

Article

## The Politics of Responsible Sovereigns

George Pavlich

Department of Sociology, University of Alberta, 5-21 HM Tory Building, Edmonton, Alberta, T6G 2H4, Canada; E-Mail: gpavlich@ualberta.ca

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**Abstract:** How might one read a collection of transcriptions—such as *The Beast and the Sovereign, Volume 1*—that exemplifies how to read other texts deconstructively? In the spirit of Derrida’s text, a response to this question remains radically undecided; however, it certainly does not imply the absence of exegesis through the course of a particular reading. On the contrary, the event of a reading fixes itself out of specific interpretative horizons and traces of past understandings. In what follows, my exegesis is contoured by past readings that have engaged diverse phenomenological and existential perspectives declining commonsense invitations to relay fixed, singular meanings that align with the purportedly real meanings and/or intentions of the author. Following a partial suspension of that familiar angle, I propose an *epoche* of sorts. Provoked by Derrida’s text, I shall reorder words into new assemblies that appear on the following pages, and that surface from my situated readings of Derrida’s deconstructive renderings of other writings.

**Keywords:** sovereignty; law; responsibility; the animal; the criminal; figurativeness; openness

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### 1. Reading, Text and Foreshadowing Sovereignty

Reading a collection of lectures that exemplifies deconstructive readings of other texts is no uncomplicated task. In the spirit of Derrida’s *The Beast and the Sovereign, Volume 1* [1], the very process of reading must remain radically undecided on, even as interpretations happen through the course of particular engagements. Events of reading locate themselves around the words of a text, but they do so leaning on transitory interpretative horizons traced partially through a reader’s past understandings. Of the latter, my fluid readings of phenomenological and existential texts have inclined me to suspend easy acceptance of worldly essence to be calibrated from the scientific

everyday. Openly contouring the following interpretations, this inclination leads me to adopt an *epoche* of sorts; it refuses a conventional call to relay fixed, singular senses that align with the real meanings and/or intentions of the author. Instead, provoked by Derrida's text, I seek to reorder words, recognizing the historical conditionality of that very prospect. The appearance of word assemblies on the pages that follow surface from my situated readings of, or deferrals to, Derrida's formulations, which themselves defer to others. Therein lies a life longing for open meaning horizons still to come.

Through such an approach one might read Derrida's collection as provoking openings that bracket everyday ways of reading, bringing to the forefront what authors so urgently move to the background—a voiceless accomplishment that surfaces only inversely in the appearance of taken-for-granted readings. Opening out to meaning horizons that are still to come, remaining exposed to the effects of deconstructions that might happen through close readings can, as Derrida's work shows, can be a taxing process. Yet, vital openings are to be appropriated (intuited?) from the unstable thresholds of unconditional exegeses. Derrida's pursuit of an indeterminate politics in excess of a particular kind of sovereignty politics, and a promise of a democracy that is always on the way, illustrates the matter at hand. In my selective reading of *The Beast and the Sovereign, Volume 1*, I shall initially return to his earlier *Rogues* as a foreground, which is also a background, to Derrida's reading of a conceptual terrain in which politics has been calculated through tropes of absolute sovereignty.

As one might recall, *Rogues* subjects the concept of sovereignty to an analysis in the now familiar versions of a 'hyperbolic-ethics' relating to hospitality, justice, friendship, gift-giving, forgiveness, and so on. More specifically, exploring a sovereignty politics in the context of a 'democracy to come', Derrida offered these unsettling remarks:

“... sovereignty does not exist; it is always in the process of positing itself by refuting itself, by denying or disavowing itself; it is always in the process of autoimmunising itself, of betraying itself by betraying the democracy that nonetheless can never do without it” ([2], p. 101).

Here, what may seem as an even more disquieting, yet recurrent and interminable, paradox, appears:

“sovereignty is incompatible with universality even though it is called for by every concept of international, and thus universal or universalizable, democratic, law” ([2], p. 101).

Moreover, he tells us, there is 'no sovereignty without force, without the force of the strongest, whose reason—the reason of the strongest—is to win out over everything' ([2], p. 101). There lies the violence of inscription that enables conditional sovereigns to surface in context.

We encounter here a particular approach to sovereignty politics; while ultimately incalculable, unconditional and impossible, there are moments of finite (and usually violent) enunciation by which contingent appearances of the sovereign arise in context. Such limitations enable an identity to form, and allow subjects to observe positively the being of this or that sovereign; however, those very limits also simultaneously rescind the very illimitability that renders a particular sovereign, well, sovereign. Derrida detects in this a logic of autoimmunity (not dialectics) where political subjects may calculate contained images of sovereignty, but such finite calculations always rest up against unconditional and infinite possibilities that allow singular identities to surface. The absolute sovereign, for example, only ever surfaces as a contradictory historical achievement located between the unconditional and conditioned, the incalculable and calculated. Perhaps this is why Derrida distinguishes between

*political* and *state* sovereignty ([2], p. 141). At the same time, he recognizes that both emerge from attempts to render an unconditional idea conditional, an incalculable idea calculable, and an impossibly pure notion possible.

For those who hear in such words uncanny echoes of the myth of Sisyphus, it may offer no appeasement at all to note that this autoimmune logic is a profoundly enabling rather than disabling force. Regardless, one might note that finite calculations are always limiting gestures, distinguishing identities from an infinite and incalculable terrain. From the very indeterminacy of the latter, a deconstructive event may arrive—if indeed it is to arrive at all. This ‘impossible’ ground thus provides the continuous potential of liminal escape tracks from any given present. It is also the arena of a unique sort of unconditional rationalism of the kind pursued by Derrida’s work. As he puts it:

“...deconstruction, if something of the sort exists, would remain above all, in my view an unconditional rationalism that never renounces... the possibility of suspending in an argued, deliberated, rational fashion, all conditions, hypotheses, conventions, and presuppositions, and of criticizing unconditionally all conditionalities, including those that still found the critical idea, namely, those of *krinein* and *krisis*, the binary of dialectical decision or judgment” ([2], p. 142).

Reordering some of these words, or perhaps ‘in other words’, one might say that such unconditional rationalism enables an unrestricted criticism of all conditional formations, opening up thereby to the permanent possibility of an indeterminate arrival—eventuation—of other, absented, meanings. In this disposition, the promise of an ethos made possible by democratic politics always reaches beyond itself (whatever limitations the ‘itself’, the putative *ipseity*, might today mean). For this reason, Derrida’s work constantly prepares welcoming thresholds for what is yet to arrive, what is to come; this anticipation is distinct from, but provides the dynamic ground for, finite calculations to which exigent concepts of sovereignty may respond. In sum, the event of opening any conditioned version of sovereignty to its framing unconditionality is a deconstructive gesture that alludes to its impossible grounding. At the same time, the conditional appearance of a fundamentally incalculable sovereignty is appropriated via indeterminate events, the always-unsettled plays of performance. That event—by the very circumstance of its indeterminacy—defies rigid laws of constitution, or the dictates of a technoscience. Consequently, the appearance of a given sovereign may happen through pointed effort, but could equally arrive as a happening out of the blue.

The following discussion attends to Derrida’s close readings of influential and varied texts implicated in conditioned calculations that enable absolute visions of sovereignty. My various readings—orientated by the spirit of a *quasi*-phenomenological reduction and *epoche*—bracket several taken-for-granted ways of assembling and deciphering words on a page, and reorder the words through intuitive reflections open to the arrival of other meanings. Yet, departing significantly from Husserl, one might see the yield here as no more than a contingent reordering to provoke different ways of thinking about the politics of sovereignty—it does not proffer a collection of essential, apodictic truths or a definitive claim to what Derrida is really saying. My reading instead addresses and opens up to selected themes around sovereignty as a provocation to my own, and perhaps the reader’s, taken-for-granted preconceptions.

## 2. First Theme

From the above, one might suggest that unconditional elements of sovereignty could be held apart, or extruded, from current appropriations of the term in different contexts. If one reads influential occidental versions of nation-state sovereignty deconstructively in the manner of Derrida's *The Beast and the Sovereign, Volume 1*, this issue becomes clear: it is never appropriate to treat any version of the sovereign as an identifiable, essential *ipseity*, or a necessary being [1]. The moment a sovereign arrives as an essence, a determination, a fixed identity, a fully constricted condition, then the unlimited, unrestrained element of what is implied by being a sovereign falls away. However, an unlimited sovereign has no place, is everywhere and nowhere. This impossible predicament involves calculation and inscription in the context of a radically incalculable openness, and in turn enables the lives of sovereigns, as we might variously know them. [To be sure, unhinging sovereignty from its absolute characterization is rendered difficult (perhaps more so than with hospitality, the gift, and so on) by enduring traditions and texts that uphold it as such.]

From Benveniste, Derrida extracts that declarations of sovereignty, which are also simultaneously sovereign declarations, always involve a 'moment of dictatorship...even if one does not live in a so-called dictatorial regime' ([1], p. 67). That is, the dictates of declaration are, 'at work everywhere, wherever there is sovereignty' ([1], p. 67). Whatever else this dictatorship implies, multiple forms of sovereignty are possible in any given context. This recognition implies a rather different way to approach the idea of sovereignty:

"There is not *sovereignty* or *the sovereign*. There is not *the beast* and *the sovereign*. There are different and sometimes antagonistic forms of sovereignty, and always in the name of one that one attacks another...In a certain sense then, there is no contrary of sovereignty, even if there are things other than sovereignty...even in politics, the choice is not between sovereignty and nonsovereignty, but among several forms of partings, partitions, divisions, conditions that come along to broach a sovereignty that is always supposed to be indivisible and unconditional" ([2], p. 76).

Though I shall return to discuss other aspects of his beast-sovereign analogy, I want here to focus on Derrida's sense of a never completed process that establishes, but forever recurs, in the formation of sovereignty politics. The contingent but 'several forms of partings, partitions, divisions, conditions that come along to broach a sovereignty' are precisely the becoming—the processes that enable the appearance—of a given sovereign 'being' in this or that context. However, one should not be deceived: the being is a contextual achievement, not an essential unity that inevitably, or necessarily, appears through the law-like action of universal forces. The oft forgotten, local power plays whose partitions and divisions trace the emergence of a given sovereign being can imperceptibly come to ground subsequent institutions that operate in the name of, for example, 'legitimate sovereignty'. This is perhaps why Derrida does not wish to oppose sovereignty and the beast, or criminal, as if each of these was an *a priori* entity sufficiently robust and stable to allow for fixed comparison. This is also why he emphasizes several different forms of parting, partition, and concentrates on their analogous relations.

Yet, why does he then use these terms—two in the title of the book—as if they were beings? Indeed why does he scrutinize throughout the text certain homologies between beast and sovereign? However one elects to respond to such questions, Derrida approaches the terrain through historically situated

readings of deeply embedded fables, philosophical treatises, novels, literary criticism, sociological theories, psychoanalytic discussions and political analyses that variously help to frame these ‘referents’ as beings. Any such being is accomplished in part through the use of literary tropes and analogies that posit beasts and sovereigns as related entities who reside outside of law. For him, formulations of either beast or sovereign that imply their outright existence should be treated with great caution, for we can never know them absolutely. Rhetorically, he asks whether before even,

“pretending to think the possibility or not of an *absolute knowledge*, don’t we have to know...before any other determination, the meaning of the word or the experience that is so imperturbably called ‘knowledge’?” ([1], p. 278).

If knowing knowledge presents a sort of ‘snake biting its tail’ quandary, the basis for championing absolute forms thereof is rendered even more problematic. Derrida appears instead to focus on the limits of knowledge that enable absolute conceptions of the beast and the sovereign to surface. His approach is then less about the quest to know absolutely the ‘being’ of something, and more a provocation to think knowledge differently, as is implicitly addressed by the following question:

“And what if ‘the beast and the sovereign’ were primarily an incitement, a provocation not only to know, but to know knowledge otherwise or for the first time or, more precisely, to *think* knowledge, to determine it, and thus also to reconnoiter it and so know its limits?” ([1], p. 278).

No doubt, critics may respond to this by asking whether or not Derrida is here offering little more than an irrevocably ineffective, depoliticizing, form of relativist thinking. That issue might nag at some analysts, but perhaps it nags persuasively only to the extent that one accepts in advance a definitive teleology, a theology of apodictic truth, or far worse, that social undertakings are amenable to a final, technical solution. For those who reside more comfortably in what Coetzee summons as an ‘age of clay,’ rather than one of iron, the prospect of perpetually opening meaning horizons is a key element for addressing the age-old matter of ‘what is to be done?’ ([3], p. 50). Derrida’s gesture here is a germinal one: rather than closing down, or gathering everything into an iron fist of certainty, of technical necessity, the quest is to find openings out of the provisional closures that enable our communication—especially when such closures claim to be inevitable, necessary, and the like. Yet, subjects in this age of clay do indeed calculate and gather to render meaningful communication possible. They may even be defined by a responsibility to deliberate, calculate or determine, and so subjects appear recursively through response. Yet they also embrace a parallel (double) art that robustly—as a matter of principle—recognizes the contingency, uncertainty and indeterminacy of social life. If that recognition allows for change, it also harbors the permanent and dangerous possibility of attempts to close off specific ways of being as necessary. Therefore, Derrida calls for subjects perpetually to frame themselves through an ongoing and basic responsibility to those who simultaneously enable, and are excluded by, closing identities. Such a profound responsibility requires one permanently to face head-on the prospect of opening, remolding or even overturning meaning clusters that form, and reform, out of the amorphous and supple foundations of being-with-others.

Speaking of responsibility in this fashion places one at a threshold. Indeed,

“the question of responsibility is a question of the threshold, and in particular... a threshold at the origin of responsibility, the threshold from which one passes from reaction to response, and therefore to responsibility...” ([1], p. 308).

Derrida's text here invokes porous thresholds from which to challenge discourses that declare absolute and necessary states of nation-state sovereignty. Such thresholds are particularly concerned with deconstructing a purportedly indivisible ‘limit between animal and man’ in the formation of a political ethos around absolute versions of sovereignty; they respond to the canons of nation-statehood by opening these to other concepts of sovereignty, to those not tied to totalizing closures. He adds further that,

“... this limit, this threshold of responsibility, is at the same time that of liberty, without which there is no responsibility and therefore no sovereignty. Responsibility, like liberty, implies something of that indivisible sovereignty accorded to what is proper to man and denied the beast” ([1], p. 309).

Locating oneself on a threshold, thus, does not necessarily imply a requirement to solidify that threshold, or to forever remain within its limits. Instead, Derrida’s deconstructive thinking implies that:

“...we don’t even consider the existence (whether natural or artificial) of any threshold to be secure, if by ‘threshold’ is meant either an indivisible frontier line *or* the solidity of a foundational ground.” ([1], p. 310).

For me, Derrida’s unfolding thresholds through the course of his writing could be used (perhaps partly exceeding his texts) to respond to a longing—to leave behind a vastly expanding technocratic, technically focused, age with its underlying myths of iron-clad certainty, its emphasis on ideas around a politics of absolute state sovereignty, its vacuous promises that one (technically focused) kind of reason alone will solve everything, and its morose demand to live lives marked by a narrowly conceived economic purpose. In any case, this is the manner in which I have considered the terms at hand.

### 3. Second Theme

As noted, Derrida shows how the absolute sovereign that emerges out of partitioning processes in the West is often aligned with its opposites—the beast, the criminal, the outlaw. He refers to several foundational texts (Aristotle, Machiavelli, Hobbes, Montaigne, Rousseau, *etc.*) that have shaped the discursive architecture of nation-state sovereignty, and legitimated its brand of politics by distinguishing and elevating ‘man’ from other animals—a being of nature uniquely capable of erecting rational political forms. Derrida’s work here explores an analogous relationship between various notions of the brute animal and politics, particularly relations between conceptions of the beast and sovereign, and the implicit reference to ways by which organized sovereignty politics (an element of ‘civilization’?) purportedly moderates the beast within human and social relations. Yet, at the same time, this sovereign emerges by exercising beast-like forces that determine it and its laws, requiring an interrogation of sorts. Therefore, he says,

“...whenever we speak of the beast and the sovereign, we shall have in view an analogy between two current representations (current and therefore problematical, suspect, to be interrogated) between this type of animality or living being that is called the ‘beast’ 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” ([1], p. 14).

As previously indicated, this does not mean that readers should simply endorse the purported being of the analogy's elements, or seek simple causal relations between them; instead, Derrida analyzes their suspended aporetic 'territory' in ways that do not reduce one concept to the other.

When examining how the analogy is variously forged through influential socio-political and literary texts, Derrida emphasizes the following contradiction:

"Just where the animal realm is so often opposed to the human realm as the realm of the nonpolitical to the realm of the political, and just as it has seemed possible to define man as a political animal or living being, a living being that is, on top of that, a 'political' being, there too the essence of the political and, in particular of the state and sovereignty has often been represented in the formless form of animal monstrosity, in the figure without figure of a mythological, fabulous, and non-natural monstrosity, an artificial monstrosity of the animal" ([1], p. 25).

From this complex formulation, he extracts a more succinctly framed focus for his analysis:

"Whence the most abstract and general form of what we shall have to ask ourselves: Why is political sovereignty, the sovereign or the state, or the people, figured sometimes as what rises, through the law of reason, above the beast, above the natural life of the animal, and sometimes (or simultaneously) as the manifestation of bestiality or human animality, *i.e.*, human naturality?" ([1], p. 26).

Another way to consider the question might be as follows: within influential texts on sovereignty politics in the west, why does one repeatedly confront a contradiction whereby beastly means are used to fashion supposedly non-beastly nation states? That is, a longstanding tradition casts nation-state sovereignty at a rational way to uplift people out of their animal condition in the domain of politics, rescuing a 'civil' if not civilized society. Yet, these discourses also conceptualize the sovereign as a beast (dragon, fox, wolf and so on) who stands outside of law, and who is capable of monstrous, beast-like action. As such, they point out how,

"sharing this, being-outside-the-law, beast, criminal, and sovereign have a troubling resemblance: a sort of an obscure and fascinating complicity, or even a worrying mutual attraction, a worrying familiarity, and *unheimlich*, uncanny, reciprocal haunting" ([1], p. 17).

So why is this the case? Derrida finds the 'principle of a reply' in Hobbes's *Leviathan* where a narrative fixes God as the creator of nature and the living, with 'man' as God's 'most eminent living creation' ([1], p. 26). This 'man' tries to emulate God but is unable to do so, failing in vitalist efforts to create a natural, living animal. In the end, 'man' succeeds only in creating an artificial animal—the *Leviathan*. A product of man's artifice, the *Leviathan* exemplifies an attempt to emulate its creator's (the 'people') own life form in political realms:

"So *Leviathan* is the state and political man himself, the artificial man, the man of art and institution, man the producer and product of his own art, which imitates the art of God" ([1], p. 27).

The idea of an absolute sovereign projected through images of a *Leviathan* simultaneously combines visions of a higher order 'state' that is taken to be a composite of all political bodies, the 'body politic'.

Thus, the *Leviathan* surfaces as an artificially created 'man', a synthetic product and producer of a politics that emerges from man's God-like—but failed—vitalist project to create a living being. Derrida sees in this part of Hobbes's work a way to respond to the issue of why the sovereign so often

appears above, and *at the same time* reproduces, human animality. The implications of the fable have been enormous, legitimating as they do a prevalent kind of sovereignty politics that positions the nation-state as the highest form of politics (or at least those states that are not ‘rogue’), and as a means by which ‘civilized’ political subjects distinguish themselves from animals, or beasts—even as the artifice that accomplishes this feat does so *as if* a beast that dwells outside of law.

That contradiction surfaces again when one considers that the absolute sovereign so constituted has no duty of reciprocity, is never called upon to respond and has no duty to offer a response ([1], p. 57). This indeterminate being is more nonresponsive than irresponsible; hence Derrida’s explorations of the sovereign (and beast) as ‘stupid’ in its nonresponsiveness, ‘like the death he carries within him’ ([1], p. 57). If Derrida points to the parallels that the literature draws between beasts, the sovereign, and God (the ‘sovereign’s sovereign’), he also sees in it ‘the most profound definition of absolute sovereignty’ that pervades western tropes:

“The sovereign does not respond, he is the one who does not have to, who always has the right not to, respond, ...in particular not to be responsible for...his acts. He is above the law...and has the right...to suspend the law, he does not have to respond before a representative chamber or before judges, he grants pardon or not after the law has passed. The sovereign has the right not to respond, he has the right to the silence of that dissymmetry. He has the right to a certain irresponsibility...like God, this offering is above the law and above humanity, above everything, and he looks a bit stupid... He looks like the beast, and even like the death he carries within him, like that death that Levinas says it's not nothingness, nonbeing, but nonresponse” ([1], p. 57).

Here we encounter a fascinating—if underexplored—sense that the openness sustaining responsibility breeds life and stands in contrast to the unfettered non-responsiveness of the death sustaining both beasts and absolute sovereigns. It is important, however, to emphasize that we are here denoting an *absolute* sovereign, because, as we will see, Derrida’s ideas could be used to extract other—more responsible—versions of sovereignty.

#### 4. Third Theme

With this framing of *absolute* sovereignty as defined through a capacity not to respond, not to be responsible, Derrida proposes an alternative image of sovereignty from Schmitt’s version of sovereigns as political beings who declare exceptions, who exempt themselves from law. However, it is important to recall that Derrida is using Schmitt and other theorists to inform images of the non-responsive, absolute sovereign. For example, he takes Schmitt’s notion that politics is always framed around friendship and enmity as evidence for his claim that it is the divisions, and lexicons of divisions, that generate particular calculations of sovereignty. If there is a law of sovereignty in such texts (which from Derrida’s vantage cannot ever—as we have seen—be a fully determined one), it has to do with proximate, contingent determinations that assert sovereignty, name it and characterize it forcefully, always in contexts of an overarching indeterminacy. So, Derrida notes that,

“the concept of sovereignty which never goes without an enemy, which needs the enemy to be what it is, is not necessarily linked or limited to such or such state structure (monarchical, oligarchical, democratic, or republican). Even when the sovereign is the people or the nation, this does not damage the law, structure, or



vocation of sovereignty, as Schmitt defines it (the positing of an enemy without humanist or humanitarian invocation; the right to exception; the right to suspend right; the right to be outside the law)” ([1], p. 77).

He also senses in Schmitt a slight departure from earlier political tracts. Schmitt may echo earlier versions of the sovereign as simultaneously escaping and reaffirming the beast, but he frames the dividing practices that yield a given sovereign as centered around friendship and enmity (without ‘humanist...invocation’). However, Schmitt affirmed the exceptional rights of a sovereign might indeed require bestial means, even if, for him, they lead to ‘higher’ political ends. Despite its modifications, however, this dangerous sort of absolute sovereignty thinking remains embedded in the furrows of absolute nation-state politics, and so cannot open to conceptions of more responsible versions of sovereignty politics.

## 5. Fourth Theme

“Between protecting and obliging to obey there is an essential link. ‘I protect you’ means, for the state, I oblige you, you are my subject, I subject you. Being the subject of one’s fear and being the subject of the law or the state, being obliged to obey the state as one obeys one’s fear, are at bottom the same thing. If you like, in the two senses of the word ‘oblige’. I oblige you by forcing you to obey, by constraining you, because I oblige you the service of protecting you. I oblige you by forcing you to obey in the same movement by which, obliging you I’m doing you the service of protecting you, I oblige you to have gratitude, I oblige you to recognition...: to recognize the state and the law, and to recognize them all obliging you.” ([4], p. 43).

Fear, obligation, force, obedience, protection and recognition are prominent words enlisted by architects of nation-state sovereignty. Hobbes’s well-known descriptions of the passions that variously structure how political subjects act, for example, emphasizes the first of these—fear—as the basic passion for political life [5]. The narrative is familiar: human beings in a state of nature always have an equal power to kill one another. That is,

“for as to the strength of the body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others...” ([5], p. 183).

This basic equality is coupled with a free, egoistic, calculating nature, suggesting that, left to their own devices, people naturally understand and fear the possible consequences of an anarchic ‘state of nature’ ([5], p. 187). To avoid being killed, people need a ‘common Power’ that keeps them in ‘awe’, in order to check their unruly passions, and instead pursue those that, ‘incline men to Peace’ (e.g., desire for ‘commodious living’, ‘industry’—p. 188) [5]. In this context, subjects yield rights and offer obedience in return for the protection and security of an all-powerful *Leviathan*.

In this well-known story, absolute sovereignty issues from a never-ending *fear* that propels subjects in a state of nature to transfer rights to create a sovereign, through a special contract, compact or covenant with others ([5], p. 196). Crucially, but oft overlooked, such fear contours the obedience required for Hobbesian civil state sovereignty. Fear emerges as a ‘mainspring’ of its politics and is the basis for being rendered a political subject (*i.e.*, subjected) who agrees to legal submission ([1], p. 39). Consequently, in this discursive arena at least, the key affect (passion) for obeying the law is fear. Moreover, Derrida detects in Hobbes the notion that there is no law without sovereignty,

“we shall have to say that sovereignty calls for, presupposes, provokes fear, as its condition of possibility but also as its main effect. Sovereignty causes fear, and fear makes the sovereign” ([1], p. 40).

As such, fear is fundamental; it both enables law and the possibility of transgressing law (e.g., thus rendering crime possible). Fear is ‘the origin of both law and crime’ ([1], p. 41). Crime, and the fear that accompanies it, inclines subjection and obedience; in turn, this nurtures obligation, duty, and the recognition (if not gratitude or respect) of the (bestial) protections that a sovereign enforces. The mainspring, to repeat, within influential conception of the politics of absolute sovereignty is fear.

In a partial reversal of Hobbes’s frame, Agamben argues that far from arresting a fearful state of nature, the modern sovereign actually unleashes and perpetuates that state, thereby nurturing the fear that authorizes inordinate, awesome forms of subjection [6]. He describes the development of political sovereignty as a heterogeneous historical affair, but insists that its roots rest ultimately (in the first instance?) on what he takes to be a distinction Aristotle makes between *zoe* (bare life that is common to all animals—the simple fact of living rather than being dead) and *bios* (the kind of life that is proper to individuals or groups of people). He is concerned with Aristotle’s contention (and as interpreted by Foucault) that a thriving human life is a political one—it may have elements of *zoe* but a political nature, *bios*, is the distinguishing feature of human life. Agamben must preserve this distinction sharply, because his overall argument turns on it.

As is by now familiar, he declares that the ‘decisive’ event of modern politics is a growing politicization of *zoe*, of bare life; this event increasingly renders *bios* (right) and *zoe* (brute fact) indistinguishable. The upshot is the development of an extreme kind of biopolitical sovereignty (an unfortunate term, perhaps since, as Derrida notes, the argument seems to revolve around ‘zoopolitics’) under modern conditions, that has inordinately narrowed the scope of politics to a focus on facts of life, and rendering subjects more and more as *zoe*, bare life. The exemplar for this biopolitical sovereignty is increasingly the ‘camp’ (e.g., concentration camp, refugee camp) that is subject to a perverted law, which operates more and more forcefully without normative content. For Agamben, modern biopolitical sovereignty is an enterprise that emaciates the indeterminacy of politics by increasingly placing political arenas in the service of determinate facts—the science that expands bare life. Through attempts to recover indeterminacy, Agamben recasts politics without reference to sovereignty, or law, to recuperate a realm of anarchic suspension, of limbo, without fixed references—an always ‘coming community’ perhaps?

Derrida’s reading of Agamben’s *Homo Sacer* is struck by Agamben’s recurring tendency to position himself as the writer who first recognizes that such and such an author first said this or that. If this rhetorical style peeves some readers, Derrida remarks ‘with a smile’ that the quest to be the first ironically resembles the very sovereignty politics that Agamben seeks to slay. After all, as he notes, “the sovereign, if there is such a thing, is the one who manages to get people to believe...that he is the first to know who came first...” ([1], p. 92). In many ways, this thinker who is vehemently opposed to biopolitical sovereignty often echoes its idioms in his emphasis on being the first, the premier, and in a recurring tendency to use determined language (e.g., ‘laws of sovereignty,’ ‘truly,’ ‘certain sense’). That aside, though it is not simply an aside, Derrida questions Agamben’s references to Aristotle in several ways. For instance, Derrida challenges Agamben’s attempts to recover from Aristotle a sharp distinction between *zoe* and *bios* on the strength of a ‘single occurrence of the word bios, in the midst

of many uses of *zoe* or *zen* (to live)' ([1], p. 315). Worse than this, for Derrida, Agamben appears not to recognize Aristotle's very early inclusions of *zoe* as part of the political (*zoon politikon*)—an important matter that does not support the clear distinction Agamben's argument requires him to make, and which may challenge his notion of a modern biopolitical sovereignty. In other words, Agamben's ambiguous reference to the notion that biopolitics has always been part of sovereignty politics (this claim is used as the basis 'correcting' what Foucault supposedly gets wrong), and yet alleging that the decisive event of modern politics was the development of a biopolitics that for the first time (another first) politicizes *zoe* (bare life), suggests further the instability of his key distinction.

Derrida's deconstructive reading of Agamben opens a reader to the sense that, like sovereignty, biopolitics has assumed various forms over the ages, and that the newer forms indicated by Foucault suggest different forms of biopolitics—but biopolitics (and indeed zoopolitics) extends beyond that. Even if different forms of 'biopolitical sovereignty' afflict modern political horizons, does this necessarily require us to rescind sovereignty politics to escape its clutches? Could we, the subjects of modern political legacies, with sovereign vestiges contouring the ways we write and speak, and even the ways we identify—could we transform politics without somehow affirming absolute forms of sovereignty? Could subjection, even if subjected sovereigns, enable that sort of reversal?

One of the upshots of Derrida's engagement with Agamben is precisely to bring such questions to the fore. Unlike Agamben, who thinks it possible (and desirable) to overthrow what he takes to be an irrecoverable modern politics of (biopolitical) sovereignty, Derrida's approach attempts to recalibrate sovereignty as something that is politically negotiated—with due responsibility to others—rather than conceptualized as an absolute necessity:

“...what I am seeking, elsewhere but in particular in this seminar, is a prudent deconstruction of this logic and of the dominant, classical concept of nation-state sovereignty (which is Schmitt's reference) without ending up with a depoliticization, a neutralization of the political, but with another politicization, a repoliticization that does not fall into the same ruts of 'dishonest fiction'—while what an 'honest fiction' can be, and on which concept of fiction one is relying, remains to be found out” ([1], p. 75).

If Derrida seeks to deconstruct the so-called 'dishonest fiction' that nation state sovereignty elevates humanity from its animal forms, 'civilizing' those who would use its mechanisms, he does not think that politics can appear without somehow avowing sovereignty, and elements of the discursive legacies that remain as traces in the contexts we *inhabit*. Past traces often shape, to various extents, what will later appear—let us not forget that we are (the you, the me, the I, the we) products of the very nation-state sovereign politics that is to be deconstructed.

It may be for this reason that Derrida repeats, more or less verbatim, the above quotation on the same page, but adds the following to his sense of the difficulties involved with a deconstruction that recalibrates sovereignty politics:

“It is all too obvious that this is more than difficult, and that's why we are working, why we are working at it and allowing ourselves to be worked on by it” ([1], pp. 75–76).

Yet one should be careful here: no particular instance of sovereignty is necessarily better, more humane, divine, *etc.*, than any other. Rather, the traces of past invocations of sovereignty—such as

those Derrida carefully reads—have shaped ‘us’ as responding subjects. This is perhaps why Derrida ‘retains’, at least in part and provisionally, from Schmitt’s argument the notion that,

“there is no politics, no politicity of the political without affirmation of sovereignty, that the privileged if not unique form of that sovereignty is the state, state sovereignty, and that such a political sovereignty in the form of the state presupposes the determination of an enemy; and this determination of the enemy can in no case take place, by definition, in the name of humanity” ([1], p. 77).

Although Derrida remains ambivalent on the question of sovereignty politics, one could read throughout the lectures attempts to enable, nurture, welcome, open to, an indeterminate, provisional and incalculable version of sovereignty that might appear without warning. He seeks, for instance, an ‘honest’ fiction of sovereignty, one that opens to a particular understanding of fiction, and which does not tread inside the ‘ruts’ created by earlier calculations of nation state sovereignty.

This is why, referring to Marin, Derrida discusses what might be involved in a transfer of absolute sovereignty. The latter would likely involve more than a hand over of political power, as was say the case with revolutionary conquest of monarchs and the rise of nations or the ‘people’. These broader transfers of sovereignty are often bloody affairs (signaling again the beast), and yet they simultaneously involve fiction, narrative, theatre, representation, performance, *etc* ([1], p. 290). There are, that is, multiple ways in which a transfer of sovereignty can occur:

“If most often what is stake in politics and wherever else a drive to power is exercised...it is not only an alternative between sovereignty and nonsovereignty but also a struggle *for* sovereignty, transfers and displacements or even divisions of sovereignty, then one must begin not from the pure concept of sovereignty but from concepts such as drive, transference, transition, translation, passage, division. Which also means inheritance, transmission, and along with that the division, distribution, and therefore the economy of sovereignty” ([1], p. 290).

The overall effect is one that opens existing (conditioned) images of sovereignty to a founding unconditionality. Analyzing texts that analogously relate the beast to the sovereign, as both being outside of law, Derrida explores sovereignty calculations that consider the nation-state to be an advanced, rational or divine political form. Such discussions of sovereignty, however, are haunted by their opposite analogue—the beast. Exposing that contradiction, he welcomes the promise of political calculations that permanently affirm other computations and practices in sovereignty-orientated political terrains that are continuously moving, transforming and becoming. This could evoke precisely the open-ended political space of a ‘democracy to come’ that refuses to settle in the ruts of absolute calculations, and remains forever open to the indeterminacy that renders current politics possible.

## 6. Allusion

The meanings that may have arrived, the reordering of the words stimulated by my readings of Derrida’s lectures, are scatterings that cannot feign their own necessity. The promise will leave some without the security of a clear gathering, a tightly woven set of descriptions, elucidations, or prescriptions. However, what the past pages send forth are the limited fruits of a promise to assemble provocative yields, garnered from reading Derrida’s text. I have no more arrived with solid gifts of meaning than the text has projected a necessary way to grasp the sovereign, or a politics that may yet

arrive. The autoimmunity of my own efforts, that which lies within this or that reading, is chronic. Yet, for all that, in temporary clearings one might encounter the enchantment of unconditional rationalities, and irresolute possibilities. Were I to bet, this is where prospects lie for an endless resurrection of an indeterminate politics to come—an unyielding theme that Derrida’s lectures variously, repeatedly and laudably evoke.

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