11 Democracy and Sovereignty

Alex Thomson

In his late work Derrida takes up key themes in political philosophy such as the nature of political authority, the relationship between politics, justice and law. However the style of his writing and thought in this period can make it hard to understand his project. In this essay I will use the example of Derrida’s book *Rogues*, subtitled “Two Essays on Reason,” to show the ways in which his analyses raise profound and troubling questions, but also function more directly as political interventions. Having looked first at the form of Derrida’s thought, I will go on and consider the relationship between democracy and justice, before turning finally to the relationship between democracy and sovereignty, and finally at the idea of the promise. To understand the implications of both, we should keep in mind the links between them and the use throughout his work of this period of the phrase “democracy to come”.

Democracy is a highly contested concept in both political theory and practice. Throughout most of its history the term has carried a pejorative meaning, but since the mid-nineteenth century it has come to acquire a central position in the modern political lexicon. As the political theorist John Dunn observes, the existence of “a single world-wide name for the legitimate basis of political authority” is “a startling fact” (Dunn 2005: 15). In *Rogues*, Derrida reminds us of this transformation. He lists a series of charges that have been levelled at democracy by philosophers over the centuries: it is unstable, anarchic, licentious, disordered. This can be traced in the history of philosophy. Because democracy presumes the basic equality of its citizens, it threatens to undo philosophy’s promise to make distinctions based on excellence, and hence to identify the best regime. Because decisions are to be based on the counting of opinions, rather than the identification of truth, democracy will never live up to the philosophical ideal. This could lead philosophy to reject democracy – either by withdrawing from politics, or by seeking to overturn democracy in the name of truth, equating the power
of reason with the power of authority. Derrida reminds us of some of this history, perhaps by way of a warning: “there are in the end rather few philosophical discourses, assuming there are any at all, in the long tradition that runs from Plato to Heidegger, that have without any reservations taken the side of democracy” (R: 41).

Yet in Derrida’s thinking, the question of democracy has always been directly tied to that of philosophy. The term first acquires its distinctive emphasis in Derrida’s work in a 1990 essay on the “right” to philosophy, a reflection on his various political campaigns to support the teaching of philosophy in French schools. There he notes in passing that “there is no democracy in general without [the right to philosophy]” and that conversely “democracy, the democracy that remains to come, is also a philosophical concept” (WP: 29). In principle, philosophy defines itself as the exercise of reason, the property of any person, hence presupposing both equality and universality. In practice, the concepts of democracy and philosophy that we inherit are both born together in ancient Athens. This brings us to the second problem alluded to above and developed in Rogues: the current worldwide hegemony of democracy as a name for legitimate politics. To affirm this dual inheritance is to give priority to “what is called the European tradition (at the same time the Greco-Christian and globalatinizing) that dominates the worldwide concept of the political” (R: 28). This is potentially a violent gesture. For Derrida this risk is justified however, because democracy is “the only name of a regime, or quasi-regime, open to its own historical transformation, to taking up its intrinsic plasticity and its interminable self-criticizability, one might even say its interminable analysis” (R: 25).

So the relationship between our concepts of democracy and philosophy is complex. Each implies the other, but each threatens the other. Moreover, each being universal in principle, and having spread across the globe in practice, both entail an apparent contradiction between their claim to do justice to the plurality of equal voices, and the fact that they can be construed as the dominance of one voice or tradition over others. Staking out this complex structure, Derrida locates himself within it: working within philosophy and affirming the ambiguity of its relationship to democracy, while reserving and affirming the right of philosophy to criticise democracy interminably. He acknowledges too that this is a political gesture, implicated in relations of force: hence inserting a question mark against the claim of either philosophy or democracy to be immune from the violence of political struggle.

This allows us to reach a preliminary understanding of the way in which Derrida sets about thinking about politics. In an interview given in 1989 he explains that his current seminar “is oriented towards a
thinking of democracy. But a democracy for which the current concepts that serve to define democracy are insufficient. One might say that it’s a deconstruction of what is always a given concept of democracy” (N: 178, Derrida’s emphasis). So Derrida undertakes a questioning of the concepts we use to understand democracy, aiming to find or recover something against which we might measure not just the adequacy of our current democratic political systems, but the concepts by which we already criticise and understand democracy. This sounds very much like a form of critique in the sense first given to it by Immanuel Kant, and which still underpins the idea of a critical philosophy in general: an enquiry into the conditions of possibility of democracy, which allows us to define an ideal democracy towards which we might orient our own political activities. But we should bear in mind Derrida’s warning in *Specters of Marx* that his thought takes the form of a “radical critique, namely a procedure ready to undertake its self-critique. This critique wants itself to be in principle and explicitly open to its own transformation, re-evaluation, self-reinterpretation” (SM: 88, Derrida’s emphases). Radicalism means going back to the root (Latin: *radix*) and this means a return, not to destroy but to rebuild. As he states in the 1989 interview: “what interests me is to understand how the idea of democracy arose in the West and what can and should be conserved out of it” (N: 179). The openness to transformation of Derrida’s hyper-critical thought means questioning the opposition of a democratic ideal to actual-existing democracy, while self-critique suspends the claim of the philosopher to have the answers to political questions, or to set a heading for society as a whole.

What Derrida’s hyper-critical thinking about democracy uncovers is what he calls “democracy-to-come”, the promise of a form of politics which exceeds existing democratic philosophy and practice. The phrasing signals a connection to the attention to time which runs throughout Derrida’s work: that which is to come (*à-venir*) indicates the opening that characterises the form of time as such, so is not a specific future (*avenir*), or something that might arrive, but the open-endedness of history itself. At times Derrida links this experience of the promise to the idea of “messianism without messianism”, signalling that his work may take the form of an act of attestation to or expression of democracy, but that this has to be distinguished from any certainty or even optimism that a particular improvement in our democracies is possible or likely. Throughout his work of the period his attempt to outline “democracy-to-come” is accompanied by a reckoning of the contemporary threats and opportunities for democracy, and the ways in which the contemporary transformation of political experience – for example through
advanced communication technologies – is always the expression of this promissory structure: both the risk of less democracy, and the possibility of more. In *Rogues* he will go so far as to portray democracy as “suicidal,” and in general Derrida’s thinking intends to unsettle us. In one of his last major interviews, given immediately after the 9/11 attacks, Derrida links the future to the idea of trauma. Any event is traumatic because it involves scarring, changing, damaging the texture of history, the emergence of the new. This might suggest to us that in the phrase “democracy-to-come” we should hear not the security of a glorious democratic future guaranteed by the extension of global justice, but something more like the continued unfolding of a traumatic event of political struggle.

Turning to the earlier account of democracy in relation to the possibility of justice, Derrida begins by questioning the very concept of equality that underpins democracy. If the concept of equality is problematic, what does that mean for the political system defined in relation to it? In taking this as his starting point, Derrida can be seen to be developing themes from the thought of Emmanuel Levinas, who had challenged philosophical thinking in the name of ethics: our responsibility to others has a primary hold over us which challenges equality by demanding that we place the needs of others before our own; the equality of rational beings presupposed by philosophy would be radically inadequate to this experience of our ethical obligation. While seeking to avoid the establishment of a hierarchical priority of ethical experience over philosophy, Derrida insists throughout his work from the 1980s onwards, that the concept of responsibility presupposes something excessive: it must mean more than the mere completion of a finite set of duties, or it is nothing at all. But this excess in *practice* undermines the possibility of a rigorous analysis of responsibility in *theory*: moreover, in *practice*, the regulation of the social world by laws (whether customary, or legal) limits the infinity of my responsibility in ways which make it possible for me to live up to at least some of my responsibilities.

Crudely, we could take this as a description of the pre-given social and political world into which individuals are born. I am not equal to the demand of the other in both senses of the term: I cannot live up to so exigent an obligation, and to see myself as equal to others would already be an ethical failing. The situation in which we find ourselves is aporetic – a contradiction that we can experience but of which an exhaustive rational description is not possible. This aporia is an approximation to what Derrida calls justice: the unconditional and unfulfillable demand placed upon me by the fact of existing in a world of others, that is tempered by the existence of laws which place limits on what is expected
of me, and grants me an equality with others that will always betray the
dissymmetric call to treat others as more-than-equal to me. The
significance of this problem for Derrida is such that in “Force of Law:
The Mystical Foundations of Authority”, he argues that “justice in itself,
if such a thing exists, outside or beyond law, is not deconstructible. No
more than deconstruction itself. Deconstruction is justice” (FL: 14–15).
Readers of Derrida have not paid sufficient mind to this as an alternative
every entry point into his thinking of political philosophy: here the legitimacy
of the law is established not on the basis of its justice, but in its forceful
restriction of the demand of justice that makes possible anything like the
existence of a social and political body.

In Politics of Friendship, a book based on his 1994 seminars, Derrida
explores the question of the relationship between democracy and justice.
Because it is the only political regime whose structure is directly tied to
equality – as in the rule of all – democracy has a closer relationship to
justice than the other two traditional regimes into which philosophy has
divided political systems: aristocracy (the rule of the few) or monarchy
(the rule of one). We can now see why democracy becomes for Derrida
something more than one possible political regime amongst others, and
something more like a name for politics itself. All three political forms
restrict justice: by limiting political equality in the case of the latter two,
and by limiting the political horizon to equality, in the case of democ-
racy. Democracy may be closer to justice, but is still inadequate to it.
The bulk of Derrida’s project is to show how this structural condition –
and limitation – of democracy surfaces throughout the tradition of
political philosophy.

On the basis of detailed readings of writers from Aristotle to
Nietzsche, he demonstrates that democracy has repeatedly been imagined
or analysed in terms of the friendship between brothers. Derrida sees this
as problematic on three grounds. First, friendship can imply the reciprocity
of mutual relations, but my responsibility to others goes beyond
exchange: the condition of love is its survival beyond the death of the
beloved, hence it goes beyond any expectation of mutual or reciprocal
benefit. Second, equality is universal but I can only have so many friends.
Third, friendship can be elided into brotherhood, which substitutes a
natural bond for a political bond, as if to show that the decision to
restrict goods to those closer to me were not only inevitable, but pre-
scribed by an external law. If we trace these out as an analysis of the
state, we see a tension emerge. Democracy is the regime in which the
constitutive conditions of political community are most openly brought
to light, because both in practice and in theory democracy consists of a
contradiction between the embrace of, and the restriction of, equality.
This understanding of democracy prescribes some of the practical political implications that Derrida develops in his writing. Although exorbitant, Derrida’s insistence on justice should be considered realist rather than utopian. He is not asking us to do away with borders, but to recognise that no state can live up to the demands of justice. The institutions and practices, norms and laws of democracy both enable and limit the idea of equality: they can and must be criticised from the point of view of equality. He is regularly critical of and hostile towards nationalism and other forms of political identification that seek to justify or naturalise the restrictions implicit in democracy, while supporting struggles around immigration, and supporting cosmopolitan and international institutions. By heightening our awareness of this as a structural condition of democracy – that at the very basis of its logic is a conflict between the unconditional and the conditional – Derrida challenges our use of the term: we can never simply approve democracy, but nor can we dismiss it.

What distinguishes and privileges democracy in *Politics of Friendship* is that it connects to what Derrida calls *aimance*: the structural possibility of the friendship of anyone with anyone, and friendship as the dis-symmetrical placing of the loved one before myself. We might see this as an idea of politics prior to any political or cultural identification. But just as in practice I can only have so many friends, this promise of democracy is only possible within certain limits; just as justice requires law, cities and states require borders and boundaries. This becomes axiomatic for Derrida: “there is no democracy without respect for irreducible singularity or alterity, but there is no democracy without the ‘community of friends’, without the calculation of majorities, without identifiable, stabilizable, representable subjects, all equal” (PF: 22). There would be no justice without political community, and the laws that guarantee equal rights to citizens. But a state is always *de jure* in breach of the demands of justice because it draws limits between citizens and non-citizens. This poses a significant challenge to our reliance on the idea of the state as the central source of political authority.

To think justice beyond the state must call the state into question. Derrida’s questioning of equality goes even further however. Testing out the traditional Aristotelian definition of man as a political animal, and worrying away at the confidence with which we draw boundaries between human and animal, he asks in *Rogues*: “does this measure of the immeasurable, this democratic equality, end at citizenship, and thus at the borders of the nation-state? Or must we extend it to the whole world of singularities, to the whole world of humans assumed to be like me, my compeers *[mes semblables]*—or else, even
further, to all nonhuman living beings, or again, even beyond that, to all the nonliving” (R: 53)? The radical demand of this question can be shown to be consistent with the extrapolation of insights from his earliest work. In *Of Grammatology*, he had argued that “[a]uto-affection is the condition of an experience in general. This possibility—another name for “life”—is a general structure articulated by the history of life” (OG: 165). Moreover, “[a]uto-affection constitutes the same (auto) as it divides the same” (OG: 166). In the language of his later work, the constitution of any identity must be characterised by an autoimmune tendency, by the violent denial of that on which it depends, by a forceful differentiation from its environment which can only be partial, provisional and fragile, and which can turn into the suicidal destruction of the self. The extension of this analysis in the political sphere carries the questioning of democracy and sovereignty beyond the political, narrowly considered, as the self-identity of any such field is recognised to be questionable, and poses challenges which we do not yet have the means to think: what is politics, what would politics be, once the border between human and animal comes under pressure, or that between the living and the dead? (Sure enough, *Specters of Marx* begins by reminding us that justice calls us to a responsibility “before the ghosts of those who are not yet born or who are already dead” (SM: xix).) So the problem of “the life or the living present of living in general” (R: 53) runs from the beginning to the end of Derrida’s career, from *Of Grammatology* to *Rogues*, challenging us to think about the limits of politics.

Whereas his earlier work on democracy had linked it to justice, and tended to emphasise the promise implicit in the identification of justice with “democracy-to-come”, in the last years of his life, Derrida begins to connect democracy to the problem of sovereignty. This might be seen as a further questioning of the limits of politics, pitting the unconditional sovereignty traditionally ascribed by philosophy to the power of reason against the equally unconditional sovereignty enshrined in the idea of the state. Sovereignty is the traditional name given by philosophy to the ultimate source of authority in a state, hence the basis for all compulsion to obey. Sovereignty is an exceptional force that has the power to make the law, and so is not subject to it. Philosophy has tended to insist that sovereignty be one and indivisible: hence removed from the messy sphere of democratic debate and deliberation. As Derrida shows in his seminar on *The Beast and the Sovereign*, and in *Rogues*, this is to understand sovereignty as bare, naked power, something more than human – beyond the law – but also savage, less than human – before the law. In a democratic system “sovereignty” is seen as the binding power of the law arrived at by democratic process over its members – the mutual
subjection of each individual to the will of all. Because this appears to undercut our sense that democracy frees us in relation to our fellows, to approach democracy through sovereignty gives Derrida’s discussion a darker tone than it has had before, and may indicate a response to external events. Just as his call to continue to think democracy critically comes in the wake of the fall of the Berlin Wall and the triumphalist claim by some democrats that the end of communism in Europe and Russia represented a vindication of democracy in its current form, he connects his discussion of sovereignty directly to the reshaping of world politics in the wake of the 9/11 attacks on the USA.

Derrida is forced back onto the terrain of the political because he fears that the critique of law (on the basis that its use of force is illegitimate) may result in a one-sided critique of law itself and of authority in general; he seeks to affirm the necessity and dignity of politics as the regulation of competing forces, and of philosophy as a space for critical reflection on politics, the latter requiring as its complement a challenge to the authority of philosophy itself. This entails a partial change of emphasis in relation to the account of democracy in Politics of Friendship, in underscoring the a priori violence constitutive of political and social order, and hence of our experience of democracy, but not a change of position. Taking up the definition of democracy in terms of the sovereignty of the people – not the equality of all, but the rule of all – Derrida stresses the permanence of power and of the force required to maintain it, underscoring tensions within democracy such as that between liberty and equality, and between the calculation required to reach a majority decision and the need to protect minorities from the tyranny of majority. Rather than hearing the demos in democracy, the equality of all with all, now Derrida asks us to hear the word kratos, rule. Within law, force cohabits with the promise of justice. The (political) attempt to distinguish “good” states from “bad” states will obscure the permanent disjunction between politics and justice: “there are thus no longer anything but rogue states, and there are no longer any rogue states” (R: 106). This is because “there is something of a rogue state in every state. The use of state power is originally excessive and abusive” (R: 156).

Derrida’s late work on sovereignty remains obscure, but light can be shed on it by returning to the link he sees between democracy and philosophy. Because “sovereignty is first of all one of the traits by which reason defines its own power and element, that is a certain unconditionality” (R: 153), reason offers a basis from which to criticise political violence – and as we have seen, even politics as violence in the name of the idea of justice as unconditional (if unimaginable) peace. This allows
for a revision of the philosophical challenge to the autonomy of democracy: not on the grounds that philosophy can offer a “truth” unavailable to public reason, but in terms of the right of reason to question politics in the name of unconditional justice. If it is the ipseity, the very identification, of the state that is troubling, if its sovereignty depends on its completion or self-enclosure, then sovereignty is always challenged and crossed, conditioned, by reason. This figure makes more sense described in terms of distinguishable (if not rigorously distinct) spheres, and hence separate forms of sovereignty. Philosophy reserves the right to limit politics; but politics has the right to override reason with force. Limiting each other, the sovereignty of neither can be completely assured, and so the sovereignty of both is breached or compromised.

So although he disputes the self-enclosure and autonomy attributed to sovereignty – “pure sovereignty does not exist; it is always in the process of positing itself by refuting itself, by denying or disavowing itself” (R: 101) – Derrida has to defend sovereignty in order to safeguard the inheritance of both philosophy and democracy: “one cannot combat, head-on, all sovereignty, sovereignty in general, without threatening at the same time, beyond the nation-state figure of sovereignty, the classical principles of freedom and self-determination” (R: 158, Derrida’s emphasis). This double bind gives his reflections on democracy and sovereignty their characteristic knotty texture. It also leads to a further circular recoil. Thinking this division of the idea of sovereignty against the tradition, Derrida also finds himself reasserting his own philosophical lineage. In Rogues he underlines once again that he sees his work “an unconditional rationalism that never renounces—and precisely in the name of the Enlightenment to come, in the space to be opened up of a democracy to come—the possibility of suspending all conditions” (R: 142). Moreover, the wolves who figure bestial sovereignty throughout Derrida’s final works remind us that political philosophy itself was born as a response to the question posed to Socrates by Thrasymachus, his “wolfish” interlocutor in Plato’s Republic, who challenges him to prove that justice can mean more than the right of the strongest (336d) (c.f. R: 92).