

# BEYOND INDIVISIBLE UNCONDITIONALITY: SOVEREIGNTY IN THE THOUGHT OF JACQUES DERRIDA

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## Introduction

Sovereignty is a central category of modern political thinking. Pointing to the legitimate source of political authority, sovereignty has played a crucial role in the making and understanding of the modern world. By continuing to inform both the nation-state and the current international relations framework, the modern idea of sovereignty has gained such a universal currency that it has become today almost natural to our political life. Yet, this seeming naturalization is not as stable as it appears. Pressed by the forces of globalization, modern sovereignty faces today a crisis that contemporary debates have not failed to analyze from fields as diverse as political theory, continental philosophy, and international relations.

One important aspect of contemporary politico-philosophical debates on modern sovereignty regards the revisitation of its nature. Although commonly considered an essentially political category, the idea that modern sovereignty is a political concept through and through is not as straightforward. The significant attention that contemporary debates in political theology since Carl Schmitt have devoted to sovereignty signals that the shadow of theological themes might be still present, however opaquely, in our understanding of politics.<sup>1</sup> Jacques Derrida, among others, has been an important and perhaps less studied figure who has contributed to these debates. He has done so by reflecting on the irreducible theologico-political themes that have characterized sovereignty since the Greeks without for this reason advocating an inevitable surrendering to religion or theology. What exactly his position on sovereignty is and how it contributes, if at all, to our understanding of the current political predicament is the task this paper takes up.

I suggest that Derrida's perspective re-configures the thinking about sovereignty in a way that both draws from and moves beyond the traditional political theology that has surreptitiously informed many of its understandings in the history of political philosophy. My hypothesis is that Derrida's view exposes features of sovereignty that such understandings obscure. It does so by illuminating the inherent divisibility and differentiation marking any conception of sovereignty that seeks to be effective at all. Derrida's rupture and continuity with the tradition of political theology can be acknowledged if we appreciate his receptivity for founding moments and inheritance. To inherit, for him, does not simply mean to passively receive an unchosen past but to reaffirm it by choosing. It means accepting the past as received from one's own tradition but also choosing *how* to keep it alive and reinterpreting it in the awareness that neither tradition nor its texts are static and homogenous.<sup>2</sup> In this context, going back to founding moments or texts and reread them in a new light represents the distinctively novel gesture that characterized Derrida's entire thought, a gesture that sovereignty best exemplifies.

Following Derrida's strategy on inheritance, I present his revisitation of some canonical understandings of sovereignty. Section one articulates Derrida's view of sovereignty as an indivisible and unitary concept. Critically engaging a long tradition of political theology, Derrida shows that sovereignty has been understood as an unconditional and indivisible power of self-determination that has a theological origin and that retains religious features. In particular, he shows that this understanding, which finds in Carl Schmitt its most recent supporter, obscures the conditions (time and language) through which sovereignty necessarily affirms itself, conditions that nevertheless weakens both indivisibility and unconditionality and opens it to difference and

shareability. In section two the focus shifts on sovereignty as a force of reason endowed with animal features. Revisiting the theories of some key modern political thinkers, Derrida shows that influential modern understandings of sovereignty place the sovereign, like God and the animal, outside the law, a position from which philosophical, legal and political determinations are imposed. Section three connects all these issues together to illuminate just what exactly Derrida's view of sovereignty is. I argue that by emphasizing the non-oppositional relation between reason and force that characterizes sovereignty and by severing the connection between indivisibility and unconditionality, Derrida clears an analytical space for thinking about sovereignty, and especially democratic sovereignty, beyond the tradition of political theology. His view does on the one hand, exposes the fragility of philosophical and practical determinations that seek to establish indivisible limits between man and animal, what is political and is not political. On the other hand, it shifts the focus of inquiry from sovereignty as a pure concept to impure notions such as translation, division and difference, which are involved in functioning of sovereignty itself.

### **The theological features of sovereignty**

Sovereignty plays a central role in Derrida's political writings, most notably in *Rogues* and *The Beast and the Sovereign*.<sup>3</sup> Concentrating on his understanding of the nature of sovereignty, this section advances the claim that sovereignty is a power of self-determination that presents theological features and is thus best understood by looking at the long tradition of political theology that has marked many of its understandings. To illustrate this view, I expound below Derrida's genealogy of the theological origin of sovereignty from Ancient Greece to more contemporary conceptualizations. By doing so I hope to clarify both the type of indivisible and unconditional power traditionally associated with sovereignty and Derrida's re-description of the problem of sovereignty.

Before exploring Derrida's position, though, a preliminary articulation of sovereignty is in order. Derrida critically employs the concept of (political) sovereignty with reference to a long European tradition of political theology that culminates with Carl Schmitt and that is connected to the question of the death penalty. This concept is for Derrida at work in the context of the nation-state, international and human rights law. Sovereignty is the indivisible and absolute "power to give, to make, but also to suspend the law; it is the exceptional right to place oneself above right, the right to non-right".<sup>4</sup> Situated above the law, sovereignty defines itself "by the power of life and death over the subjects" and of deciding "what is proper to man".<sup>5</sup> For Derrida, this definition of political sovereignty belongs to the tradition of European law, one caught between the biblical tradition that instituted the penal code after God's commandment "Thou shalt not kill", and the philosophical tradition, which has hardly ever contested the legitimacy of the death penalty.<sup>6</sup>

In *Rogues*, Derrida begins his investigation of sovereignty by analyzing the nature of its authority. Sovereign authority, he notes, is "having the power to decide, to be decisive, to prevail, to have reason over or win out over [*avoir raison de*] and to give force of law [*kuroō*]" (R, 13). This definition points to an idea of self-hood that is presupposed every time a sovereign authority is at stake, an idea that is best captured by the notion of *ipseity*.

Before any sovereignty of the state, of the nation-state, of the monarch, or, in democracy, of the people, *ipseity* names a principle of legitimate sovereignty, the accredited or recognized supremacy of a power or a force, a *kratos* or a *cracy*. That is what is implied, posed, presupposed, but also imposed in the very position, in the very self- or autopoising, of *ipseity itself*, everywhere there is some oneself, the first, ultimate, and supreme source of every "reason of the strongest" as the right [*droit*] granted to force or the force granted to law [*loi*] (R, 12).

Here we find the two essential features of sovereignty that interests us: a type of self-hood (*ipseity*) displaying the supreme source of authority and a type of reason that, supported by force, founds right or the law.

Starting with the first feature, what is *ipseity* exactly? Referring, in Latin, to the idea of ‘self’, ‘same’, ‘self-same’ or to what in Greek is *autos* (self, same) and in English selfhood, *ipseity* evokes for Derrida the figure of the wheel and the rotating movement of the self’s return to itself, which precedes the distinction between *physis* and its others (*nomos, techne, thesis*) and is implied in the notion of self-determination (R, 10). In determining itself, in giving itself its own law, the self has a power to cause the unconditional return of the self to itself as its end. Understood as *ipseity*, then, sovereignty represents a force of self-constitution and self-legislation supported by a forceful reason that initiates a circular motion of relating or returning to itself as its own end. This motion exposes sovereignty’s unconditional, indivisible, and unitary character since it establishes a circular and immediate identification of the cause with the end.

For Derrida, the circularity of *ipseity* displays the theological features that political thinkers have more or less explicitly associated to sovereignty, including its democratic form. These features appear most clearly in Alex de Tocqueville’s *Democracy in America* where he affirms that “the people reign over the American political world as God rules over the universe. It is the cause and the end of all things; everything rises out of it and it is absorbed back into it” (R, 14). For Derrida, Tocqueville’s affirmation goes beyond rhetoric and signals deeper philosophical convictions. Besides invoking God as the figure in which the rotating wheel reaches its perfection (i.e. God is the cause and end of everything), Tocqueville connects democratic sovereignty to a long tradition of political theology inaugurated by the Greeks. His view of democracy as God resembles the figure of the Prime Mover that Aristotle discusses in the *Metaphysics* and links to Greek mythology. In this work, Derrida recalls, Aristotle characterizes the *energia* of the Prime Mover as a pure actuality, a principle of self-sufficiency setting everything in a circular motion that has as a final end the return to itself. He defines this first principle as “God” and as “as a life (*dia-gōgē*)” that is “at once desired, desirable (*erōmenon, to proton orekton*) and partaking in pleasure”, a definition that poses autoaffection as a circular and theologically inflected model of selfhood (*ipseity*).<sup>7</sup> This model, Derrida notes in *The Beast and the Sovereign*, is also at work in the *Politics* where Aristotle offers an “an ontological definition sovereignty” (BS, 345-6). Since Aristotle considers the principle of self-sufficiency –of which the Prime Mover is the highest example – as the best for the life of the polis, he establishes the circularity implied in self-sufficiency as the model of sovereign self-hood *par excellence*.<sup>8</sup>

Derrida’s interest in the *Metaphysics* extends beyond sovereignty’s circularity to reach the type of grounding Aristotle gives to his argument. Derrida emphasizes Aristotle’s use of a political analogy that *seemingly* anchors the unitary character of the Prime Mover to a mythological model of indivisible sovereignty articulated by Homer in the *Iliad*. Opposing the government of many to champion that of the one, Homer refers to Zeus as he who wins over his father Cronos and asserts his sovereignty as the god of all kings. Derrida reads Homer’s claim, to which Aristotle refers and acknowledges as having a certain authority at the end of book twelve, that “no good thing is a multitude of lords; let there be one lord, one king (*ouk agathon polykoirainē. Heis koiranos estō, heis basileus*)” as declaring the sovereignty of unity over multiplicity, of the one (God or lord) over the many; in short, of indivisibility and unity (R, 16). By relying on the authority of Homer and on his view of sovereign authority, Aristotle, for Derrida, subscribes to what will become a long tradition of political theology.

This theogonic mythology of sovereignty belongs, if it does not actually inaugurate, a long cycle of political theology that is at once paternalistic and patriarchal, and thus masculine, in the filiation fathers-son-brother. I would also call it ipsocentric. This political theogony or theology gets revived and taken over (despite the claims to the contrary by such experts as Bodin and Hobbes, whom I cannot treat here) by a so called

modern political theology –itself just as phallogocentric, phallo-paterno-filio-fraterno-ipsocentric –of the sovereignty of the people, that is, of democratic sovereignty. The attribute “ipsocentric” intersects and links with a dash all the others (those of the phallus, of the father, of the husband, son or brother). *Ipsocentric* could even be replaced by *ispocratic*, were that not a pleonasm, for the idea of force (kratos), of power, and of mastery, that is analytically included in the concept of ipseity (R, 17).

This passage introduces one of Derrida’s central claims: from the Greeks up to modern democracy, sovereignty is marked by a long tradition of political theology that links ancient conceptualizations of sovereignty as theological and ipsocentric to contemporary ones. Although Derrida mentions earlier on in the text that democracy refers also to heterogeneity, multiplicity and division, thereby recognizing that democratic sovereignty puts limits to the theologically justified privileges of the king, he highlights that the reference to sovereignty’s unity, unconditionality and indivisibility, or more simply *ipseity*, has historically had the upper hand. Despite the division of powers characterizing modern democratic regimes, democracy, for Derrida, is tied back to the people, conceived as an ipsocentric agent. As he shows in his analysis of the American Declaration of Independence, the foundation of the American democracy required imagining a unified agent, the people, appealing to God in order to give authority and force of law to the new established regime.<sup>9</sup> Derrida’s point here is that although modern democracy is characterized by an institutionally divided sovereignty, it is still made effective by an ultimate reference to an ipsocentric agent endowed with theological features.

Derrida illustrates the aforementioned claim by exploring some canonical figures of political thought. Starting with Plato and Aristotle, he claims that although neither thinker used the word ‘indivisible’ to characterize sovereignty, “each time they treated democracy as government...each time they named God, it was always by attributing him an exceptional and indivisible unicity” (R, 75). Plato’s *Statesmen* and Aristotle’s *Politics* are works in which the unitary and indivisible character of God appears in the context of the question of numbers. For example, in his *Statesmen*, Plato opposes monarchy to democracy to emphasize, among other things, the negative effects of distributing the governing power typical of democracy. Yet, monarchy, like democracy, only resembles the model constitution, which is “like a god among men” (*hoion theon ex anthrōpōn*) (Ibid.). Similarly, Aristotle uses the same formulation to address a ruler of such a pre-eminent excellence that he would need no law as he would be himself the law.<sup>10</sup> Although Derrida does not sufficiently stress Aristotle’s emphasis on the plurality of the state as opposed to Plato’s idea of unity and that neither beast nor God-like individuals should be part of the polis, he highlights that both Plato and Aristotle reiterate the aforementioned tradition of political theology. They do so to the extent that they either conceive of and praise (Plato) or conceive of but not unquestionably praise (Aristotle) a theological model of sovereignty as indivisible.<sup>11</sup>

Moving to the modern period, Derrida investigates, in addition to Tocqueville, Bodin and Hobbes whom he mentions in *Rogues* but discusses in *The Beast and The Sovereign*. Derrida shows how both Bodin’s and Hobbes’ theories rely on a divine model which shapes the figure of the sovereign on the basis of God’s image. Beginning with Bodin, Derrida quotes a passage from chapter eight of Bodin’s *Six Books of the Republic*: “For if Justice is the end of law, law of the work of the prince, the prince the *image* of God; then by this reasoning, the law of the prince must be *modeled* on the law of God” (BS, 48). Here Bodin uses the words ‘model’ and ‘image’ to define state sovereignty and considers “marks of sovereignty” the ideas that he “who recognizes nothing, after God” and “is answerable only to God” is an absolute sovereign (Ibid.). By viewing the sovereign as an image of the divine Bodin presents, for Derrida, a view of human sovereignty that is theological and ipsocentric and that does not save the autonomy of the political, but re-affirms its dependency on the theological.

Hobbes' model of sovereignty is not clearly emancipated from political theology either. In opposition to many commentators who consider Hobbes' view of sovereignty as purely political, Derrida shows that such a view "retains a profound and fundamental theological and religious basis" (BS, 54). His arguments rely on two points. First, Hobbes' theory is based on a divine model to imitate, despite its conventional outlook. This emerges most clearly from the opening pages of the *Leviathan*: "'Artificial' Animal' that the Leviathan is, imitates the natural art of God" (BS, 54). For Derrida, Hobbes's appeal to God's art as a model of imitation confers to his theory of political sovereignty an "irreducible originality, i.e. its artificial, conventional, if you will techno-prosthetic nature, only by grounding itself in a profound onto-theology, or even in religion" (Ibid). Second, although Hobbes excludes God from the political covenant, he does so only partially thereby jeopardizing the full emancipation of the political from the theological. In Chapter XVIII of the *Leviathan*, Hobbes rejects the possibility of a covenant higher than human since he rules out as unjust the appeal to a non-mediated covenant with God that justifies the disobedience to the sovereign. However, Derrida notes that Hobbes' exclusion of a covenant with God seems to apply only to an 'immediate' contract.<sup>12</sup> Hobbes does in fact concede that a 'mediated' contract with God is possible "by mediation of some body that representeth God's person, which none doth but God's Lieutenant, who hath sovereignty under God" (BS, 50). Thus, Derrida argues, not only is Hobbes' insistence on the distinction between immediacy and mediacy to support his logic of lieutenancy problematic and probably advanced to "justify or in any case leave open the possibility of a Christian foundation of politics" (BS, 52). It also "clearly marks the fact the *proper place*" of human sovereignty is "that of an authority that is subject, subjected and submitted to, and underlying divine sovereignty. Be it Moses, Christ, the monarch king as Christian king or an assembly of men elected and instituted as sovereign, their place always stands for the place of God [*tient lieu de Dieu*]" (BS, 53-4). Derrida supports this second point further by emphasizing why Hobbes excludes God from the political covenant. He notes that Hobbes invokes language and the impossibility of response as the reasons why God, like the beast, cannot make a political convention: neither can make known to man whether they accept the covenant.<sup>13</sup> By associating God and the beast in their inability to join and respond to the covenant in chapter XIV of the *Leviathan*, Hobbes offers, for Derrida, "the most profound definition of absolute sovereignty", which releases it from duties of reciprocity. Because the sovereign does "not respond, he is the one who does not have to respond [*répondre*]" and is "not responsible for [*répondre de*] his acts", he is "like God...above the law and above humanity" (BS, 57).

If modern thinkers do not fully emancipate their theories of sovereignty from traditional political theology, later ones do not fare much differently. For Derrida, Schmitt represents the paradigmatic contemporary thinker of sovereignty who still conceptualizes it in theological and ipsocentric terms. In *Political Theology*, Schmitt thinks of sovereignty as a concept that has developed historically and systematically from a theological tradition and he uses, however ambiguously, a theological analogy to describe the sovereign exceptional right to (re)establish or suspend the law. Schmitt defines the sovereign as he "who decides on the exception", and he conceives of the exception as "analogous to the miracle in theology" (PT, 5, 36). Sovereignty resides in determining "definitely" what constitutes public order and "the normal everyday frame of life" the general norm demands (PT, 13). As such, sovereignty always involves a sovereign who decides on what constitutes a state of exception, on whether the exception exists and on the measures for overcoming it to re-establish order, measures that include the suspension of the existing law and the 'normality' of temporal continuum. In this way, the sovereign decision is a "pure decision", an "absolute decision created out of nothingness" that distinguishes normality from exception and ultimately friend from enemy (PT, 66).

What interests Derrida in Schmitt's understanding of sovereignty is the connection between the sovereign's exceptionality and the unitary character of his decision. As he notes, Schmitt links the sovereign's decisionist exceptionality to indivisibility, which "excludes it

[sovereignty] in principle from being shared, from time and from language”. To constitute itself, the sovereign exceptionally withdraws from the dividing passing of time *in* which he nevertheless operates and from the shareability of the language *in* which he makes his own authority universally meaningful, justified and effective *post facto*. This situation indicates on the one hand, that an “unavoidable silence” characterizes sovereignty since the latter can only establish itself in its retraction from language. Yet this silence cannot that cannot last long (R, 100). For as soon as someone speaks about, gives meaning to or seeks to justify sovereignty and as soon as the latter is operative (i.e. it operates *in* time or takes time in order to operate), an element of sharing (in language) or divisibility (in time) is introduced, which shows that “pure sovereignty [indivisible] does not exist”.<sup>14</sup> On the other hand, the constitution of sovereignty displays the force required in order to retract from the conditions in which and through which it operates such as time and language. And this suggests, for Derrida, that “abuse of power is constitutive of sovereignty itself” since “sovereignty can only *tend*, for a limited time, to reign without sharing. It can only tend towards imperial hegemony” (R, 102).

For Derrida, then, the forceful self-exclusion from time and language is central to understand the nature of sovereignty. This retraction places the sovereign, like God, beyond history and meaning. Most importantly, it exposes the paradox of sovereignty, namely that sovereignty is incompatible with the universality of the law it establishes.<sup>15</sup> Because it forcefully constitutes itself through withdrawal, sovereignty jeopardizes the universality implied in the law, that is, its meaningful applicability to all in history thereby indicating that “there is no sovereignty without force, without the force of the strongest, whose reason –the reason of the strongest – is to win out over [*avoir raison de*] everything” (R, 101).

It is in this context that Derrida connects his discussion of sovereign exceptionality to democratic sovereignty and to the term ‘rogue’, giving the title, in the plural, to his book *Rogues*. He notes that the notion of ‘rogue’ was used, since the 1990’s, by several American governments in order to identify, condemn and often unilaterally attack both terrorist organizations and states that were violating international law, a law considered democratic and regulating a supposedly democratic institutions such as the United Nations (R, 99). Derrida recalls that, since 1993, the American government declared that it would make use of Article 51 of the Charter of the United Nations whenever it deemed appropriate to defend the vital interests of its country. Representing the only exception –hence the link to Schmitt – to the jurisdiction of the United Nation Security Council, such article recognizes the individual or collective right of defense against an armed attack until that Council has taken the necessary measures to restore international peace and security. For Derrida, it is by focussing on the exceptionality of sovereignty in the international context that the notion of ‘rogue state’ needs to be understood. The appeal to ‘rogue state’ to justify a unilateral, sovereign intervention in an a shared arena such as the international one, signals that rogue is in fact the United States, namely the state that mostly uses the rhetoric of ‘rogues state’ to act in violation of the international law it claims to defend (R, 96). By reverting the referent of ‘rogue state’ from the designated state to the designing one, Derrida connects the notion of ‘rogue’ to the “logic” of what is considered legitimate sovereignty, a connection that he sees as lacking in the political thought of sovereignty.<sup>16</sup> This logic, he claims, makes clear that “the states that are able or are in a state to make war on rogue states are themselves, in their most *legitimate sovereignty*, rogue states abusing their power. As soon as there is sovereignty there is abuse of power and a rogue state (my emphasis)” (R, 102). In other words, abuse of power is the logic characterizing legitimate sovereignty, “a sovereignty that can reign only by not sharing” (Ibid.). Examples illustrating this logic are not difficult to find, especially after September 11. The recourse to sovereign exceptionality to abuse power in order to suspend both domestic and international law on the part of the United States, along with some other states is no secret to anyone.

For Derrida, then, the significance of Schmitt’s understanding of sovereignty and its appropriation in contemporary politics is that it displays theological and iposcentric features

through a notion of sovereignty *qua* exceptionality. It is not simply because the sovereign operates as an ipsocentric self that indivisibility is gained. Sovereignty *qua* indivisibility is made possible at all because the sovereign determines himself in the exception by immunizing his self against time, language and more generally from anything that point to differentiation, division, and shareability. As such, his decision retracts from conditions characterizing any recognizable *human* predicament.

### **The beast and/as the sovereign**

As announced at the outset, sovereignty is not simply theological but is also characterized by the non-oppositional association of animal force and reason. For Derrida, Jean de La Fontaine's fable *The Wolf and the Lamb* best exemplifies this association in its opening line: "the reason of the strongest is always the best". This line refers to the story of the wolf that justifies with force its tyranny over the lamb and introduces the analogy between beast (wolf) and sovereign. Further, it announces the "problem of sovereignty", namely the problem of a force that "because it is indispensable to the exercise of right, because it is implied in the very concept of right, would give right or found right, and would give reason in advance to force" (BS, 207). Let us consider the analogy between beast and sovereign and the "problem of sovereignty" in turn.

For Derrida, the association between the beast and the sovereign is a recurrent theme in political philosophy, especially in the modern period. Following the tradition of political thought since Aristotle, Derrida claims, in *The Beast and the Sovereign*, that man is understood not simply as a political animal but as a political man who, in his sovereignty, is both superior to the beast, which he masters, and like a beast in the manifestation of his political sovereignty (BS, 26). To support this claim, he refers again to canonical political thinkers including, in this order, Rousseau, Hobbes, and Machiavelli. Starting with Rousseau, Derrida refers to chapter two of Book I of the *Social Contract* in which the analogy between the political sovereign and the beast clearly appears. He quotes a long passage where Rousseau refers to an analogy employed by Emperor Caligula in which man figures as both superior to and like the beast.<sup>17</sup> What interests Derrida here is not so much that Rousseau opposes Caligula's view since it turns men into beasts thereby violating human equality. Rather it is that Rousseau makes creditable (*accrédite*) the analogy between the beast and the sovereign and between two representations of animality: the one appropriate to the "living called the 'beasts' or that is represented as bestiality, on the one hand, and on the other a sovereignty that is most often represented as human or divine, in truth anthropo-theological" (BS, 14).<sup>18</sup>

Turning to Hobbes, Derrida claims that the *Leviathan* is the "most arresting example" illustrating why political sovereignty is represented "sometimes as what rises, through the law of reason, above the beasts, above the natural life of the animal, and sometimes (or simultaneously) as the manifestation of bestiality or human animality, i.e. human neutrality" (BS, 26). Through the allegory of a monstrous animal, Hobbes presents state sovereignty as an indivisible force that supposes the right of man over the animal and that is stronger than man in order to protect him. He also allows for thinking together the sovereign and the beast, or that the sovereign is beast (BS, 30). For Derrida, this is what the phonetic of the *The Beast and the Sovereign* can announce, if read in French: a conjunction and an identity (*La bête et le Souverain; La bête est le Souverain*). While the conjunction connects two heterogeneous species of living beings – the animal and the human which, as sovereign, is often associated to the superhuman – the identity introduced by the copula 'is' points to an intimate identification between such beings.<sup>19</sup>

Machiavelli is the last modern political thinker Derrida discusses to elucidate the analogy between the political sovereign and the beast. Recalling the discussion in chapter eighteenth of the *Prince* about the faith to be kept by princes, Derrida remarks that Machiavelli appeals to the figure of the beast to show how rulers can face political necessity. For Machiavelli, since princes are forced by necessity to fight not only according to law, which is proper to man, but also according to force, which is appropriate to beasts, "it *is necessary* for a prince to know how to use

as appropriate the beast and the man” (BS, 85). Derrida considers this claim as not “far from saying” that the prince is simultaneously both man and beast and as indicating that Machiavelli too employs the figure of the beast to speak paradigmatically of political sovereignty (Ibid.).

Besides illustrating the analogy between beast and sovereign, Derrida’s brief discussion of Rousseau, Hobbes, and Machiavelli provides the occasion to explain why that association has been so powerful and recurrent in (modern) political thought: the sovereign, like the beast is “outside the law” where ‘outside’ can mean “at distance from”, “above”, or refer to a place where the law “does not appear, or is not respected, or gets violated” (BS, 17).<sup>20</sup> That discussion also illustrates that the sovereign is like the beast because he uses force to affirm (his) reason. This is “the problem of sovereignty” raised above, one according to which the sovereign “gives reason *in advance* to force” (my emphasis) (Ibid, 207). This problem, Derrida remarks in *Rogues*, runs through the entire tradition of political thought in all those discussions that associate justice or right to force.<sup>21</sup>

The question arises, then, what type of reason is the reason given by the sovereign? Is it reason itself? Is it “the reason of the strongest” which “is always the best” as La Fontaine says? And, does “best” here refer to right or fact? Derrida addresses these questions in *The Beast and the Sovereign* by discussing how the Western tradition has conceived of knowledge and reason, and, more precisely, of the authority of *logos*. His reflections start from the hypothesis that “perhaps” the question of “the beast and the sovereign” is a provocation to know and in particular to “know the limits of knowledge” (BS, 278). After invoking the use of the “perhaps” so dear to Nietzsche as a device to suspend, as it were, his own knowledge, Derrida observes that knowledge, in the Western tradition, has been represented as sovereign and thus as forceful.<sup>22</sup> Although mentioning it only in passing at this point in the text, Derrida crucially refers to Plato’s Idea of the Good in the *Republic*. In *Rogues*, he observes that the Idea of the Good is the cause of the human capacity and power (*dynamis*) to know. He recalls a famous passage in which Plato, after using the words “power (*dynamis*)”, “king (*basileus*)” and “sovereign (*kurion*)” to qualify respectively reason, the Sun and the Good, articulates the Idea of the Good as a “surpassing power (*dunamei huperkhontos*)” that is “beyond being” (*epekeina tēs ousias*) and that generates knowledge without being itself subjected to genesis (R, 138). For Derrida, this characterization inaugurates on the one hand, an understanding of knowledge as sovereign since it ascribes to the Idea of the Good an “ultimate sovereign power” that “gives reason or proves reason right [*donne raison*], that wins over [*a raison de*] everything” (Ibid.). On the other hand, it represents reason as the “reason given” by a sovereign power (BS, 208). And this is what La Fontaine’s fable implicitly suggests: knowledge, like reason, is a power and belongs to the strongest.

For Derrida, the significance of knowledge as a sovereign power rests in its capacity to set limits. Speaking of this matter in *The Beast and the Sovereign*, he affirms that what is at stake “between the beast and the sovereign, is merely a question of limits, and knowing whether a limit is divisible or indivisible”, which implies knowing what a limit is and from where it originates (BS, 298). It is, in other words, a “question of the *arkhē*” which means ‘both commencement and commandment’ and is thus a “figure of the sovereign himself” (BS, 312). To explore the issue of the *arkhē*, Derrida considers the Abrahamic religions and Greek philosophical sources of the European tradition that deals with commencement and commandment. After briefly mentioning Genesis (*Bereshit*), and the Gospel of John – both of which identify the *arkhē* with the origin of the world created by a sovereign God, with the difference that John identifies *arkhē* with God’s *logos* that creates the life of the living (*zōē*) – Derrida focuses mostly on Aristotle’s discussion of *logos* and *zōē* in the *Politics* and on the problematic type of Greek *logos* his view inaugurates. He observes that Aristotle links *logos* to the political precisely by following a method that goes back to commencements and to how things “develop from their origin [*ex arkhē*]” (BS, 344). Aristotle conceives of man as a rational animal (*zōon logon ekhon*) capable of reason (*logos*) and as he who is “by nature a political living being”. In this way, Derrida claims, Aristotle defines in one



stroke both man and the political in terms of *logos*: “man as political animal is indissociable from the definition of man as having the *logos*, *logon ekhon*” (BS, 347).

According to Derrida, the problem with Aristotle’s view rests not so much in the association of the political to man’s rational capacities. Derrida agrees with this view since in *Rogues* he connects democracy to reason and self-criticizability. Rather the problem lies in Aristotle’s conceptualization of *logos* as reason and in the exclusive prerogative that a particular determination of reason is endowed with in order to establish the limits of the human, the animal and the political. Using Heidegger’s reflections on the essence of man in the *Introduction to Metaphysics*, Derrida recalls how the German philosopher considers the determination of man as *rational animal* to be excessively “zoological” and linked to a forceful determination of *logos* as reason. Such a determination ignores the contestable meaning of *logos* and relies on an unquestioned basis, namely on the unexplored ontologically essence what “being alive” or “life” means.<sup>23</sup> For Derrida, Heidegger’s critique, calls into question Aristotle’s definition of man and of *logos* by exposing the non-definitive presuppositions about what *logos* and ‘life’ might mean.<sup>24</sup> It also helps illuminate how the traditional understanding of *logos* operates since Aristotle. The point of Heidegger’s critique, Derrida notes, “is really a question of a violently imposed sovereignty of *logos* as reason, understanding, and logic; it is a question of a force of reason that overcomes [*a raison de*] another interpretation or several other interpretations or ways of hearing *logos*” (BS, 318). It is, in other words, a matter of forced translations that become hegemonic after “a conflict of forces in which reason wins by force” has occurred (Ibid). And this is the sense in which Derrida has talked about of the European tradition as logocentric.

“Logocentrism”... in my usage has always designated a forced hegemony; a forcing , imposing hegemony, does not only signify the authority of *logos* as speech, as language – that’s already an interpretation – but also signify an operation that is properly, I would say’ “European”, which gathers together biblical traditions...and then the philosophical tradition: broadly speaking the monotheistic religions, the Abrahamic religions, and philosophy. This logocentrism of the Abrahamic religions and philosophy signifying not so much that the *logos* was simply the center of everything, but that it was in a situation, precisely, of sovereign hegemony, organizing everything on the basis of its forced translations (BS, 343).

This passage marks the culmination of the analogy between the beast and the sovereign and illuminates why sovereignty has been conceptualized as a power of self-determination combining force and reason. The sovereign, like the beast, uses force to affirm himself. Yet, unlike the beast, he “gives reason to force in advance” in order to *force* translations that become hegemonic. This operation is successful not when reason and force oppose each other but when “force is on the side of reason and wins out, a bit like ‘the reason of the strongest’” of La Fontaine’s fable (BS, 319). In this way, the ‘reason’ of sovereignty does not only designate the ‘reason given’ but also the right the sovereign has to judge just, legitimate and prevailing “the reason he gives because he is the strongest” (BS, 208).

### **Sovereignty beyond indivisibility**

What is Derrida’s view of sovereignty, then? Connected to a long tradition that conceives of it as theological and ipsocentric but not always self-consciously so, sovereignty is for Derrida a power of self-determination that imposes with animal force, and through a particular understanding of reason, limits that are semantic, legal and political. Situated above the law, this power does not only make and suspend the law, but it also retains the exclusive prerogative to decide on questions of life and death, on what life is and on what is proper to man.

This is the view of sovereignty Derrida has in mind when he talks about sovereignty in general, including also democratic sovereignty. For democracy to be effective and prevail over

other regimes, a sovereign power of a single agent, the people, is required, namely “a force that is stronger than all other forces in the world” (R, 100).<sup>25</sup> This power refers to “the reason of the strongest” that determines with theological and animal force the conceptual architecture and political boundaries that establish the frame –military, political, linguistic, economic and philosophical – in which democratic life takes place. As Derrida illustrates in his ‘Declaration of Independence’ and ‘Force of Law’, this frame is often constituted on the basis of a violent exclusion or even extermination of human, philosophical, and political alternatives. These exclusions are instrumental to establishing political arrangements and relations of force that determine a unified political identity by securing, legalizing and legitimating *après coup* the justificatory discourse about criteria for membership.<sup>26</sup> While the sovereign force constituting democracy is supposed to protect democracy itself and its universal aspirations, it threatens democracy for within since force lies at its very heart. Thus, because democratic sovereignty appeals to the “reason of the strongest” in order to posit itself, it remains mediated by the theological model it has inherited, a model which makes democracy ‘undemocratic’ (against shareability) to the extent that its sovereignty can only last by abusing power at home and, as seen in the discussion of rogue states, also abroad.

Yet, since democracy points also to divisibility, multiplicity, and heterogeneity, all of which counter sovereign *ipseity*, it can be considered as interrupting that very model. Derrida identifies Rousseau’s *Social Contract* as providing one influential source for this view. While he acknowledges that Rousseau’s reflections regard the classification of regimes, Derrida highlights how they also open up the possibility of thinking about democracy beyond indivisible sovereignty. After having claimed that a genuine democracy has never existed and will never exist because contrary to the natural order, Rousseau calls for the obligation to cultivate the democratic desire in the heart, and connects this point to the conditional possibility that genuine democracy would be possible only if there were gods. For Derrida, this is a key move. By introducing an element of plurality and division in the word ‘gods’, Rousseau challenges the unity and indivisibility of sovereignty and “announces democracy or at least some democracy beyond government and democratic sovereignty” even though his own discourse remains anchored to the political theology of indivisible sovereignty (R, 75).<sup>27</sup>

In his discussion of democracy as ‘democracy to come’ in *Rogues*, Derrida pushes his reflections on divisible sovereignty further. He calls for a thinking of democracy beyond the sovereignty of the nation-state and for an international order that seeks to democratize sovereignty rather than rely on its inviolable indivisibility. With a gesture similar to his discourse of a New International in *Specters of Marx*, Derrida’s thoughts on democracy advocates for, as he puts it, “the creation of an international juridico-political space that, without doing away with every reference to sovereignty, never stops innovating and inventing new distributions and forms of sharing, new division of sovereignty” (R, 87).<sup>28</sup> Note here the emphasis Derrida puts on invention, which he conceives of as the task of a non-teleological reason that negotiates its own exigencies of conditional calculation and unconditional incalculability in order to invent new ways to address, contextually, the singularity of situations. Connected to the democratization of the international political order, invention becomes a matter of creating contextually new ways of power sharing that limit indivisible sovereignty and unilateral imposition.

Although similar in spirit to democratic reference to the Universal Declaration of Human Rights after World War II, Derrida’s call for a democratization of the international public sphere goes a step further. The call for distributing sovereignty is not simply an attempt to limit sovereignty as it has been done by instruments such as the International Criminal Court, which uses human rights to limit nation-state sovereignty. Indeed, he acknowledges that human rights too participate in the logic of the sovereignty to be divided since they presuppose a sovereign (ipsocentric, namely self-determining) human being as agent (R, 88). Rather it is an attempt to re-think, but not reject, political sovereignty. Derrida tries to move away from a foundational thinking about sovereignty as a pure idea and focus more on median concepts such as “drive,

transference, transition, translation, passage, division” that are for him always involved in the “struggle *for* sovereignty” and that expose indivisibility to sharing, division and difference (BS, 291). This shift is to be understood in the context of his understanding of language and translation<sup>29</sup> as well as of his critique of the ‘metaphysics of presence’,<sup>30</sup> both of which put limits to foundationalism, to the possibility of grasping pure ideas in consciousness and point towards experiences of translation and division. How exactly a divisible sovereignty looks like Derrida lamentably does not tell. What he does tell, however, is that investigating experiences of division and translation has the potential to liberate the political thought of sovereignty from its religious heritage.

Derrida’s view of sovereignty is philosophically and politically significant. By thinking together reason and force as non-opposed features of sovereignty, Derrida exposes the fragility and abyssal character of those philosophical distinctions seeking to establish indivisible (i.e. sovereign) limits between man and animal, life and death, what is political and what is not political. In this way, he clears an analytical space for thinking about sovereignty beyond traditional political theology without nevertheless fully doing away with it. Indeed, for him, the issue at stake in political life when a sovereign power is exercised is not whether that power could do without sovereignty, but how think about sovereignty differently. As he suggests, today’s politico-philosophical task is to distinguish “sovereignty (which is in principle indivisible) from ‘unconditionality’” without giving in to relativism or to a blind battle against sovereignty as such (R, xiv).<sup>31</sup> This means on the one hand, to preserve sovereignty contextually and with increased responsibility according to the specificity of situations. As he notes, “one cannot combat, *head-on, all* sovereignty, sovereignty *in general*” without threatening at the same time “the classical principles of freedom and self-determination” typical of the nation-state which, in some cases, acts as an essential protection against international and hegemonic powers, being these political, linguistic, philosophical, economic or religious (R, 158). On the other hand, it means unconditionally calling into question and limiting the logic of political sovereignty and with it the ideas of indivisibility, exceptionality and unity. Doing so is not only an academic task but already happens whenever the universality of human rights is used to put limits and to challenge the sovereignty of the nation-state (R, 87). Unlike liberal humanitarianism, though, Derrida’s view does not attempt to go beyond nation-state sovereignty in the name of some principle of humanity. As seen, such a principle still presupposes a political theology of sovereignty and might be dangerously used, if one follows Schmitt’s sharp criticism of it, as an ideological instrument of imperialism.<sup>32</sup> Rather it looks for a politicization of sovereignty that does not merely stage an ideological fiction but attempts to think of sovereignty as *also* divisible (BS, 75).

Thus, for Derrida, thinking about sovereignty differently, and particularly about democratic sovereignty, is to think of unconditionality without indivisibility. This thinking requires acknowledging that the question of sovereignty “is not that of sovereignty or nonsovereignty but that of the modalities of transfer and division of a sovereignty said to be indivisible –said and supposed to be indivisible but always divisible” (BS, 291). But what are these modalities exactly? It is not very clear whether Derrida considers these modalities as referring also, or specifically so, to the ways in which democratic sovereignty is divided by the institutional bodies that put into effect sovereign power in the legislative, political, and juridical domains. What is clear, however, is that he emphasizes time and language as the mediating conditions through sovereignty undergoes divisions, conditions which traditional understanding of sovereignty have obscured. By dividing sovereignty from within, these conditions signal that any human sovereignty is constitutively open to difference and shareability. And this is what Derrida means with the claim that sovereignty “is always in the process of positing itself by refuting itself” (R, 101). Because of its existence in time and language, sovereignty can only *be* by refuting its own indivisibility, unity and non-differentiation. This situation indicates that pure or indivisible sovereignty is an illusion and that sovereignty is *in fact* subject to sharing, divisions, and differentiation that abuse of power can conceal but not avoid.

So, however one takes Derrida's experimental thinking, his deconstruction of sovereignty has radical implications for political philosophy. Far from being simply opposed to sovereignty or democracy, Derrida seeks to dissociate sovereignty from indivisibility. In doing so, he challenges a well-established and theologically inflected understanding of sovereignty as *ipseity*, namely as the self-determining power (*kratos*) affirming reason through force. By showing how a long tradition of political theology has informed the discourse of sovereignty from the Greeks up to contemporary formulations, Derrida exposes the persistence of theological tropes in political discourse and practice in spite of the purely secular terms in which political life is often portrayed. Above all, he mobilizes theoretical resources to move away from a foundational thinking of sovereignty marking democracy, international and human rights law, all of which, however surreptitiously, end up supporting 'the reason of the strongest' both in domestic and international affairs precisely by embracing an idea of sovereignty as *ipseity*. As such, his view has consequences for expanding the horizon of theoretical debates but also for the practical effects of living in a world order that still relies on a theological model of sovereignty, which ensures the continuing domination of the strongest few rather than seeking more power sharing.

Approaching the conclusion, let us consider a forceful objection. Given the economic global predicament of today, the real battle to be fought is not against the theological character of sovereignty, particularly in its democratic form. Rather it is against the 'higher sovereignty' of international corporations, which manage to escape the sovereign control of states and are able to determine and maintain unequal international relations of force. This is a type of sovereignty against which the democratic sovereignty of many countries can do little if anything at all. Given this predicament, Derrida's battle against the will of the people as the will of God would appear as tilting at windmills.<sup>33</sup> This is a forceful objection which can nevertheless be addressed by looking also at the larger corpus of Derrida's works. In *Specters of Marx*, for example, Derrida calls for vigilance against the naïve triumphalism associated to the global spread of economic and political liberalism. Among the catastrophic plagues that contradict the promise of such liberalism, he enlists, among other things, precisely the ruthless economic wars of powerful countries (most notably, United States and some countries of the European Union) to 'control' the free market and the international rules regulating it (SM, 97ff). In particular, Derrida calls the attention to the present state of international law and institutions which remain, in their practical functioning, largely dominated by particular nation-states whose legal structure is informed by European philosophical concepts, most notably sovereignty. As I hope our discussion has made clear, this type of states rely on an understanding of sovereignty that guarantees the "reason of the strongest" to prevail by abusing power. In response to this situation, I have argued, Derrida calls for the transformation and democratization of international law and institutions, that is, for the creation of new forms of power sharing that could put limits to the negative effects of a theologically-inspired form of sovereignty seeking exceptionality and thus indivisibility. In *Specters of Marx*, Derrida claims that this limiting function needs to be applied specifically to "the appropriations and violence of certain private socio-economic forces" and the concentrations of financial and private capital (SM, 105-6). Whether this is an adequate response to the problem of the 'higher sovereignty' of international corporations is hard to tell. What is less hard to tell is that Derrida is not quite like Don Quixote.

## Notes

<sup>1</sup> Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998); and *State of Exception*, trans. Kevin Attel (Chicago, IL: The University of Chicago Press, 2005); Jacques Derrida, *Rogues: Two Essays on Reason*, trans. Pascale-Anne Brault and Michael Naas (Stanford, CA: Stanford University Press, 2005); *The Beast and The Sovereign Vol. I*, (eds) Michael Lisse, Marie-Luise Mallet, and Ginette Michaud, trans. Goffrey Bennington (Chicago, IL: The University of Chicago Press, 2008); *The Beast and The Sovereign Vol. II*, trans. Goffrey Bennington (Chicago, IL: The University of Chicago Press, 2011); Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: The University of Chicago Press, 2005).

<sup>2</sup> See Jacques Derrida, *Specters of Marx*, trans. Peggy Kamuf (New York/London: Routledge, 1994); “Choosing One’s Heritage”, in Jacques Derrida and Elizabeth Rudnesco, *For what tomorrow...A Dialogue*, trans. Jeff Fort (Stanford, CA: Stanford University Press, 2004). For an insightful analysis Derrida’s concept of inheritance Derrida, see Samir Haddad ‘Inheriting Democracy to Come’, *Theory & Event* 8.1 (2005).

<sup>3</sup> All references to *The Beast and the Sovereign* are from Volume I.

<sup>4</sup> See Jacques Derrida, *The Beast and The Sovereign Vol. I*, (eds) Michael Lisse, Marie-Luise Mallet, and Ginette Michaud, trans. Goffrey Bennington (Chicago, IL: The University of Chicago Press, 2008), 16.

<sup>5</sup> See Jacques Derrida, *For What Tomorrow* (op. cit.), 144, 147. Derrida specifies that by “proper to man”, he refers to what, in the philosophical tradition, has been considered the ability to elevate oneself above life, to be worth “something more and other than his [of man] life”. In this regard, he mentions Plato’s view of philosophy as a discipline preparing for death (*epimeleia tou thanatou*); Kant’s view of the person, whose dignity (*würde*) transcends his condition of a living being; Hegel’s struggle for recognition which passes through the putting at risk of one’s own life; and Heidegger’s being-towards-death of *Dasein* as the only being that can experience his own death.

<sup>6</sup> Ibid, 146-8. Speaking of the history of Western philosophy Derrida affirms: “Never, to my knowledge, has any philosopher as a philosopher, in his or her strictly and systematically philosophical discourse, never has any philosophy as such contested the legitimacy of the death penalty. From Plato to Hegel, from Rousseau to Kant (who was undoubtedly most rigorous of them all), they expressly, each in his own way, and sometimes without much hand-wringing (Rousseau), took a stand for the death penalty”.

<sup>7</sup> *Rogues*, 17. Derrida affirms that the energy of God is “a taking pleasure in the self, a circular and specular autoaffection that is analogous to or in accordance with the thinking of thought (*noēsis noēseōs*)”.

<sup>8</sup> Derrida quotes here Aristotle’s famous passage: “What is more, the final cause and the end is what is best; now to be self-sufficient (*autarkeia*) is both an end and what is best”. Ibid, 345.

<sup>9</sup> See Jacques Derrida ‘Declarations of Independence’ in *New Political Science* (1986) Volume 7.1:7–15

<sup>10</sup> Derrida refers here to that passage in the *Politics* in which Aristotle affirms that “for man of pre-eminent excellence there is no law –they are themselves the law” (1284a.13-14).

<sup>11</sup> Of course one could argue that the kingship of an excellent man is not the model constitution of Aristotle. However, granting room for interpretation here does not change Derrida’s point that Aristotle conceives of the representation of sovereign power as unitary and indivisible, if certain conditions apply.

<sup>12</sup> Ibid, 54. Here Derrida entertains the possibility that Hobbes was referring to the Jews whose covenant with Iahve made them a chosen people.

<sup>13</sup> Derrida quotes Hobbes on God: “To make a covenant with God is impossible, but by Mediation of such as God speaketh to [argument of lieutenant again, then], either by revelation

supernaturall, or by his Lieutenants that govern under him, and in his Name: For otherwise we know not whether our Covenants be *accepted* or not” (my emphasis). Hobbes’ quote on the animal reads: “To make Covenant with bruit Beast, is impossible; because not understanding our speech, they understand not, nor *accept* of any translation of Right; nor can translate any Right to another: and without *mutuall acceptation* there is no Covenant” (my emphasis). Ibid, 55.

<sup>14</sup> See *Rogues*, 101.

<sup>15</sup> Ibid.

<sup>16</sup> For a detailed and illuminating discussion on Derrida’s investigation of the relationship between ‘rogue state’ and sovereignty, see Samuel Weber, ‘Rogue Democracy’, *Diacritics* 38: 1-2 (2008): 104–20.

<sup>17</sup> Rousseau’s passage quoted by Derrida reads: “As a shepherd is of a nature superior to his flock’s, so too are the shepherds of men, who are their chiefs, of a nature superior to their peoples’. This is, how, according to Philo, the Emperor Caligula reasoned; concluding rather well from this analogy that kings were Gods, or that people were beasts”. See Jean-Jacques Rousseau, *The Social Contract and other later political writings*, ed. Victor Gourevitch (Cambridge: Cambridge University Press, 2007), 43.

<sup>18</sup> It is worth noting that Derrida mentions two other reasons why he insists on this passage of the *Social Contract*. First, because it introduces the themes and thinkers (especially Aristotle, Grotius, Hobbes) he will discuss in the book. Second, because Rousseau adds, in the same passage, a footnote to the word “brutishness”, which he attributes to Plutarch and introduces the theme of animal reason that is relevant to Derrida’s overall inquiry.

<sup>19</sup> *The Beast and the Sovereign* 33. Before this point, Derrida noted that the article preceding ‘beast’ and ‘sovereign’ (*souverain*) is, in French, feminine (*la*) and masculine respectively (*le*). He did so to mark, through grammar, a sexual difference that exposes how traditional understandings of sovereignty have always occurred according to masculine representations. Here, by playing with the phonetic form of the title of his seminar, Derrida notes how sexual difference is also at work in the identification between beast and sovereign, which are connected through a “sort of ontological-sexual attraction”.

<sup>20</sup> “For the current representation, to which we are referring for a start, sovereign and beast seem to have in common their being-outside-the-law. It is as though both of them were situated by definition at a distance from or above the laws, in nonrespect for the absolute law, the absolute law they make or that they are but they do not have to respect. Being-outside-the-law can, no doubt, on the one hand (and this is the figure of sovereignty), take the form of being-above-the-laws, and therefore take the form of the Law itself, of the origin of laws, the guarantor of laws, as though the Law, with a capital L, the condition of the law, were, before, above and therefore outside the law, external or even heterogeneous to the law; but being outside the law can also, on the other hand (and this is the figure of what is most often understood by animality or bestiality), [being-outside-the-law- can also] situate the place where the law does not appear, or is not respected, or gets violated (*sic*.” Ibid.

<sup>21</sup> Besides Pascal whom we discussed in the previous chapter and Machiavelli and Hobbes considered above, Derrida mentions explicitly Plato’s discussion of Thrasymachus in the *Republic*; Rousseau’s reflections on the right of the strongest in *The Social Contract*; and especially Kant’s doctrine of strict right in the *Metaphysics of Morals*, a doctrine that implies in the concept of right the possibility of reciprocal constraint and “thus the possibility of a reason of the strongest in accordance with universal laws and consistent with the freedom of all”. See *Rogues*, 93.

<sup>22</sup> “Knowledge is sovereign; it is of its essence to want to be free and all powerful, to be sure of power and to have possession and mastery of its object” (BS, 280).

<sup>23</sup> Derrida notes that Heidegger, in his *Introduction to Metaphysics*, calls Aristotle’s definition of man as *rational animal* (*zōon logon ekhon*) “zoological” because it links *logos* to *zoon* and because he associate the essence of man to on the one hand, *logos* as reason and, on the other

hand, to the “animal” as a “living being”. For Heidegger, Aristotle’s definition is problematic for two reasons: first, it grounds his definition on an unexamined basis, and second, it takes *logos* as reason, thereby ignoring a more originary sense of *logos* as gathering (*Versammlung*) (BS, 263-4, 314-319).

<sup>24</sup> Here Derrida expands the scope of his reflection to criticize Giorgio Agamben’s theory of modern politics as ‘biopolitics’, a theory grounded on a distinction between *zōē* (bare life) and *bios* (qualified life, or group life) seemingly advanced by Aristotle. Calling the attention to Aristotle’s relevant passages in the *Politics* and *Metaphysics* and to Heidegger’s reflections in *The Introductions of Metaphysics* and *Letter on Humanism*, Derrida emphasizes two points. First, the distinction at issue is never clear and secure in Aristotle as Agamben makes it appear and the association of *zōē* to political life is not pre-eminently modern. Derrida mentions passages (that Agamben acknowledges as exceptions) in which Aristotle uses *zōē* to designate a life that is not bare when he associates *zōē* to God. He also shows that, since for Aristotle man is immediately zoo-political, his (Aristotle’s) view contains already, though perhaps not intentionally, the possibility of thinking about ‘biopolitics’. Second, the silence of Agamben with regard to Heidegger’s critique of the biologism informing the understanding of modern life and of Aristotle’s zoologism is perplexing. It is so because Heidegger’s critique moved already in the direction of biopolitics and Agamben is well-versed in Heidegger scholarship. *Ibid.*, 319 ff.

<sup>25</sup> Derrida defines democracy thus: “Democracy would be precisely this, a force (*kratos*), a force in the form of sovereign authority (sovereign, that is, *kurios* or *kuros*, having the power to decide, to be decisive, to prevail, to have reason over or win out over [*avoir raison de*] and to give force of law, *kuroō*), and thus the power and *ipseity* of the people (*dēmos*)”. See *Rogues*, 13

<sup>26</sup> See Derrida, ‘Declarations of Independence’ (op. cit.); ‘Force of Law: The Mystical Foundation of Authority’ in *Acts of Religion*, ed. Anidjar Gil, (New York: Routledge, 2002).

<sup>27</sup> Samuel Weber too underscores Derrida’s debts to Rousseau with regard to a break with the tradition of indivisible sovereignty. Yet he does not emphasize sufficiently that Rousseau is also a strong advocate for the traditional view of sovereignty. See Samuel Weber, ‘Rogue Democracy’ (op. cit), 116.

<sup>28</sup> He makes this point even clearer when he affirms that the fate of ‘democracy to come’ depends to a large extent on the future of the UN Security Council, which is run by the most powerful nation-states according to the principle of indivisible sovereignty (R, 98).

<sup>29</sup> In *Monolingualism of the Other*, Derrida articulates his view of language and translation. He argues that language is the medium of communication that is always already occupied by a multiplicity of natural languages, each of which seeks to hegemonically fix reference and linguistic context from within itself. This situation illuminates three points: first, that the question of language is raised from within a natural language to which metalanguage would be parasitical and thus making, as such, little sense; second, that since language both describes and constitutes reference, referentiality and language are coextensive and thus a structural instability affects both reference and meaning; finally, and most importantly, that natural languages are in a relation of translation, which means that no neutral metalanguage is available to step outside natural language in order to gain some transparency over language itself and meaning. In short, by showing the linguistic human predicament as one of translation Derrida puts limits to the viability of a neutral language that can reach a vantage point from which other (forms of) languages can be evaluated and criticized. See Jacques Derrida, *Monolingualism of the Other, or The Prosthesis of Origin*, trans. Patrick Mensah (Stanford: Stanford University Press 1996).

<sup>30</sup> Following Heidegger, Derrida views the ‘metaphysics of presence’ as the western philosophical approach *par excellence*. This approach considers it possible to grasp a pure referent or origin (such as God, Being, Nature etc.) grounding an entire philosophical system and conceives of such referent presence, as a founding concept that can be present to consciousness as distinct from the conditions (temporal, political, linguistic, socio-economic etc.) in which it

occurs and from the process of becoming characterizing experience. See Jacques Derrida, 'Semiology and Grammatology', in *Positions* (Chicago: The University of Chicago Press, 1981).

<sup>31</sup> For the first articulation of this thought, see Jacques Derrida, 'University Without Condition', in *Without Alibi*, trans. Peggy Kamuf (Stanford, CA: Stanford University Press, 2002).

<sup>32</sup> In *The Concept of the Political*, Schmitt opposes the use of concepts such as humanity and humanitarianism to wage war in the interests of man. For him, this use represents a hypocritical attempt to achieve particular interests through a lying rhetoric of universalism. As he claims, "the 'concept of humanity' is an especially useful ideological instrument of imperialist expansion, and in its ethical-humanitarian form it is a specific vehicle of economic imperialism". See Carl Schmitt, *The Concept of the Political* (op. cit.), 54. Emphasizing this point, though, does in no way grant Schmitt a charity of judgment with regard to the imperialism and anti-semitism that his overall theory of politics advances and Derrida criticizes especially in *Politics of Friendship*.

<sup>33</sup> I thank Ed Andrew for raising this point.