceptance, at least temporarily, under conditions of governmental chaos. Three important factors contribute to the legitimisation of violence by (para)military groups: (government) mandate, demonizing enemy image and military prowess over the victim group. Especially in 'unstable' transitional phases, the question of who legitimately exercises this form of violence is of paramount importance. It points to the recurring issue that 'old'

elites (such as the military or the judiciary, see below) cannot simply be ignored or removed, even during periods of transition, as they often serve as valuable resources. This continuous development of violence shows the processual nature of transitions. The fact that the foundation of the 'successful' monopoly of violence is inherently fragile is evident in the phases of transition.

The fact that the state also has a great interest in determining the limits of violence very rigidly, even in relatively stable phases, corresponds to economic interests. Walter Benjamin also refers to the state's fear of the 'class struggle' (Benjamin 1980), which points to the important role of economic actors. Following Marx, the state provides the legitimisation for private property. It is therefore always the central actor of power (which of course also includes the threat of violence) to maintain the capitalist mode of production. The next section will address this reciprocity.

2.2 Capitalism and violence

While war tends to divert capital from accumulation and productive circulation, it also creates the conditions for capitalism. States as regulated social spaces are the result of violence—not only their borders, but also their administrations, their organisational hierarchies and their ideologies of etatism, fiscalism and militarism (Sombart 1913, p. 11). The consolidation of the European states (see Pauls 2024) was also subsidised by colonial expansion and exploitation, which generated resources to be transferred to finance violence between European countries and within colonial spaces. A gradual commodification of modes of social exchange took place, from the expropriation and privatisation of common land to the creation of a labour market for the masses displaced from their original homes (Tilly 1992, p. 67 ff.). Violence supports and secures this expansion, whereby legal regulation makes some violence necessary and thus legal, while other forms of violence are prohibited (Siegelberg 2000, pp. 28–30).

In times of transition, the commodification of violence integrates the ordering function that violence entails into the capitalist logic (Elwert 1999; see McEvoy and Hönke 2025). Transitions tend to follow the interests of capital, and different groups compete for market access for profit. Violence serves various purposes: to force privileged access to a market, to increase opportunity costs for competitors and to regulate competitive market behaviour. To this end, profit-oriented actors can ally with formal state structures to keep predators and other trouble-makers at bay. In cooperation with propertied classes, in whose profits the state participates, a certain form of statehood can be consolidated and legitimised (Rasmussen 2003). Violence becomes a fungible component of the political order. In a liberal trajectory, the state trades the protection of property for continued funding; the very guarantee of property rights is premised on elite support for state control of society, while markets remain open. In real life, of course, this is neither an inevitable nor a linear development (see Stiglitz 2019, p. 76 ff.).

Domestically, the state-capital nexus implies the pacification of societal exchange in order to control violence and reduce costs (e.g., when workers do not show up for work because they have been injured in brawls and fights; Tilly 1992, p. 157; Stieglitz 2019), while at the same time trade routes are kept open and international

access to markets is secured (e.g., by fighting pirates and negotiating trade cooperation; see Kühn 2012, p. 404). Thus, the politics of epochal change serves to rationalise the promotion of private economic interests, often masked as a process of internal pacification. One example of this is infrastructure: it orders life, as for example streets and marketplaces structure economic behaviour. Dams or other large infrastructure projects prioritise interests: the people living on a river have to leave so that the defined interests of society can be served. Electricity for industry and water for agriculture are vested interests of a certain class. Thus other citizens whose rights are determined to be less important are displaced (Bakonyi 2022). Power relations become entrenched in infrastructure over time, as the state and its collaborating agents forcibly determine how and where exactly life can take place (see van Laak 2004; Gerstenberger and Glasman 2016; Hönke et al. 2024).

2.3 Violence and the law

Violence and law have a difficult relationship, especially in times of political transition. In an idealised view, law is often interpreted exclusively as justice, as a force that ends and controls violence. In an ideal post-war world order, for example, violence would cease, and peace would prevail on the basis of international law, while national and international criminal law would be applied to prosecute war crimes and violations against civilians for which it was developed (Weinke 2016). Law is supposed to regulate, control, prevent or prosecute violence. Law is supposed to be the tool available to the state to protect its citizens, their rights, their property, and the state itself. However, many case studies, especially from the post-war period of the 20th century, have shown that these noble goals of justice are often not achieved, as the application of law and justice can prove more difficult than expected and political interests can trump the legal process (Mouralis 2019). Violence often thrives in spaces where law and state monopoly of power cannot be enforced, and therefore easily escalates in territories of crumbling empires and in periods of nation-building (Balkelis and Griffante 2023). At the same time, law can also encourage violence. It can legitimise restrictions and punishments. In certain contexts, it can legitimise violence that would be considered unlawful in other circumstances (e.g. imprisonment, taking someone's life). One of the most obvious examples is that colonial law legitimised transgressions against colonial subjects that would not have been considered acceptable in the colonial mother countries (Muschalek 2019). Discrimination and even persecution of minorities can technically be given a veil of legitimacy through the creation of legal foundations within a modern state (Baumann 1989).

Even in cases where military or political rule changes, the legal system can persist. For example, while most believe that the end of the war in 1945 meant the complete demise of Nazi rule and the transition to Allied rule, the legal reality was far more complicated. Many trials that had begun under Nazi rule during the war continued after May 1945 as if nothing had happened, with the same judges sitting before the same prosecutors and defendants and applying the same law (Lahusen 2022). Laws enacted by Nazi jurists continued to apply well into the democratic Federal Republic of Germany (most famously, the Nazi definition of murder which was based on malice and "base motives"). In addition, the application of the law in

the executive branch must be understood as a communicative act that could prevent or promote future violence. If, as for example in the Weimar Republic, political violence is either not prosecuted or quickly pardoned, this sends the message that violence is tolerated as part of the political system.

In the context of the relationships between conflicts, meanings and transitions, it can therefore be argued that the law can act as both continuity and rupture, both as an incitement and legitimation of violence and as a force to contain and punish it. In any case, any analysis of violence must include an analysis of the current national and international legal framework within which violence occurs. It must consider the extent to which it enables or hinders actors to use violence, the extent to which the law protects perpetrators or victims, and the extent to which this changes during and after periods of transition.

3 Conclusion: Violence in periods of transition

Despite the prominence of dates such as armistice days, victory days, or days of declaration of war, research in recent decades shows that we need to speak of transitional periods rather than definite dates for the outbreak or end of wars and conflicts. Moreover, these transitional periods are far from representing a linear transition from conflict to peace or vice versa. They are periods in which different actors compete for influence and negotiate different interpretations of what was fought for. In this sense, violence functions as a means of shaping the future. Violence, its limits and the way in which it is interpreted become visible as a typical feature of transitional periods. A closer analysis of cases can reveal the extent to which the practice of violence is ideologically motivated, fuelled by social dynamics or thrives on the lack of control by the state and the legal framework. In most cases of the 20th century, we find that a combination of the three aspects is relevant to reveal the underlying social dynamics that existed before but accelerate in times of transition. Transitions are anything but clear-cut, but they are at the same time strongly influenced by continuities—especially military, political, economic and legal—with the elites often remaining in positions of power. In times of transition, violence and interpretations of violence thus become a central factor to the construction of "post-conflict" identities.

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