

Crime as Language II – Hyperviolence and Georges Bataille's Concept of the Sovereign

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In political philosophy, trust, legality and violence are interdependent, with different weights, connecting and excluding. Trust structures suffer most from an anticipation of violence or violence itself. Violence systematically takes place in three stages, according to the German sociologist Jan-Philipp Reemtsma: expulsive, abusive, and homicidal violence, all of which have their distinctive and recurring verbal and nonverbal equivalents. The hyperviolence phenomenon goes beyond this, however, and even mutilates the dead body, whether actually physically, or through massive propaganda that declares the enemy a killable non-human. The goal of hyperviolence is a demonstration of absolute power over victim and bystander by means of a traumatizing violation of trust, reason, and individuality. At the same time, hyperviolence is an atavism in modernity (a historical regression); therefore the practitioner of hyperviolence is the anti-modern type par excellence. The French philosopher Georges Bataille introduces here the concept of "sovereignty" and the "sovereign" as the perpetrator also of hyperviolence. The sovereign's sovereignty is the immediate experience of the moment, free of any responsibility, with a rhetoric of mock justification of each of the three types of violence including hyperviolence. With the ahistorical view of escalating violence and the denial of any rational legitimation by the sovereign as the actor of hyperviolence, the structure of trust and the contract system of democracy itself is also endangered. So the question is, how does one unmask the "sovereign" on his way to undermine legal relations already in his linguistic patterns, in his non-linguistic codes, and how can escalation be prevented by early detection?

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A philosophical discourse on the "language of violence" has gained a frightening topicality in 2022 due to the unmediated Russian invasion of Ukraine with its war crimes in February of that year. Thousands of Ukrainian civilians have since been shot dead in Kiev, Mariupol, Butcha and elsewhere, some victims brutalised, raped and tortured before their deaths, individual corpses mutilated, cut up or disemboweled after their deaths. These crimes are "excessively excessive violence", which is the phenomenological definition of *hyperviolence*. This form of violence is at the same time a cultural-historical atavism as something that no longer seemed to have a place in current Western societies, as it originates from a much earlier era and transports norms remote from the present. Moreover, it is also a non-verbal but differentiated "language" which, according to Wilhelm von Humboldt (1836), conveys a "world view" and, like any language, is both "ergon" (work) and "energeia" (will). Work and will in the sense of excessive violence and

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the corresponding attitude are personified here in a type of criminal sociopath that has a name in Georges Bataille: the *sovereign*. To what extent does the sovereign use this language - how can it be recognised at an early stage in order to prevent its escalation?

Sociological Violence Research: Three Stages of Escalation, Transgression and Hyperviolence

Not all violence is the same: recent sociological research assumes several forms of violence that are either mutually dependent - as *reciprocal violence*, when victim and perpetrator stand in a fighting relationship to each other and measure their forces in counter-defence and repetition of attacks - or, on the other hand, increase as *escalatory violence* - when the victim is no longer capable of counter-defence and the perpetrator can act out without restraint. Even this rough distinction between reciprocal and escalatory violence shows that research on violence, in terms of its classification of phenomena, is at the same time also an implicit measurement of the resources of victim and perpetrator. The corresponding findings on dyadic relationships or "asymmetrical wars" (see Münkler 1992), as the historian Herfried Münkler calls them, are fruitful sociologically, psychologically and above all philosophically, because what is at stake here in the broadest sense is the human condition, in its unenlightened and dark side. The Hamburg sociologist Jan-Philipp Reemtsma deals with such fundamentally asymmetrical situations between perpetrator and victim, which according to their dynamics are no longer reciprocal but have an escalating effect, and in his philosophical-sociological research on violence he assumes three types of violence: *place-changing violence*, *abusive violence* and *murderous violence* (Reemtsma 2006, p. 132ff).

Place-shifting violence changes the location of the victim - in the case of individual crimes, it is the isolation of the victim through confinement, encirclement, confinement, imprisonment; in the case of war crimes, it is the annexation or occupation of land. **Abusive or "raptive" violence** - the term goes back to Walter Benjamin and his extensive philosophical critique of violence from 1921 - is violence that damages, abuses, mutilates or rapes the body. In today's academic criminology, in addition to naming this physically active type of violence, which Reemtsma classifies as abusive, there are also different degrees of damage with regard to the duration of the damage to the victim, but these are not relevant here.¹ Finally, **autotelic violence is homicidal violence**, applied to the individual as execution, applied to a collective as genocide. The three types of violence according to Reemtsma occur in practice, in individual crimes as well as in acts of war, mostly building on each other as a gradual escalation of violence, always when there is a fundamental asymmetry of resources between the perpetrator and the victim and when resistance remains fruitless and only incites the aggressor to greater violence.

¹Damage degrees were described in detail by Cohen and Felson (1979, p. 588f).

Hyperviolence is, according to the French encyclopaedia, "violence that goes excessively beyond habitual violence" (Encyclopédie française 2022), i.e., exceeds everyday and customary violence, which in turn allows for a fine differentiation and proves its excessive character. In the cases considered here, which are to be classified as typical, it **even goes beyond autotelic violence**. In this respect, it is no longer included in Reemtsma's three-stage scheme and represents a fourth escalation stage that occurs when the autotelic violence has already been carried out and the victim is dead. Hyperviolence is the violence that not only kills the victim, but also mutilates it or renders it unrecognisable, making the victim, as it were, posthumously a non-human, deprived of all dignity and individuality. For reasons of scientific precision, we distinguish here and in the following between the systematic and historical levels of hyperviolence: systematically, hyperviolence is the continuation of Reemtsma's three types of violence and aims at posthumous aggression that escalates the violence of execution. Historically, hyperviolence can be understood as a very old, archaic and barbaric form of violence that was already known in the earliest cultures and was also depicted in written and pictorial evidence.

The problem of excessive, escalating violence, which is not even satisfied with the death of the victim, i.e. which goes beyond the autotelic level of violence, was depicted in European literature at an extremely early point in time. It can already be found in Homer's "Iliad", which according to Diodorus was written at the time of the Trojan War, i.e., in the 7th century BC,² when the barbarian Achilles drags the body of the slain Hector across a field in a triumphal procession and cruelly disfigures it by making the corpse take on the colour of the soil and rendering it unrecognisable.³ Hyperviolence, however, does not remain in antiquity, and already there as the non-verbal "language" of the barbarian, but continues through further stages of historical development with ever new protagonists as perpetrators, and it is precisely these perpetrators who often keep the world and posterity in suspense with their inhuman deeds. In 1961, the French philosopher Georges Bataille reported on the true criminal case of how Marshal Gilles de Rais (1405-1440), known as Retz, a Breton knight and companion in arms of Joan of Arc, kidnapped more than 200 children - according to other estimates even more than 600 -, locked them up in his castle, sadistically sexually abused them, hanged them and ritually executed them, devoutly contemplating their torn-out entrails (Bataille 1961, p. 107). On a systemic level, characteristic of hyperviolence as a type of escalatory violence is the total asymmetry of perpetrator and victim, which cannot be reciprocal anywhere, but is represented by a total imbalance of power: on the one hand, the experienced, heavily armed marshal Retz, on the other, defenceless children. Writer and painter Pierre Klossowski examines similar "asymmetrical wars" and takes a philosophical look at the controversial works of the Marquis de Sade with their numerous references to torture and hyperviolence, which for de Sade himself - who spent a large part of his adult life in a mental institution or in prison for violent crimes - represented

²Diodorus 7,1.

³Homer's *Iliad* referred to by Schadewaldt (1975).

both philosophical-literary theory and empirical practice (see Klossowski 1984). Klossowski comes to the conclusion that de Sade's works, in addition to autobiographical references to an undoubtedly disturbed and highly criminal personality, also contain references to the political sadism of feudal rulers (Klossowski 1984). This insight - from the perpetrator to the system - will be examined later.

It is rare to find such perpetrators in empirical research who, like de Sade, take the active and descriptive perspective: literary monstrosities. Historians and war correspondents know not fictional but real hyperviolence: in the concentration camps of the Second World War, where violent dressing up was part of the tactics of psychological warfare (see Dorchain and Wonnenberg 2012), and currently in the occupied territories of Ukraine, where civilian victims in the villages of Butcha and the surrounding area were and still are mocked or mutilated even after their death (Amnesty International 2022). The violence, which extends beyond death, is also intended to disfigure the victim for posterity and thus constitutes *a kind of extended execution*, with a partial or total prevention of memorialisation through disfigurement or destruction of the corpse. In this way, too, the victim is posthumously denied its human dignity and the grieving family is repulsed - hyperviolence tears apart the bond of remembrance and thus the culture of remembrance as a specifically human form of recognition.

Hyperviolence and the History of Ideas in Western Philosophy: A Barbaric Transgression Criticized Since Homer's Time

The philosophical critique of the cultural phenomenon of hyperviolence was already evident in the earliest times of cultural history and can be found in writers of antiquity, who on the one hand describe hyperviolence and on the other hand already find words of rebuke, since they too feel the rupture that this excessive violence has on memory, family, dignity, form - all *systems of meaning*. The philosophical critique of violence increases in the course of history: while antiquity already condemned this form of excessive violence and assigned it to culturally inferior actors, early modernity found contemptuous criticism for it as a generally inhumane procedure, and postmodernity relegated it as an atavism outside its own sphere of validity: anyone who used hyperviolence was not modern, was not a contemporary. This corresponds to Max Weber's laconic conclusion that violence was simply part of everyday life in most cultures and epochs - but that only modernity problematised it, and that therefore the excess of violence in particular did not become a fact of modernity, but a phenomenon with which modernity had a problem (Weber 1999, p. 18). If we follow the systematic development of the historical arguments from literature and philosophy, we actually find the triad "barbaric - unchristian - unmodern" as a progressive pattern of rejection within the critique of violence. First of all, Homer contributes to this by portraying hyperviolence as unmistakably "barbaric", since it marks the barbarian Achilles as such as a non-verbal act and distinguishes him negatively from the more civilised Greeks. Hyperviolence as an act thus already marks a

special dyadic relationship of asymmetry in antiquity and at the same time a cultural difference between perpetrator and victim. If one considers how important Homer's epics were in Greek culture and in the education of children, according to recent research by Thomas Szlezák, one can assume that at least ancient Greece took the cultural condemnation of hyperviolence as a violation of norms seriously (see Szlezák 2010, p. 13). The cultural condemnation of the perpetrator of excessive violence beyond death was preserved in the centuries following antiquity, but found its way into literature only sporadically. In the eighteenth century, but even before Immanuel Kant's questioning of all instances in the state with regard to their legality, also and especially in their exercise of power, a radical ideological change took place: violence and above all hyperviolence became a problem - not only for individual authors like Homer and Hesiod, but in general, as a movement that took hold of large parts of the intellectual community.

In 1746, on the eve of the Enlightenment, which was soon to sweep through Europe like a beacon of light, the Catholic church superior Dom Calmet found astonishingly critical words with regard to such war crimes: Hyperviolence is "unchristian and unethical" (Calmet 1746). The inconvenient cleric supports this judgement with reference to the patristic church fathers Origines and Tertullian and states that no one could be a Christian who would approve or sham-legitimise war violence or criminal violence of this kind - this was courageous in a time when field preachers were still inciting soldiers in war or even justifying all means in a Macchiavellian way for the figure of the "just war". According to Walter Benjamin, the problem of hyperviolence in early modern thought arose systematically from the problematisation of natural law, which was no longer accepted unquestioningly or even identified with Christian norms (Tiedemann (1992, p. 105). In 1977, Michel Foucault found the latest and at the same time strongest criticism of these excesses of violence, which are found in war among unleashed militaries, in peace among pathological lone perpetrators: Hyperviolence is first and foremost "pre-modern"⁴ and, according to its phenomenology, not a modern murder, nor really a medieval practice (although it does occur in the Middle Ages as a form of punishment), but systematically an ancient form of sacrifice rooted in ritual and cult. In this respect, such a perpetrator is a pre-modern person who has fallen out of the present and personifies a reversion to an earlier, sacred cultural level with all its negative, Dionysian attributes.

Back to the Future: The Hyperviolent Offender as "Sacrificing Priest" or the Anti-Modern Type par Excellence

Hyperviolence is found, according to Foucault, as a relic of ancient forms of sacrifice in modernity, or as "blood violence over life" (Marcuse 2009, p. 60) in Walter Benjamin's words, when the perpetrator assumes the role of the sacrificial priest, as it were, and reduces the victim to mere life, the naked body. Here, finally, for the researching criminologist and psychologist or forensic scientist,

⁴See Michel Foucault's criticism of violence and the judiciary system (Foucault 1977).

there is the disturbing phenomenon of cultic self-aggrandisement or self-deification as the dominant personality trait of the perpetrator in phenomenology, but not as the motive for the crime: this is uninhibited, time-lasting exercise of power. This motive for action in the context of the cult also fascinates lay people.

The sacrificing priest in the film and the human sacrifice is also a dazzling media figure today, which raises the question: Why are film villains, for example in James Bond, often perpetrators of hyperviolence?⁵ The appropriate thesis is: because their psycho-moral structure represents an anti-modern type - the antitype to modernity per se, the *other* in culture, atavism in the present or the return of the sacrificial priest as a haunting figure from the past. Hyperviolence remains, viewed in modern terms, a monstrous provocation, be it media-fictional or real-political. Why does this excess of violence shatter the self-understanding of an epoch? Hyperviolence as an individual act (i.e., the perpetrator-victim dyad) as well as a structural act by supra-individual perpetrators (i.e., institutions, parties, corporations) is an atavism, reverses the process of modernity:

- Modernity as a *successive process of secularisation* with thinkers such as Montaigne, Descartes, Spinoza etc. growing out of the philosophical spirit of scepticism is denied, hyperviolence nevertheless again wants the archaic violence of the sacrificing priest as irrational metaphysically transfigured power beyond death.
- Modernity as the *identity of reason and rule* is threatened, since Hyperviolence denies all these achievements and, in an irrational act, establishes total violence beyond the violence of murder.
- Modernity as *individuality and the elevation of the ego* is endangered, since hyperviolence destroys this ego identity to the point of de-individualising the victim.

Hyperviolence as a figuratively staged rejection of secularisation, reason and individuality as the declared paradigms of modernity is thus the pre-modern figure par excellence.

Personal Tyranny: Georges Bataille and his Concept of the Sovereign

Is there a prototype for this pre-modern figure of the excess offender who is not even satisfied with the execution of his victims and who traumatises the modern by violating all their protective self-understandings? Surprisingly, there is such a typology that assigns the act and the perpetrator. In philosophy, there is not only a centuries-old tradition of critique of violence and especially of critique of excessive hyperviolence, but also a typology of the perpetrator, a figure who

⁵See James Bond: *Goldfinger* from 1965, third part of the film series based on a novel of the same name by Ian Fleming. The name Goldfinger comes from the Phrygian king Midas, who supposedly turned everything he touched into gold. In the film, Bond's villain Auric Goldfinger (from latin aurum = gold) is Bond's adversary. There is a famous scene in the film where Bond's lover Jill Masterson is painted with gold paint and suffocates. This killing, however, is ritual violence: it alludes to the gold-painted human sacrifice of the aztecs.

personifies hyperviolence and is the declared perpetrator: we find it in a prominent place in the french philosopher Georges Bataille's work on norms, norm decay and modernity, it is called **sovereign** (Bataille 1953, p. 264). The "sovereign" as a psychopathological type in Bataille's work (not to be confused with the adjective sovereign state power, which in democracies emanates from the people, or the sovereign in the sense of a psychologically healthy, self-confident normal citizen) is a threat to the public, to order and to peace. He is unrestrainedly violent, even excessively so, he lives completely in the moment, is accountable to no one and creates and dominates the state of exception. Hyperviolence is the violence of the sovereign, because in this figure the phenomenon of the excess of violence is, as it were, accumulated, or in other words: those who exercise hyperviolence stage themselves as sovereigns (Bataille 1953). Only the sovereign exercises hyperviolence - hyperviolence is the violent "language" of the sovereign.

Let us therefore look at the concept of the "sovereign" in Bataille and see what makes him tick: the sovereign is a barbaric concept of ruler, he rules without justification in Max Weber's sense (neither traditional, nor legal, nor charismatic), he does not recognise any limits to action and is completely self-sufficient in his destructive actions. His rule has clearly visible fascist features. The sovereign possesses the power to reduce the Other to the naked body, to "bare life" (Agamben 2002), as Giorgio Agamben defines it. For him, the biopolitical body of his victim is only a projection and image surface, or as Niklaus Largier calls it, a "tableau vivant"⁶ for ruling power relations. Here the sovereign is simply an extreme perpetrator of violence that reduces the body, as Reemtsma already defines it: "The reduction to the body carried out by the act of violence is the reason why violence must always be understood as primarily physical" (Reemtsma (2006, p. 124). But hyperviolence does more than reduce the victim to the body; it also manifests the cultural difference between the perpetrator and the victim, which Homer already saw, and eternalises the power relations and, finally, makes it impossible to give back the victim. The sovereign is a merciless judge of the victim beyond death and thereby assumes a role that does not exist in civil law in the 21st century, even in state systems that still know death sentences for delinquent citizens. Whoever engages in hyperviolence, as the alleged master of mere life, undoes the systematic cultural developments in the western understanding of civilisational progress, the sequence of which has already been historically set out in the civilisational drama "Oresteia" by Aeschylus – an itinerary development from the chaotic primordial state to the consensual liberal state contract. *The sovereign lives ahistorically and completely in the moment*, and therefore also denies modernity as a structurally linear process of development and gradual renunciation of violence in the individual, the collective of every kind and the state in particular. Only the connection of the two philosophical structural concepts "hyperviolence" and "sovereign" shown here makes this epoch-breaking dynamic clear. For the ahistorical sovereign represents a culturally earlier stage or atavism in his person, his type and his activity, and his unrestrainedly violent and

⁶See Niklaus Largier on the aesthetics of violence (Largier 2001).

demoralising action harbours the danger of catapulting the culture he tyrannically afflicts back to a more barbaric state.

The Language of the Sovereign: "I am your Lord and God"

So far, in this phenomenologically underpinned philosophical investigation of language and crime, violence has been symbolically assumed to be non-verbal language, and this striking equation also makes sense with regard to the sovereign as the perpetrator of violent excesses, because he usually "speaks" with weapons. But with the reductionist equation of violence as non-verbal language, the actual dynamic and thus also motivational level of human language development remains untouched and thus not open for insights into its development. For the philosopher and linguist Wilhelm von Humboldt in 1836, language was not merely a totality of non-verbal, sonic or semiotic signs, but essentially always a "weltanschauung" (world view) (Di Cesare 1998), and consisted fundamentally of the two interrelated components

1. *ergon* (i.e., visible system of signs, word, sound, alphabet)
2. *energeia* (i.e., basic mental attitude, attitude, system of norms).

Humboldt's idea was that the "ergon" of a language only changes if the "energeia" of a language has already changed, i.e., the worldview underlying the language has changed significantly. The violent language of the sovereign as "ergon" is thus preceded by a maximally narcissistic, delusional and sociopathic change of mind as "energeia", which seemingly legitimises him, and this may be true for individual offenders as well as for collectives (Klossowski 1984). However, these apparent legitimations are not only thought but often verbally formulated when sovereigns of old and new times manipulate their future victims and suggestively announce their deeds, not infrequently by already implying asymmetrical relations in language. The later asymmetry of warfare through ever more escalating physical violence is linguistically prepared by seemingly metaphysical justifications and exaltations of one's own person - here again Foucault's sacrificial priest becomes recognisable, who gives himself a nimbus - as well as through irrational claims to power that are not amenable to rational argumentation and through generalising formulations that exclude the individuality of the victim, which, as it were, anticipate the unrecognisability of the individual in the language. Here we find linguistic references to *the three self-conceptions of modernity, which the sovereign contradicts: secularisation, unity of reason and rule, and individualism*. Not only the violent actions of the sovereign, but also his speech patterns express his distance from the self-awareness and value consciousness of modernity.

Apparently metaphysical justifications of one's own person and role with narcissistic-grandiose exaggerations remind the attentive listener of the sacrificing priest, irrational justifications devoid of any logic and rationality or even sophistical exaggerations of reason as such prove that the unity of reason and rule

so typical of modernity is vehemently denied. A generalising, equalising language (e.g., "civilian failures", "average types", "people of the world") denies modernity's strong reference to individuality and represents a rhetorical conditioning of the victim, who is supposed to feel as nothing special, mass-like and indiscriminate. Significantly, this speech pattern of sovereignty was already identified in 1989 by the US-american linguist Noam Chomsky as a rhetorical technique of mass suggestion in modern media, i.e., it is part of everyday life that is seldom questioned and desensitises the contemporary to such presumptions (Chomsky (2002, p. 5). Degrading, equalising addresses of the other as a future victim, irrational claims to power, finally self-deprecation - all these manipulative rhetorical patterns are not about the factual level, but about the relational level, specifically about the degradation and destabilisation of the counterpart, who is thus to be psychologically prepared for the planned "**asymmetrical war**", which may soon escalate in physical form. Accordingly, one has to pay attention to these speech patterns as anticipatory, sham legitimations of violence in order to preventively counteract the escalation of the three types of violence according to Reemtsma and their transgression through hyperviolence. Excessive violence can only be stopped from a criminological point of view if it is recognised in the early stages (Cohen and Felson 1979), which can still be grasped linguistically and therefore linguistically, before it finally becomes, with Hannah Arendt, "violently mute" (Arendt 1981, p. 195) and abusive hands or outright instruments of destruction speak.

One last interesting question on the connection between the hyperviolence of the sovereign and its language should be mentioned here: what actually stands at the beginning of the fatal "energeia" of the sovereign, what triggers it? The answer is: in his perverted understanding of himself and of the world, the sovereign has an initial cause that lies in his deviant understanding of time. His "energeia" is constituted in particular by a strongly disruptive reference to time: he lives completely in the present moment and instant (Bataille 1953) without traditional or legal justification (Weber 1999), he wants to re-enact historical developments or reverse processes of modernity through violent action (Agamben 2002), he creates and controls the "state of emergency"⁷ with arbitrary special legislation (Schmitt 1996) and he intends to found a "new time" in which everything is different from now on. As a rule, a dictator has a distorted reference to time, which is exposed linguistically in the run-up to acts of violence, in that the perpetrator of excessive violence announces his action and at the same time mystifies it in an unprecedented yesterday or a utopian tomorrow. Any acute reference to time, which in philosophical ethics would be a rational basis for responsibility, is missing in the understanding of being of the absolute offender, who is accountable to no one. The "energeia" of the sovereign, which is largely based on disruption and provides irrational illusory legitimations for violence, is thus systematically the refusal of those paradigms which, at the latest since modernity, have been regarded as culture-forming in their self-understanding: *renunciation of violence by the individual and the state, dignity, justification, reason, preservation of*

⁷Carl Schmitt quoted by Agamben (2002, p. 27).

individuality. The sovereign is therefore, as it was in Homer's time, only today much more appalling, an indicator of cultural degradation: wherever hyperviolence occurs and its typical actor, the sovereign, modernity and with it the project of democracy is endangered by this anti-modern, anti-democratic type.

Conclusion

If citizens, institutions and states want to protect democracy today, they must become more sensitive to recognise the violent criminal type of sovereign at an early stage, because hyperviolence is its characteristic behaviour pattern and will come to light sooner or later, due to its inherently excessive nature. The sovereign as self-appointed "lord of the state of emergency" is a danger not only to peace, but also to the cultural and legal achievements of modernity, its understanding of itself and of norms and its liberal conception of man.

An ironic break in this argumentation, however, lies in the question of whether totalitarian modernity as such can still have a normative claim at all (see Zitelmann 1994, p. 1) - or whether it is not based on normopathy or does not perhaps even promote sovereignty with its excessive use of force. The historical project of civilisation (fragile and by no means linear), and its temporary light line enlightenment (always a work in progress), depends on whether its seemingly epoch-spanning shadow, the sovereign, remains recognisable as an antitype and does not become a new habit or even an ideal.

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