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Derrida, Sovereignty and Violence

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The late thought of Jacques Derrida identifies a number of doubles: law and justice, absolute and conditional hospitality, democracy and democracy-to-come. Justice, for example, is the larger principle to which the law aspires, but justice will always remain in excess of law. Justice both makes law possible by providing it with its meaning, but it also makes law impossible by setting up an aspiration that the law can never meet. On the one hand, the law comes into being only in response to justice, but the only existence justice has is by way of law. Normally, justice is seen as the larger, unconditional phenomenon that the law constricts violently by narrowing and reducing it. This paper argues that violence does not only reside on the side of constriction in Derrida, but that unconditionality is itself always a principle of violence. Indeed constriction and unconditionality work together inseparably even as they challenge and defy one another. By connecting these themes with Bataille's theory of sovereignty, this paper explores the horizons of violence in Derrida's political thinking.

I

The future is always greater than us. It cannot be defeated or stopped. It will both deliver and annihilate us. Philosophy cannot avoid inscribing in itself this unknowable thing, and the work of Jacques Derrida, for example, turns on this opening to what is to-come. In Derrida, the future is what is awaited whether it is an event or an other, whatever exceeds the tendency of thought towards closure and self-sufficiency. The temptation of thought is to be complete and to conclude. Yet, without some orientation or at least some awareness of what lies beyond it – the other to whom it is addressed, the other thought that will respond to it, the events that will dislocate and historicise it – thought is nothing. Without its relation to what has provoked it or its anticipation of what will supercede it, it cannot justify itself. It is never enough from the very start.

This insufficiency is thus the very principle by which thought emerges in Derrida. Here are some examples. For Derrida, the law or the right (*le droit*) can only be evoked, and can only ever make sense in relation to, some larger, ultimately undefinable thing, justice. It is the impulse towards an ever opening sense of the just that the law not only forms but reforms itself in its adaptation to the future. This justice can never be satisfied. It can never in fact be finally delineated nor even identified. It is not finally distinguishable from *droit*, as its fore-runner or parent, because it is inscribed in *droit* itself.

It has no being other than as the drive within *droit* to replace itself by itself in an ever open improvement, a necessary orientation within the law, for example, towards the better delivery of an openness, equity, consideration and fairness that holds the promise of an ever greater understanding and delivery of what is right. Justice both makes *droit* possible and always already signals its failure. Without it, there would be no law or right, yet it means that these things will never be finally delivered. They will never be complete: there can be no perfect law or ultimate right. *Le droit* will never be completed. Justice will never be over. Justice is a principle of opening, not a point of arrival. It cannot not be futuristic. It is the future as inscribed in what has already taken place.

The situation with democracy is similar. For Derrida, any instituted democracy must be oriented towards the possibility of a better or greater democracy-to-come, a future democracy that will be more open, more inclusive, more transparent, more responsive, welcoming more free thinking and more social responsibility. This insight is both feverishly optimistic and plainly pragmatic. We see it at stake every day. When it comes to light, even the most perverse, illiberal act in the politics of instituted democracies must somehow, albeit disingenuously, negotiate the logic of this future democracy. Otherwise, it must reveal itself as un-democratic. Even if we are satisfied by a lie here, the terms on which we exculpate it remain democracy's need to imagine its own improvement. Thus, this sense of improvement must be inscribed within the already instituted democracy itself. Without the dream of what is more democratic, democracy is nothing. It could not arise.

The final example is that of hospitality. Derrida's work on hospitality has emerged in a world of troubling movements of population. From the time of the invention of the European New World, migration and slavery and the forced concentration of indigenous populations signalled what was to come later in the aftermath of the Second World War and the partitions of India and Palestine, and now, the era of rapid climate change. Who welcomes whom to what? Responding to Kant's hypothesis of a global citizenry, Derrida relates individual and specific acts of hospitality to an absolute hospitality that would welcome the stranger regardless of who or what or where s/he may be. Every act of hospitality, however conditional it might be, however restricted by protocols of border-crossing and identification, however inhibited by political compromise and diplomatic sensitivity, must at some point recall a will to universal acceptance, to the festival of welcoming, the joyful greeting and ever open door. Every act of hospitality is at least a citation of the possibility of a universal, unconditional, unconsidered welcoming. I want to accept you and make you at home, no matter who you are or where you have come from. This hospitality seems very attractive to a liberal constituency sick of the racism, hostility and vilification directed towards people in movement. What could be more uplifting than committing to an ethic of absolute openness to the stranger, the wanderer who might have been our parent, or who we might have been

or may yet become? How reassuring to our sense of ethical selfhood such a commitment might be!

Yet, none of these pairings – droit and justice, democracy and democracy-to-come, conditional and absolute hospitality – will ever allow us to rest. Justice unsettles droit. It opens it to improvement only by way of a constant threat. Justice will never be satisfied. The polity will never be just enough. What might be required to enact this justice? Where will it end? We know it cannot end. It is the same situation with democracy: the democratic revolution will never be complete. Democracy's freedom leads only to frustration and dis-satisfaction.

Derrida indicates the problem with absolute hospitality by way of a parable. In considering the relationship between absolute and conditional hospitality, Derrida raises two issues: firstly, how can «an unconditional law or an absolute desire for hospitality» and «a law, a politics, a conditional ethics» of hospitality be reconciled? How can one give rise to the other? How can they work together? These two are “heterogeneous” to one another yet indissociable¹. The second issue is to remember that in the culture of hospitality there persists a «conjugal model, paternal and phallogocentric. It's the familial despot, the father, the spouse, the boss, the master of the house who lays down the laws of hospitality»². These issues cannot be taken separately. Any act of hospitality, no matter how material, literal or banal, must at some level refer to the absolute ethic of hospitality that gives rise to it and that licenses and explains it. This makes it sound like historical acts remain junior to the larger principle that they instantiate. Yet, the relationship between the absolute law of hospitality and its enactments must not be read as the relationship between ideal principle and application. The absolute law has no existence in itself, even in the most abstract form. It has no ideal, theoretical or abstract being. It can only exist in the events that refer back to it. It cannot subsist without them. It does not lie in wait for them to serve it. It is that part of the enactment that reflects on itself. This is how it is not identical with its enactments but still one with them. Over and above this, historical as they are, enactments of the absolute law of hospitality cannot emerge elsewhere than where they do. They must emerge somewhere, amongst people. They cannot be pure of the politics of the context in which they occur. They take place somewhere, and must always bear the trace of this place. Is hospitality implicitly or essentially patriarchal? Is the fact that the examples of hospitality Derrida has unearthed are all patriarchal tell us that there is a necessary link between the will to welcome in and phallogocentric power structures? The question is moot. Since acts of hospitality are the only ontology of the absolute law of hospitality and since these acts must take place somewhere amongst people, they will always, not only reveal, but confirm and deepen the historical political structures of the

¹ J. Derrida, *Of Hospitality: Anne Dufourmantelle Invites Jacques Derrida to Respond*, Stanford 2000, p. 147.

² *Ivi*, p. 149.

context in which we find them. They are thus not essentially patriarchal nor ever separable from patriarchy.

Absolute hospitality is the reaching of the act of hospitality within itself towards its own logic. It thus both consolidates the act and doubles it. And it must do this within an historical context, thus never less than involving itself in complex political and cultural entanglements of one sort or another. And this complex relationship of the act of hospitality to its alien self in an historical context installs a violence at the very heart of hospitality. It is tempting to see the specific act of hospitality as the violent reduction, the moral straight-jacketing, of the inspiring principle of absolute hospitality. We long to live in a world of resolved justice, of complete democracy and of total hospitality, but we cannot. Therefore we must see these ideals fall, compromised and debased into the world in which we live, and we live on, referring ever onward, ever upward to the principles we see as our uplifting truth. This is not at all what Derrida is arguing. The violence of the act of hospitality arises not in its spurning or reducing its own higher principle. The exact nature of its violence may be determined by its immediate historical context, but the violence is itself coded in the relationship of hospitality to itself, the fact that the event can only take place in reference to the logic that is not identical to it. In order to be itself, it must wrench itself out of itself. It must threaten and undo itself.

The example Derrida gives is of Lot's offering of his daughters to be raped. Lot offers hospitality to strangers. When the citizens of Sodom clamour for Lot's guests to be produced, so that the men of Sodom may "penetrate" them, Lot offers his virgin daughters instead. In this complex act, Lot is both enacting the ruthless domestic politics of his context and defying it. His goal is to enact absolute hospitality by protecting his guests. In Derrida's words, he is placing «the law of hospitality above a 'morality' or a certain 'ethics'»³. He is thus both enacting the patriarchal law of his society by preferring the safety of his unidentified male guests to that of his daughters and failing his paternal duty to protect his family from what lies beyond the door. This complex, radically historicised event, only takes place in the context of his attempt to gear the specific, literal act of hospitality to its imagined absolute law. In other words, the violence that emerges here is not the simple reduction of the law to the act, but the act itself only releases patriarchal violence in its aspiration to enact the absolute law. It is only because the event of hospitality here reaches towards its own absolute principle that such violence becomes possible, even necessary. The act's reaching for itself into itself, into its own alien nature, both confirms and undermines the context in which it must take place. Lot's violence exemplifies this: by attempting to enact his obligation to his guests – they are angels, after all – Lot must both confirm and violate his patriarchal responsibility. The reaching after the absolute principle means the standard order of social relations cannot be left at rest. Nor is the status quo simply violated in an uplifting logic of

³ *Ivi*, p. 151.

improvement and expansion. Order is violated but after its own fashion. Governing values are preserved, yet discredited. They are confirmed in their failure. They are conserved but stripped bare, and enacted blatantly in an act of horror. In hospitality's need to enact itself by extending towards its absolute principle, something noble is tried but only in an offering, a giving that is utterly shameful. Nothing is safe.

II

Hospitality is enacted, therefore, by doing violence to itself. This violence only arises because the act seeks to be more loyal and more responsive to the absolute that allows and justifies it. This violation of the act by what makes it means that whatever form the act takes, no matter how confirmed it may be by tradition or authority, will push towards its limit. Hospitality comes under pressure to be ever more hospitable, more hospitable than hospitality itself, hospitality without end, and even when the father reaches towards the most obvious, most conservative manifestation of his power – bullying of women – he will do so in a way that reaches towards the greatest giving, the greatest risk, the highest level of disregard for their agency and wellbeing. It does not matter what form the act takes, whether it be radical innovation or callous chauvinism, the will to endless hospitality requires some wrecking of limits, some crossing of boundaries, some transgression in order to be honoured. The act has to take some form. It doesn't matter what, but it will always push towards either the most uplifting and liberating or the most repressive and indifferent violence. Whatever forms forms in this complex fashion. In *Archive Fever*, Derrida writes:

As soon as there is the One, there is murder, wounding, traumatism. L'Un se garde de l'autre. The One guards against/keeps some of the other. It protects itself from the other, but, in the movement of this jealous violence, it comprises in itself, thus guarding it, the self-otherness or self-difference (the difference from within itself) which makes it One. The 'One, differing, deferring from itself.' The One as the Other. At once, at the same time, but in a same time that is out of joint, the One forgets to remember itself to itself, it keeps and erases the archive of this injustice that it is. Of this violence that it does. L'Un se fait violence. The One makes itself violence. It violates and does violence to itself but it also institutes itself as violence. It becomes what it is, the very violence—that it does to itself. Self-determination as violence. L'Un se garde de l'autre pour se faire violence (because it makes itself violence and so as to make itself violence)⁴.

The double act by which something forms requires both the separation from the other and the inclusion of that other within. It cannot define itself autonomously only by reference to itself. It must define itself in relation to that which is other. It thus installs the other within as a necessary part of its constitution, and as the thing which it must exclude. In this way, ipseity

⁴J. Derrida, *Archive Fever: A Freudian Impression*, trans. Eric Prenowitz, Chicago 1996, p. 78.

becomes possible only by way of the violation of self-identity. The self thus both enacts and resists a self-constituting violence that it then must forget. Derrida goes on:

Now it is necessary that this repeat itself. It is Necessity itself, *Anankē*. The One, as self-repetition, can only repeat and recall this instituting violence. It can only affirm itself and engage itself in this repetition. This is even what ties in depth the injunction of memory with the anticipation of the future to come. The injunction, even when it summons memory or the safeguard of the archive, turns incontestably towards the future to come. It orders to promise, but it orders repetition, and first of all self-repetition, self-confirmation in a yes, yes⁵.

This self's orientation towards the future – its capacity to act, to invent and be open to what may come – always repeats this self-instituting violence. Otherness, therefore, the openness to the future or the outside recalls the violence by which the self has been originally constituted. The very thing that institutes promise in the emergence of the thing pre-determines this promise as not only always the possibility of violence, but the very principle of violation itself, whether good or bad. Whether it recalls or invents the form it is to take, the enactment of the self requires – makes necessary, in Derrida's terms – a self-violence that marks limits only ever as the locus of disruption.

The orientation of *droit* to justice, for example, gives rise to *droit* only in relation to that which requires its enactment while at the same time forcing it towards an ever greater or more ruthless justice. It does not matter whether this will to justice takes the form of more and more mindless punishment or more and more liberal allowance. The drive of *droit* must always be towards the extraordinary. In its precious insistence on law and order or its enthusiasm for change, it claims to be enacting the higher value to which it has a duty. Yet, this value is not something fixed that can be finally tabulated or known. It only exists as the self-violating unfolding of *droit* itself in its dis-satisfaction with itself, an unfolding that can only mean further self-violation. Since *droit* is itself founded on the violation of itself, it can only pursue itself by way of further violence, whatever the nature of this violence.

Each of the instances we have discussed here – the relationship between *droit* and justice, democracy and democracy-to-come, absolute and conditional hospitality – situate the formation of the self-violating self in the context of the political act. Here the obligation to make a decision always presses at us. It is the insistent sub-text of all political discourse. This particular complex – the self, politics, the decision – combine in the question of the sovereign. Who are we and how should we act out what we are? How can our acts be authorised and what does such authority have to do with what makes us? These issues are dealt with most clearly in Derrida's work on sovereignty, especially in the late work *Rogues: Two*

⁵ *Ivi*, p. 79.

Essays on Reason. Derrida's complex account of sovereignty re-awakens the account of sovereignty in the work of Georges Bataille, though in a clearly less metaphysical form. Derrida once described his key early works as all «situated explicitly in relation to Bataille»⁶. To give Derrida's account of sovereignty its true valence, I will approach it by way of Bataille's.

III

To Bataille, «being is also the excess of being, the upwards surge towards the impossible»⁷. Being does not only reach after that which lies beyond it. It is identified with it. This doubleness challenges any logic either of transcendence or of immanence. There is no simple separation in Bataille which distinguishes a self-identical thing from the context in which it arises or the antecedents which produce it. This separation remains fundamental to the identity of the thing and thus no separation at all. Yet the otherness from which the thing separates and which it thus installs within itself as its one reality is not at all merely something else. It is the impossible, that which cannot be measured or known, that which ultimately cannot be. In this way, the apparent “upwards surge” cannot be understood in conventional or psychoanalytic terms. It cannot be desire for example, for two reasons. Firstly, desire subjectifies the thing as it comes into being, understanding it in terms of its own self-reflexive nature, when this nature is not itself reachable. Why would we assume that even the human necessarily is or even could be subjective here yet? Secondly, even in its Lacanian formulation as the most unreachable and ineffable of things, the apparent object of self-construction is understood by desire as always within the logic of thing-hood itself. Even the Other in its most capitalised alienation finds an unrepresentable non-place as the putative pretext of desire. It is given what substitutes for a name.

The impossible here, therefore, is not even the hypothetical non-object of an unfinished subject. It cannot be named. It opens on an abyss that must resist the name, the theory and the pronouncement. It offers no satisfaction or insight. It does not end. It is horror itself as the ineluctable possibility that there is no end at all, ever. This is what makes Bataille neither a psychoanalytic nor anthropological thinker, nor even a philosopher, not even a religious thinker, at most a thinker of the sacred. Yet the sacred must be understood here in terms not of its possible object but of the practices of reaching after the abyss of the impossible beyond.

These practices revolve around sex and death, and thus violence. What they offer access to is not some transcendental or exceptional moment, from which we may gain sustenance or glimpse a beyond that should be our destiny. The truth of all being for Bataille is in continuity, the

⁶J. Derrida, *Positions*, trans Alan Bass, Chicago 1981, p. 106.

⁷G. Bataille, *Erotism: Death and Sensuality*, trans. Mary Dalwood, San Francisco 1986, p. 173.

unrepresentable indistinction from which all self-identity must be deducted. The practical logic of means and ends around which we must structure the operations of our daily lives requires we separate ourselves from the continuous and construct a world of strict demarcations and achievable acts. This stabilization into being defies the excessiveness that overshadows it, that precedes and exceeds it forever. Each act is a traitorous gesture of the specific being towards the excess of being that allows it, from which it draws its being, and which inhabits, explains and threatens it.

This separating is in turn defied by the drive to find some outlet towards that which lies beyond in the continuous. This drive is ultimately towards the impossible and thus can never know or even denote its object. The channels for this drive for Bataille are in the erotic, the unstable imbrication of sex and death:

for us, discontinuous beings that we are, death means continuity of being. Reproduction leads to the discontinuity of beings, but brings into play their continuity; that is to say, it is intimately linked with death. I shall endeavour to show by discussing reproduction and death, that death is to be identified with continuity, and both of these concepts are equally fascinating. This fascination is the dominant element in eroticism⁸.

For Bataille, the drive towards reproduction responds to an impulse towards continuity, and thus is consistent with death. The sex drive and the death drive are effectively indistinguishable. They both seek the outlet of the discontinuous onto the continuous, or rather the constant pull towards the continuous that must remain insistent in the domain of discontinuity. Bataille writes:

Continuity is what we are after but generally only if that continuity which the death of discontinuous beings can alone establish is not the victor in the long run. What we desire is to bring into a world founded on discontinuity all the continuity such a world can sustain⁹.

We cannot reach the state of continuity as a resting-place. Our discontinuity cannot be shrugged off. Christianity to Bataille is the least religious of religions because it consistently pretends that this escape from the impossibility of the impossible can be lived. To Christianity, the continuity can be achieved in union with the absolute indefinition of the godhead, thus making the impossible an achievable goal. This is a betrayal or a weakening of the broader role of religious thinking which is to incite an interminable self-casting into the abyss that offers nothing in return. The name of God is offered in Christianity as the possibility that even if the absolute is unknowable in its final definition, undefinable, it is still possible to have a relationship with it, one that can be even analogous to a personal relationship. To Bataille, this is an abandonment of the true mission of the

⁸ *Ivi*, p.13.

⁹ *Ivi*, pp. 18-19.

sacred: to expose the discontinuous world to the logic that can only destroy it. Salvation is the ultimate betrayal of the sacred, because the sacred is not a resting-place, a redemption or gathering into glory, but an endless and irredeemable loss, a loss without end, an absolute violence towards being and beings: «In essence the domain of eroticism is the domain of violence, of violation [...] there is most violence in the abrupt wrench out of discontinuity. The most violent thing of all for us is death which jerks us out of a tenacious obsession with the lastingness of our discontinuous being»¹⁰. The drive towards continuity made possible in eroticism is implicitly and endlessly violent. «I am saying that the domain of violence is that of religion», Bataille writes¹¹. «God» is the attempt to disguise or hinder this violence, to conceal its abyssal nature: «Is not God an expression of violence offered as a solution?»¹². «God is the name of this pure violence»¹³.

IV

The continuous does not simply lie outside of or beyond the less charmed, practical, mundane world of the discontinuous. It presses at it constantly and this pressure must be dealt with somehow, or managed. We cannot live in the world of discontinuity, as this is by definition, the domain of the impossible. It would involve an un-resting reaching towards ever more transitory and intense enactments of rapture, danger and bliss, each ever more disregarding the practicalities that sustain us. The continuous is implicitly unlivable. Yet, it cannot be simply ignored. Its enchantment and horror must have some access to the world of work and practice. Ipseity is open to what lies beyond it, as we have seen, and this beyond is in turn in thrall to what lies beyond it, and so on, indefinitely. There is no end to this supplementation. In this way, excess always presses on identity, opening it on the indefinite, bringing the abyssal within the self-same.

How can this ineluctable open-ness appear in human life, enriching it yet not sucking it into nothingness? The answer lies in the dynamic that is perhaps Bataille's most famous and well-known contribution to thought: the dynamic of taboo and transgression. Since its celebration in Michel Foucault's essay *A Preface to Transgression*¹⁴ Bataillean transgression has become a byword for a type of cultural-political activism that challenges the normative and uncritical, unsettling identities and limits by way of usually aestheticised practice that mocks tradition and promises a future more liberated and expansive. The risk with investing a dynamic like taboo and

¹⁰ *Ivi*, p. 16.

¹¹ G. Bataille, *The Unfinished System of Non-Knowledge*, trans. Michelle Kendall and Stuart Kendall, Minneapolis 2001, p. 229.

¹² *Ivi*, p. 228.

¹³ J. Derrida, *Force of Law: The Mystical Foundation of Authority*, in *Acts of Religion*, ed. Gil Anidjar, New York 2002, p. 293.

¹⁴ M. Foucault, *A Preface to Transgression*, in *Language, Counter-Memory, Practice*, trans. Donald F. Bouhcard and Sherry Simon, Ithaca, pp. 29-52.

transgression with historical meaning, of course, is that it settles back into older patterns of political agency, especially those of priority and progress. The battle between tradition and innovation is re-staged, this time in the form of norms and alternatives. Dominant sexual identities are teased and tested in order to make space for repressed identities to be free. The taboo which had previously repressed and spurned any alternative becomes an object of ridicule. We present it as hollow, callous and stifling. Beyond it, freedom emerges first in other identities and eventually beyond identity altogether. The taboo seems hollow and above all, artificial and unnecessary.

The pattern of throwing off constraint in the name of a future promise is part of the logic of transgression, but so too is the disappointment that this complete open-ness, even local forms of it, do not arrive and stay. At most we get a glimpse of the world beyond constraint, the world of the continuous interrupts the discontinuous, but does not endure. It cannot reign without it settling into another pattern of restriction, as Foucault well knew. To challenge the taboo and believe in the future beyond it is merely to play the game of the taboo. But one crucial element is missing, and this is the one most important to Bataille: the taboo is only taboo if we believe in it. The drive to transgression is not opposed to the taboo, even though it violates it. Transgression is the ultimate tribute to the taboo. The point of the taboo is we must believe in it. To violate sexual norms you know are arbitrary and hollow is not to transgress them at all. It is merely to challenge a hegemony you don't believe should survive.

Taboos make society what it is by marking out the limits to the drive towards death and unregulated sexuality. The fascination of eroticism must press on the social, and it must find expression and release, but this release must be controlled because human society could not operate – human beings could not feed themselves – without it. Taboos must be violated, but they must also be believed in. That is why crime is the ultimate denomination of transgression for Bataille. And crime here does not refer to the indulgence of romantic passion or liberating gesture. It is the crime of degradation, and here not even the degradation of a liberating abjection but a petty even foolish crime, the despicable crime of a Gilles de Rais or a de Sade, to cite perhaps the most famous examples in a Bataillean context (see Bataille, 2004). We despise Gilles de Rais for the horror he perpetrated, his mad cruelty and the easy way in which he could torture and murder hundreds of children. And we are right to despise him, not only for his cruelty but for his pathetic gullibility and his treacherous cowardice. De Sade's heroes too are not simply violent but cowardly, consistently unadmirable and unheroic. But this is what makes them such convincing exempla of transgression. We loathe their crimes. We despise their cruelty because their transgressions reinforce our belief in the taboo against cruelty and violence. Everything Gilles de Rais does confirms our belief in the law against murder. Nothing can reconcile us to his acts. In a telling moment in *Erotism*, Bataille writes of de Sade's thought:

Such a strange doctrine could obviously not be generally accepted, nor even generally propounded, unless it were glossed over, deprived of significance and reduced to a trivial piece of pyrotechnics. Obviously, if it were taken seriously, no society could accept it for a single instant. Indeed, those people who used to rate de Sade as a scoundrel responded better to his intentions than his admirers do in our own day¹⁵.

Those who admire de Sade as a model of transgression betray him. They turn transgression into a model. They rob de Sade's fantasies of the only thing that motivated them: their irredeemability, their irrecoverability. To turn them into a doctrine is to defeat them more resolutely than to police them by way of the taboo they serve.

Taboo thus requires transgression and transgression is only possible as the ultimate form of service and loyalty to the taboo. In order to transgress, you must sincerely, passionately believe in the taboo, and see the transgression as part of the way of honouring the taboo. Transgression thus cannot be preferred to taboo. They are necessarily a pair. Yet, taboo is not the governing logic here. It controls and restricts that which always drives to overwhelm it. The will to disrupt is inevitable and it is this drive to the limitless and to horror that Bataille sees as the essentially human. Violence represents something definitive to the human: «men have never definitively said no to violence», Bataille writes¹⁶. The limitless drive that inspires transgression is a drive towards a potentially limitless violence. This drive is the most essentially human quality. To Bataille, it is the will to sovereignty.

V

It is in the drive towards sovereignty that human beings most fulfil and defy their nature. «Sovereignty comes first», Bataille writes¹⁷. Without sovereignty, human beings would be locked in the discontinuous, workaday world of mundane calculation and safe husbandry. They would be merely human:

Humanity, oriented by prohibitions and the law of work since the beginning, is unable to be at once human, in the sense of being opposed to the animal, and authentically sovereign: for humanity, sovereignty has been forever reserved, as a measure of savagery (of absurdity, of childishness, or of brutality, even more rarely of extreme love, of striking beauty, of an enraptured plunge into the night)¹⁸.

Yet, human beings cannot merely settle for being human. They must be what they are most essentially, they must be human. In other words, in order to be human, we must reach beyond the human into what it is most

¹⁵ G. Bataille, *Erotism*, cit., p. 180.

¹⁶ *Ivi*, p. 62.

¹⁷ G. Bataille, *The Accursed Share: An Essay on General Economy*, Volumes 2 and 3, trans. Robert Hurley, New York 1993, p. 285.

¹⁸ G. Bataille, *The Unfinished System of Non-Knowledge*, cit., p. 194.

essentially, that which defies itself, the ridiculous, vital, brutal, animal human. It is this most human domain that most defies the human that Bataille understands as the sovereign.

As we have seen, according to Bataille, human beings have no choice but to live in a domain of segmentations, distinctions and rational calculations which separate them from the continuous stream of being out of which each identity is subtended. This separation segments the world into objects, each distinguished from one another and subject to control and use. This use reinforces the human immersion in the discontinuous by giving priority to the means and ends logic of narrowly defined purpose. However, at the same time, it reminds human beings of what distinguishes them from the world of mere objectivity. In isolating and using the object, the human learns of its own separation from the world of objectivity, that it is not an object but a user of objects. It both belongs to the world of objectivity and elsewhere. In belonging to the world, in manipulating it, it reaches into the beyond that lies within it, the beyond objectivity from which objectivity arises.

This beyond-within, to which the human reaches, is the zone of pure violence that we perceive through the radical disruptions offered by death and sexuality. It is the domain in which human calculations of safety, purpose and meaning are extinguished, where our concern for the future is overcome by an intense commitment to the present moment, a passionate disregard for consequences and any future. In this domain, there is no limit to what is possible, no definition to what is known and no constraint on what is felt and done. It is a domain of absolute liberty, the 'sovereign':

sovereignty is essentially the refusal to accept the limits that the fear of death would have us respect in order to ensure, in a general way, the laboriously peaceful life of individuals¹⁹. (Bataille, 1973, 221)

The domain of the sovereign is not merely a liberation or ecstasy, however. Its unrestraint carries the human over into the inhuman, and thus ruins any morality. It finds human expression in what is most unacceptable, most taboo, what no human society can accept:

Killing is not the only way to regain sovereign life, but sovereignty is always linked to a denial of the sentiments that death controls. Sovereignty requires the strength to violate the prohibition against killing, although it's true this will be under the conditions that customs define²⁰.

Killing another human is an act of sovereignty, which no society can tolerate, unless channelled into some putatively necessary purpose, as in war. The human is thus locked in contradiction with itself, and needs to find ways of dealing with its own violence. The violence of murder, especially sadistic murder, may exemplify sovereign liberation, but it can only be meaningful when ruthlessly condemned. Such violence may most realise

¹⁹ G. Bataille, *Literature and Evil*, trans. Alistair Hamilton, London 1973, p. 221.

²⁰ *Ivi*, p. 221.

the human drive to break the constraints that demean us, yet cruelty can only fulfil sovereignty in being excoriated. If it were not crime, if it were not savagely repressed by the social, it would no longer be sovereign. It would be mere indulgence or entertainment, self-fulfilment or art. This would degrade it by making it defensible. Sovereignty «must be expiated»²¹.

In its expansion into absolute possibility, sovereignty must be impossible. These feverish criminal acts that aspire towards sovereignty are not only to be condemned. They are also pale versions of what they reach for. In other words, what defines absolute possibility is its impossibility. Sovereignty is simply not livable. It is something that orients or draws our passion, even our self-definition, but at the same time, it is not something we can have or be:

The sovereignty to which man constantly aspires has never even been accessible and we have no reason to think it ever will be. All we can hope for is a momentary grace which allows us to reach for this sovereignty, although the kind of rational effort we make to survive will get us nowhere. Never can we be sovereign²².

Sovereignty can only flourish in being condemned. It confirms the taboo by transgressing it. The doom it invites by transgression only strengthens the taboo. Its violence must be violently suppressed. It does not reach beyond the human into another domain of freedom and higher meaning. It does not transcend the human. The sovereign act defies the human by reaching into that most essential part of the human that the human cannot accept. It should be unnecessary, because it can only lead to pointless savagery and destruction. The policing of our subjectivities in turn aspires to its complete erasure. It has to, yet at the same time, it will always fail to control the sovereign, even as sovereignty itself always and everywhere also fails. It cannot be reduced to zero, even as it savages itself. Indeed, Bataille draws attention to its self-destructive quality. «True sovereignty ... conscientiously effects a mortal destruction of itself», he writes²³.

Sovereignty defies death by immersing itself in it. It is that part of the human that is most divine, and our names for God are mere attempts to give it the content and meaning it does not allow itself to have. «Man needs sovereignty more than bread», Bataille writes²⁴. Yet, it is by definition a threat to itself. It cannot sustain itself or be sustained. It is this self-destructive quality of sovereignty that is most important in Derrida's account, to which we now turn.

²¹ *Ivi*, p. 30.

²² *Ivi*, p. 194.

²³ G. Bataille, *On Nietzsche*, trans. Bruce Boone, New York 1992, p. 96.

²⁴ G. Bataille, *The Unfinished System of Non-Knowledge*, cit., p. 161.

VI

As we have seen, for Derrida, the institutions of democracy only function in relation to a larger, more expansive and open-ended impulse towards an ever more open, free and just polis, a democracy-to-come that is not an achievable state or even a knowable ideal, but merely the possibility of an ever better political reality. There is a tension in democracy, therefore, because these two notions – the democratic state, on the one hand, and the democratic impulse, on the other – respond to different ethics: the former to the self-identity of the individual political agent, the citizen-subject; the latter to the undefined and indeterminate other. «[T]he ipseity of the One», Derrida writes, «remains incompatible with, even clashes with, another truth of the democratic, namely, the truth of the other, heterogeneity»²⁵. Democracy will always be riven by this tension between authority and open-ness, between «a principle of legitimate sovereignty, the accredited or recognised supremacy of a power or a force, a *kratos* or a *cracy*»²⁶ and the idea «that 'everything is allowed,' that 'anything goes'»²⁷. Democracy relies on a certain construction of the self-same, and thus of sovereign freedom, but this ipseity is in turn subject to an open-ness to the other, to being other and to change. Democracy is «that which from within it both affirms and defies the proper, the it-self, the selfsameness of the same»²⁸.

In both instituting and undermining the self-same, democracy is entangled with sovereignty. In its organisation, its need to be some political order somewhere, democracy must establish a sovereignty of the people, yet, if we take sovereignty in its classical definition, as we find it in Bodin, Hobbes and Rousseau, sovereignty is «indivisible»²⁹. It thus challenges the open-ness on otherness that is necessary to the democratic. It does not tolerate the threat open-ness will always represent to the established One. Derrida writes:

These two principles, democracy and sovereignty, are at the same time, but also by turns, inseparable and in contradiction with one another. For democracy to be effective, for it to give rise to a system of law that can carry the day, for it to give rise to an effective power, the *cracy* of the *demos* [...] is required. What is required is thus a sovereignty, a force that is stronger than all the other forces in the world. But if the constitution of this force is, in principle, supposed to represent and protect this world democracy, it in fact betrays and threatens it from the very outset, in an autoimmune fashion, and in a way that is [...] just as silent as it is unavowable. Silent and unavowable like sovereignty itself. Unavowable silence, denegation: that is always the unapparent essence of sovereignty³⁰.

²⁵ J. Derrida, *Rogues: Two Essays on Reason*, trans. Pascale-Anne Brault & Michael Naas, Stanford 2005, p. 14.

²⁶ *Ivi*, p. 12.

²⁷ *Ivi*, p. 21.

²⁸ *Ivi*, p. 37.

²⁹ *Ivi*, p. 75.

³⁰ *Ivi*, p. 100.

Sovereignty allows democracy to be established as a form of political authority. It protects it and defends it as the enactment of a type of knowable and defensible principle. Yet, at the same time, it constrains and threatens it, because sovereignty will always be seen as homogenising and thus constraining, as legitimising this, but disallowing that, as protecting some things but forbidding others.

Yet, what is revealed here is not only the tension within democracy, but within sovereignty itself. Sovereignty is itself riven by the same doubleness that makes democracy so unsettled. Sovereignty generates and establishes the self-same, but only in relation to the unconditionality that will always exceed it. The self-same only makes sense if it is somehow the scion of that which cannot be interrogated or known, that remains beyond the calculable and nameable. The mythology, the 'fable' of sovereignty, as Derrida calls it, is that sovereignty is indivisible, «like a god among men»³¹. Yet, this very language reveals something altogether more complicated, especially if we see gods as Bataille does. To Bataille, god is merely the name we use to cover or stabilise something much more volatile, plural and unfixed, something abyssal in fact. The abyss terrifies us, yet we are in thrall to its power, so we must find some way of reifying it, of turning it into something at least potentially knowable, even something we can personalise. God is the imaginary personality we substitute for the abyss, and to whom we cede abyssal powers of the absolute violence of unconditionality.

The simplicity and stability traditionally attributed to sovereignty perform the same function. It stabilises but never loses its wild, incontestable, unknowable and ultimately endless force. The self-same cites this force in its own claim to being beyond question, yet at the same time, any simplicity or self-identity is inevitably confounded by something that will always be dynamic and unfinished. This is the double-bind of sovereignty. It will always both stabilise and exceed. It is the impossible that makes possible. Even in its most literal political manifestations, it is in contradiction to itself. It is both identified with the law and beyond the law. It institutes the law and justifies it, yet remains unaccountable to it³². The reference here is, of course, to Schmittian sovereignty, to that which pronounces on the exception. The actions of this sovereign power do not need to be justified or explained. They rise from within the unsignifiable domain of unconditional authority. The law thus arises from an empty space. The god-like sovereign is the face we put on this empty space. What it conceals is not transcendental legitimacy, but an open-ness on the possibility of an endless violence. «There is no sovereignty without force, without the force of the strongest», Derrida writes³³. There is no democracy without sovereignty, and no sovereignty without violence. Democracy needs violence, but what is violence?

³¹ *Ivi*, p. 77.

³² See J. Derrida, *Rogues: Two Essays on Reason*, cit., p. 77.

³³ *Ivi*, p. 101.

VII

Is violence an opening or a closing? Does it operate by explosion or by constriction? Is it the energy of chaos or the rigour of constraint? If justice is the principle by which law or right (*droit*) reforms itself in the direction of open-ness and liberality, then justice can be read as that which allows the greatest consideration for the other. It seems most oriented towards inclusiveness and acceptance. Although *droit* forms in relation to it, it does so by resisting and withdrawing from it by formulating specific identities and limits that re-erect exclusions and thus what is unacceptable and to be condemned. The law may need its orientation towards the other as its fundamental ethos and ultimate justification. But *droit* cannot be mere open-ness. It must define. It must pin down demarcation points between what is and is not allowable. It must therefore withdraw from and spurn the orientation towards the other. It must remember open-ness only in order to forget or suspend it in taxonomy. In this way, justice disappears into a taxonomy of exclusion. *Droit* then operates by constraint. It reduces and traps.

A similar thing could be said in regards to the relationship between absolute and enacted hospitality. Practices of welcome, no matter how rigid or casual they are, rest on more or less formal regulation. Yet their ethos situates them in relation to a tendency towards absolute opening, the idea that the true orientation of hospitality is towards an absolute welcoming that would make no discriminations and open the door to anyone anywhere for any period of time, no matter who they are, without the need for them even to identify themselves. Absolute hospitality and justice, therefore, seem to represent the will to an inclusion so great, it would break any bounds between inside and outside to the point where exclusion (and thus, inclusion itself) would not even be definable. In this way, it would be *droit* and conditional hospitality, which by defining limits and inventing exclusion, repress and constrain, tightening their grip, ruling out, excluding. It would be the law then that would be violent, not justice. Justice would perpetually challenge the violence of the law by insisting it always re-open, that it reconsider its exclusions, expand its domain, continually and perpetually enfranchise and re-enfranchise indefinitely.

In Levinasian philosophy, this pattern appears in the relation between the same and the other. Any self-identity can only form in relation to something that precedes and exceeds it, of which it is inevitably a reduction, and that survives always and ever beyond it. This otherness forms the pre-condition in which any self-identity becomes possible. It is what makes the emergence of the thing possible, even though, in its endless drive towards what is greater than identity and definition, it defies the self-sameness of the thing. It undermines its self-assuredness and vanity by always recalling that which is both irreducible to thing-ness and also the only way thing-ness can ever be possible. For Levinas, this orientation towards otherness means that first-philosophy will always be ethics rather than ontology or epistemology.

Yet, the logic of self-identity can only operate by withdrawing from and defying this open-ness, by spurning it even though it is the only way by which self-identity can be possible. It thus consistently refuses or defies the other, always rationalising the explosiveness of otherness by plotting it onto systems of order that prioritise same-ness and self-identity. In Levinasian terms, the other allows the same but the same always reduces the other to its own terms. This reduction of the other to the same is the archetypal enactment of violence for Levinas. So dominant is the violent reduction of the other to the same that the recall of the otherness of the other occurs not as the most clear and obvious situation of our being, but as an occasional and surprising interruption of the texture of the world. The other penetrates and surprises. It is what Levinas calls the opening of the face in its nudity and vulnerability that suddenly, disruptively, brings otherness into our presence. The other opens its face, reminding us of what cannot be captured in the same. Violence captures, risks, excludes. It privileges a logic of finitude and completion which the face will always unsettle. The face offers the possibility of a heightened value beyond the constraints of authority, identity, system and order. Ethics would seem then to exclude violence.

In his paper, *Violence and Metaphysics*, Derrida raises a series of questions about this exclusion of violence. He contrasts Levinas's discourse of the other with Husserl's. In Husserl, even the infinitely other must be allowed to enter into the practice of phenomenology. Even as a nonphenomenon, it must become a phenomenon in order for us to talk of it. Derrida writes:

By acknowledging in this infinitely other as such (appearing as such) the status of an intentional modification of the ego in general, Husserl gives himself the right to speak of the infinitely other as such, accounting for the origin and legitimacy of his language. He describes the phenomenal system of nonphenomenality³⁴.

Levinas, on the other hand, cannot recognise the infinitely other even as a nonphenomenon within the operation of the phenomenological ego because this would already locate the other within the domain it must precede. Furthermore, this domain is ineluctably violent in its inclusion of the other within itself, the reduction of the other to the same:

Levinas in fact speaks of the infinitely other, but by refusing to acknowledge an intentional modification of the ego – which would be a violent and totalitarian act for him – he deprives himself of the very foundation and possibility of his language³⁵.

The very language within which Levinas's discourse is unfolding is itself impossible, on Levinas's own terms, therefore. The discussion of the infinitely other is unfolding in a discourse that Levinas asserts excludes

³⁴ J. Derrida, *Violence and Metaphysics*, in *Writing and Difference*, trans. Alan Bass, London 1978, p. 125.

³⁵ *Ibid.*

the infinitely other. The consequence of this, to Derrida, is that Levinas's discourse is unfolding in a domain of discourse it denies. How can even the discursive phrase "infinitely other" emerge if not in the discourse the infinitely other is supposed to precede and that abolishes it by capturing it violently in the discourse of the same? The violence of even Levinas's gesture must be acknowledged:

To return, as to the only possible point of departure, to the intentional phenomenon in which the other appears as other, and lends itself to language, to every possible language, is perhaps to give oneself over to violence, or to make oneself its accomplice at least, and to acquiesce [...] to the violence of the fact³⁶.

The violence cannot be simply over-ridden. It is immanent to the discourse. We cannot know or inhabit the place prior to it. Violence is always already there. It is «an original, transcendental violence, previous to every ethical choice». It is «even supposed by ethical nonviolence». It is a «preethical violence»³⁷.

Ethical nonviolence pre-supposes a violence it cannot finally preclude. The claim that it is the reduction of the other to the same that introduces violence founders on the acknowledgment of a violence that cannot be preceded. The opening on the nonviolence of the infinitely other already assumes violence. Violence and nonviolence are always already imbricated in one another in an «economy of violence [...] violence against violence»³⁸. The first victim of this economy is of course the absolute nonviolence of the infinitely other, which now cannot even be spoken of outside of a domain already irredeemably violent. Yet, the absoluteness of the Bataillean sovereign abyss is also lost in this economy of violence. Nonviolence can never be banished completely from this economy, nor can violence be singular, pulling in one direction towards exultation or our total disappearance. The violence that pulls towards the abyss is threaded through with the violence of straitening and purpose. The violence of reduction and meaning draws into itself the energy of possible explosions. Not only is Gilles de Rais abominable because he violates our deepest taboos about murder and children, but because the sovereign heroism he could be imputed to enact is always itself weakened by panic and belief. The violence of exultation expands beyond what might be possible into a freedom of absolute criminality but only by entering into a domain mapped by inherited charms and the fantasy figures of superstition, pseudo-science and credulity. In his wild transgression, Gilles de Rais is also a fool. His sovereign violence is staged in a world of petty spirits and false idols, where the great lord is conned by false philosophers and failed priests. The great warrior will believe any petty fancy and indulge any shallow whim. The wild superhuman extravagance of his theatre rests on a few silly falsehoods to

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ivi*, p. 117.

which he cleaves like a gullible child. His wild freedom feeds off shallow panic, simple-minded superstitions, petty violences that both feed and undo his great violence. His great violence has no choice but to unfold as a series of small-minded cruelties and fanciful games. No matter how cruel he is, his extreme acts are ultimately absurd. Gilles and de Sade: no matter what can be said about their daring, their contempt for rule and their exposure of themselves to true danger, nothing will ever make them less than ridiculous, even in their scorn for law, even in their great criminality, they will never not be a joke. Violence both opens and closes in one and the same double event.

VIII

And yet, this language is too simple, too redolent of paradox, of the simple entwining or blending of those things we do not expect to see together. Sovereignty, to Derrida, explains the double relationship between unconditionality and ipseity: how a thing can be instantiated at the behest of that which will always overwhelm and threaten it, how the very event of individuality is both a specification and an opening on the wonderful and dangerous abyss of the impossible. Each of the instances with which we began our discussion – the relationship between *droit* and justice, between democracy and democracy-to-come, and between conventional and absolute hospitality – is a version of this larger logic. Yet, sovereignty is, above all, an economy of violence, a violence against violence, the violence of the reduction and specification which strangles the other pitted both within and against the violence of the ever self-violating openness on what is greater. Within the opening of the other, the violent straitening of specification itself always also opens, and within this specification, openness itself looms, ready to explode, even if in its explosion it brings not only the opening (of the ethical) but the always fore-running violence of the pre-ethical, thus always already entangling ethics in violence. As we have seen with the case of Lot, the act of specific hospitality reaches into itself to find its ever-enlarging principle, yet in this expansiveness it seeks within itself, a horrible violence is licensed, to be suffered horrendously, by real, specific people, in the context, the most vulnerable people: powerless young girls.

Droit too enacts violences in the name of the justice to which it reaches. Justice is not soft. It can be the liberal call to reform, but it can be the call to totalitarian revolution as well, of a justice that is to be absolute. It can be a call to law and order, and the absolute regimentation of social behaviour, the insatiable rigours of normality. Like sovereignty, it has the potential to go on forever, but it too will always find specific terms by which to apply itself: on kulaks, blacks, landlords, Jews. It is in *droit*'s look into the very principle of the justice that is in fact *droit* itself that it finds the self-violating justification for being always greater than itself. This leads it to hunt for possible applications ever more enthusiastically, and the people

who become the point of its application must come from somewhere. They must be chosen somehow.

Democracy too is a license to violence in the name of its ever greater institution of itself. Democracy is insatiable, and self-justifying. There can never be too much of it. It operates forever as a great reservoir of justifications. We are used to thinking that this is either simple ideology, in the Althusserian sense, or populist PR. Who knows the motives of those who espouse democracy? Who knows how sincere they may be? But that is irrelevant. Democracy provides them with a resource that licenses violence. They simply use it.

Yet, of course, to simply draw attention to this is not sufficient. The open-ness to the other may be violent, but, even in its violence, it is also the possibility of generosity. The instantiation of the self-same may constrict and strangle, yet nothing happens without it. Besides, why talk like this? There is no choice involved. We can't choose between the violence of unconditionality and the violence of ipseity. They are not in any way alternatives. They are two and the same. What this argument shows is that the open domain of otherness and that of specification cannot be separated. Normally, the answer to the question of how these insights can be enacted in the real world is by recourse to the Derridean account of decisionism. It is the decision that is the specific enactment of the Derridean awareness of otherness as a form of unconscious agency. Yet, the decision is not made in the abstract. The decision is a decision, made in specific circumstances at a specific time in response to specific facts and events. It must be open to the ever expansive, hopeful, dangerous abyss of otherness. If it were not open in this way, as Derrida reminds us repeatedly, it would not be a decision. It would be the mere application of a program, what he calls «calculation». Yet, it must also respond to specific circumstances and events, a specific situation. It cannot just be any decision, for its own sake. It must be the right decision. Otherwise, taking on the responsibility to decide is mere formalism or self-dramatisation. How do you make the right decision? It is never going to be enough to say dismissively that the particular circumstances in which the decision has to be made will allow us to know what is the right decision, and will let us know how it is appropriate to act. In order to be responsible, the decision must aim to be not only an act, but also, and more importantly, it must aim to be the right act. How do you make the right decision? The right decision must always rely on earlier or further decisions – what are the circumstances? how can I really be sure what they are? who is involved? what will the consequences be? am I just acting out unquestioned assumptions? what is to be done? – all these decisions are either subsumed in any particular event or decision, or follow on from it ad infinitum. There is no single decision. Decision extends within and beyond decision forever. Derrida often seems rhetorically satisfied by the heroism of the decision, its openness to otherness, the subject's putting of itself at risk, by the taking on of responsibility, but the problem doesn't end there. Like the future, it doesn't end anywhere.