

Freewheeling Democracy as an Impossible Figure in Jacques Derrida*

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1 Trespassing(s)

September 11th, 2001. It is difficult to doubt that on that day something happened that was destined, in all likelihood, to determine a change of epoch, a shift of paradigm: 'And so, the twenty-first century finally begins' (Auster 2003: 88). Yet, actually, it is not easy to explain why: it is as if, still today, we could not find the right words to give sense to that horror, in real time, before our eyes.

All right, for the first time, since 1812, the United States were under attack on their territory; for the first time the barbarians managed to strike at the heart of the Empire (Chomsky 2001). But certainly this is not sufficient to explain the 'terror'. And least of all, the numbers of deaths occurred on that day: all things considered, those numbers are few if compared to the children that every day starve, also - in some sense - before our eyes.

The question is different: on that morning, together with the *Twin Towers*, something *else* fell – once forever. What? The already precarious conceptual 'architecture' that would have allowed us to talk about that event, to attribute a meaning to those images. In other words, what fell

on that morning is a conceptual system that for centuries had rested on clear and unambiguous distinctions, all shaped around the belief that there were borders, both territorial and conceptual: I refer to those borders that would allow to distinguish private from public, town center from suburbs, peace from war, exception from norm, disorder from order. And – most importantly – that would distinguish external from internal dimensions.

All this, is now over. On that morning, in New York, the very concept of ‘border’ has lost its meaning and contents: that concept, ‘border’, which had constituted the founding and first element of all Western civilization, at least of all civilization stemming from the Latin culture (Eco 2001: 3). We definitely entered the time of the ‘nets’, in other words.

After all, from a ‘structural’ point of view, global terrorism does not differ from multinational corporations, or from NGOs. On the contrary: the explanatory horizon is exactly the same. And its name is, indeed, ‘globalization’. An ugly word, of which there is large abuse in public discourse, and yet we cannot help but use it. And the horizon of globalization is, indeed, an horizon without an external section, with no edges or limits, where everything is inside everything else.

Now, whether we like it or not, a long time after that deadly day, this remains the news we are confronted with if we aim at understanding our present time. We still have to look for the right words. Or maybe, more simply, we have to recognise the necessity to build new concepts. And (also) for this reason it is important to read again, today, what Jacques Derrida wrote in the aftermath of September 11th. Nobody better than him, in fact, has understood – right away – what was at stake.

2 Behind the mirror

In the gap between the need for universalisation that characterises every discourse and its inevitable debacle, a structurally aporetic experience takes shape. Any attempt to resolve the contradiction that runs through the functioning of language is indeed doomed to failure, for the simple (and basically Kantian) reason that we cannot in any

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way *speak* of the totality and yet we *must* do so. What comes into play is a sort of 'practice of finitude': a finite being's need to think of infinity inevitably leads to a paradox that reason ought to 'inhabit', not 'resolve'. In this way, in Derrida's work the aporia becomes a real source of discourse, or more precisely, to use a suitable expression by André Berten and Jacques Lenoble, a 'logical operator of any production of meaning' (Berten, Lenoble 1996: 27). This appears particularly evident when, following Lévinas, Derrida states that the lack of criteria capable of guiding the determination of unconditional hospitality does not constitute a *défaillance* of ethics, but its condition of (im)possibility.

Without the experience of aporia, there would be no decision or responsibility, writes Derrida:

Aporia, rather than *antinomy*: the word antinomy imposed itself up to a certain point since, in terms of the law (*nomos*), contradictions or antagonisms among equally imperative laws were at stake. However, the antinomy here better deserves the name of aporia insofar as it is neither an 'apparent or illusory' antinomy, nor a dialectizable contradiction in the Hegelian or Marxist sense, nor even a 'transcendental illusion in a dialectic of the Kantian type,' but instead an interminable experience. Such an experience must remain such if one wants to think, to make come or to let come any event of decision or of responsibility (Derrida 1993: 16).

This is a logical consequence of the recognition of the impurity of the origin: if the origin is always *different* and *differentiating*, any attempt to 'comprehend' it, in order to subordinate action to knowledge, is destined to fail. In other words: reason needs its 'other' and can in no way, therefore, be based on itself.

Here Derrida's critique of all the 'philosophies of reflection' – in their transcendental–Kantian versions as well as in the speculative–Hegelian ones – seems truly radical: there is nothing more illusory than the hope that philosophical discourse may find its own foundation in itself. And it is on this critique that I wish to draw the attention, focusing on its developments in terms of legal and political discourse. As Rodolphe Gasché has clearly pointed out, in fact:

The dominant misconception of Derrida is based on the confusion by many literary critics of deconstruction with reflexivity. Reflection and reflexivity, however, are precisely what will not fit in Derrida's work – not because he would wish to refute or reject them in favor of a dream of immediacy, but because his work questions reflection's unthought and thus the limits of its possibility (Gasché 1986: 5–6).

Reflection's unthought: *this* is at stake in deconstruction. Still, as Gasché himself does not fail to point out, it is through reflection that Derrida intends to show the limits of the philosophical discourse. Indeed, one could almost say that deconstruction itself is nothing but an *effect* of the reflexivity that structures any discourse, whether it is 'philosophical' or not. Incidentally, this might be one of the reasons why this practice is not easy to adopt: it is writing within writing, a continuous folding of the discourse onto itself that aims, however, to unceasingly show the conditions of its own (im)possibility. Indeed, the point is precisely this: not to criticize, from the outside, philosophy's claim of finding an absolute foundation or some kind of unity of discourse in itself, but to carry out a patient and rigorous analysis of the conditions of the (dis)functioning of this claim.

From this point of view, reflection and reflexivity will always be found in deconstruction. Almost as if Derrida did nothing but, ultimately, talk about himself, or better: of *himself* or of whatever *ipse* – *therefore of the other*. In fact, as suggested by the well-chosen title of Gasché's work – expressly dedicated to framing deconstruction within the categories that have made the history of philosophical thought¹ – the goal is indeed to think the 'unthought' of reflection. In short, the point is to ask what's behind the mirror. And the answer is simple: behind the mirror there is just *the Tain of the Mirror*.² A side that cannot be seen – that must not be seen – so that the mirror can actually work. Metaphors aside: in order for the process of reflection to be realized, it is necessary to maintain an 'external' element which, however, ends up being a structural condition of (im)possibility of its 'interior', of its circular closure.

The theme of the co-implication between exterior and interior

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runs through Derrida's entire work. We find it, for example, in the return to oneself that seems to be a condition of possibility of the very constitution of cultural identity:

The property of a culture is not to be identical to itself. Not to have no identity, but rather not to be able to identify, to say 'I' or 'we', to be able to take the subject form only in non-self-identity or, if you prefer, in self-difference. There is no culture or cultural identity without this difference-*with-itself*. The syntax is strange and quite violent: '*avec soi*' also means '*chez soi*' (*avec* is '*chez*', *apud hoc*). In this case, the difference from itself, that which differs and is discarded from oneself, would also be a *difference (from) with itself*, an internal difference irreducible to the '*chez soi*'. Which would gather and also, irreducibly, divide the semantic and domestic fire of the '*chez soi*'. In reality, it could only gather it, relating it to itself, by opening it up to this gap. (Derrida 1991: 14).

This passage is found in a text dedicated to the question of European identity in which Derrida rereads some of Paul Valéry's works. However, he hastens to point out:

The same is true, inversely or reciprocally, for any identity or identification: there is no relationship to oneself, no identification with oneself, without culture, but culture of the self *as* culture of the *other*, culture of the double genitive and of difference from oneself. The grammar of the double genitive also notifies that a culture never has one single origin. Monogenealogy would always be a mystification in the history of culture. (Derrida 1991: 14)

Today, in the aftermath of a not-fully-overcome debate on the appropriateness of inserting a reference to supposed 'originally' Christian roots in the European Constitution – not to mention the current resurgence of various localisms and nationalisms – this observation provides some food for thought. Such an elucidation – by the way – could lead to reflect, rethinking about the debate on the opportunity of inserting – in the European Constitution – a reference to the presumed and 'original' Christian roots which were (at the time) at the core of the public debate, not to mention the persistent upsurge of localisms and the nationalist waves we are currently witnessing. And

it is to answer such 'temptations' that Derrida formalizes an imperative destined to assume structurally aporetic traits:

In fact, the injunction divides us, always makes us wrong or faulty because it doubles the *ought*: we ought to be the guardians of an idea of Europe, of a difference of Europe, *but* of a Europe that consists precisely in not closing up in its own identity and in coming forth exemplarily towards what it is not. (Gasché 1986: 25) In short, we ought to: '*invent another gesture*, a long gesture indeed, which presupposes memory precisely to confer identity starting from otherness (Derrida 1991: 25).

This is, therefore, once again, the keystone of the theoretical practice that takes the ugly name of 'deconstruction': identity is always constituted starting from otherness, which does not lend itself in any way to be reread under the homologating form of 'negation'. This otherness, in fact, structurally and unceasingly escapes any attempt at dialectic reappropriation, and is radically heterogeneous with respect to that identity of which it constitutes a condition of (im)possibility. Just like the *Tain of the Mirror*, indeed. Moreover, it has already been recalled in Derrida's reading of Austin: if it is true that there is no identity without reflection, it is also true that there is no reflection without *repetition*, therefore without *alteration*, without the arrival of the other in the heart of the same. Thus, we come back to the question of time: the 'future' affects any identity that claims to be constituted, reflexively, as purely and simply 'present'. This means that the revolution, understood as a reflective and circular return to an alleged origin, is structurally impossible, unless it is re-read, in the form of ellipsis, as forever 'to come'. Like democracy: at least the democracy 'invented' by Derrida.

3 The ellipsis of democracy

'The democracy to come: it is necessary that it give the time there is not' (Derrida 2005: 1). With this curious statement, written in italics, Derrida opened a conference in Cerisy-la-Salle on July 15, 2002, on the occasion of a conference dedicated to him, directed and moderated

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by Marie–Louise Mallet. The title of the conference was: ‘Democracy to come (notes on the thought of Jacques Derrida)’. The title of the paper was: ‘The Reason of the Strongest (Are there Rogue States?)’ (Derrida 2005). It’s an ‘elliptical’ phrase, says Derrida. And it is this ellipsis, a figure *without focus* (or with *more than one focus*), that allows him to introduce the question of democracy: ‘democracy perhaps has an essential affinity with this turn or trope that we call the ellipsis’ (Derrida 2005: 1).

What is at issue in these pages is the ‘turnabout’ of democracy, therefore its structurally circular, rotatory or ‘reflexive’ character:

... it seems difficult to think such a desire for or naming of democratic space without the rotary motion of some quasi–circular return or rotation toward the self, toward the origin itself, toward and upon the self of the origin, whenever it is a question, for example, of sovereign self–determination, of the autonomy of the self, of the *ipse*, namely, of the one–self that gives itself its own law, of autofinality, autotely, self–relation as being in view of the self, beginning by the self with the end of self in view – so many figures and movements that I will call from now on, to save time and speak quickly, to speak in round terms, ipseity in general (Derrida 2005: 8).

It is the functioning of this ‘wheel’ – structurally constitutive of the concept of democracy itself, according to Derrida, at least within the tradition we have inherited – that the two conferences gathered in *Rogues* intend to analyze in terms of its conditions of possibility, and therefore of impossibility. Derrida specifies it in the very first pages of the preface: ‘the intersection of repetition and the unforeseeable [...] turns out to be the most insistent theme of this book’ (Derrida 2005: xii). In short, the point is to think the unthought of democracy: the unforeseeable, precisely, the unpredictable that the reflection of the concept would like to exclude from its domain, constituting itself as merely circular, but which – *de facto* – ends up obsessing it from within – like a ‘spectre’. Just like the phantom of difference, juridically and politically themed by Derrida already in *Specters of Marx*, it crosses and fractures any sovereign power of self–determination and all the autonomy of any subject who claims to constitute himself as merely

and simply present to himself.

But to go deeper, Derrida himself invites us to take a long ‘excursion’, if only because these two conferences gathered in *Rogues* seem to have a much wider scope, taking cue from an issue that unfortunately is still very relevant: that of ‘rogue states’, indeed, and of the possibility – or better, impossibility, of properly defining this strange concept.

The word *voyou* has a history in the French language, and it is necessary to recall it. The notion of an *État voyou* first appears as the recent and ambiguous translation of what the American administration has been denouncing for a couple of decades now under the name ‘rogue state,’ that is, a state that respects neither its obligations as a state before the law of the world community nor the requirements of international law, a state that flouts the law and scoffs at the constitutional state or state of law [*état de droit*].³

A ‘09/11’

I have already mentioned this, in fact, but perhaps it is appropriate to repeat it: the subtitle of the first conference gathered in *Rogues* takes the form of a question: ‘Are there rogue states?’. And Derrida’s answer, though at the end of a long ‘excursion’ that we ought to retrace with due attention, is clear: ‘Yes, yes there are, but always more than one thinks and says’ (Derrida 2005: 102). The reason is simple:

As soon as there is sovereignty, there is abuse of power and a rogue state. Abuse is the law of use; it is the law itself, the ‘logic’ of a sovereignty that can reign only by not sharing. More precisely, since it never succeeds in doing this except in a critical, precarious, and unstable fashion, sovereignty can only *tend*, for a limited time, to reign without sharing. It can only tend toward imperial hegemony. To make use of the time is already an abuse – and this is true as well for the rogue that I therefore am. There are thus only rogue states. Potentially or actually. The state is voyou, a rogue, roguish. There are always (no) more rogue states than one thinks (Derrida 2005: 102).

If this is true, the consequence, at this point, seems obvious: if there are only rogue states, this means that there are no rogue states: ‘Every

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sovereign state is in fact virtually and a priori able, that is, in a state [*en état*], to abuse its power and, like a rogue state, transgress international law. There is something of a rogue state in every state. The use of state power is *originally* excessive and abusive' (Derrida 2005: 156).

These are harsh words, unusually 'straight' for Derrida. Words that lead him to refer to and agree with the ruthless analysis made by Noam Chomsky:⁴

the most roguish of rogue states are those that circulate and make use of a concept like 'rogue state,' with the language, rhetoric, juridical discourse, and strategico-military consequences we all know. The first and most violent of rogue states are those that have ignored and continue to violate the very international law they claim to champion, the law in whose name they speak and in whose name they go to war against so-called rogue states each time their interests so dictate. The name of these states? The United States (Derrida 2005: 96).

However, in line with his typical strategy, it is not so much this explicit position that interests Derrida – a position to which he nonetheless dedicates much space, reconstructing in detail the most significant occurrences of the expression 'Rogue States' in American diplomatic and geopolitical language, at least since Clinton.⁵ Rather, Derrida's wish is that of 'rendering useless the meaning and range of the word *rogue*' (Derrida 2005: 103). In short, the point is 'to do away with this appellation and circumscribe its epoch, to delimit the frequent, recurrent, and compulsive recourse that the United States and certain of its allies have had to it' (Derrida 2005: 103).

The thread of argumentation can be summed up in a word: the expression 'Rogue States' began to spread precisely when, strictly speaking, it could no longer be used. 9/11, in fact, was the worldwide demonstration of something that had been going on for some time, at least since the end of the so-called 'Cold War': the conclusion of an era in which the expression 'Rogue States' could still claim to have some meaning: 'Along with the two towers of the World Trade Center, what has *visibly* collapsed is the entire apparatus (logical, semantic, rhetorical, juridical, political) that made the ultimately so reassuring

denunciation of rogue states so useful and significant' (Derrida 2005: 103). But what is it that 9/11 made *visible* to everyone? What became so tragically clear on that day? Regardless of everything else, of all that has been said, this is Derrida's answer: 'This overwhelming and all-too-obvious fact: after the Cold War, the absolute threat no longer took a state form' (Derrida 2005: 104).

It is important to repeat this: that morning, along with the Twin Towers, what has also collapsed – perhaps once and for all – is the already wobbly conceptual architecture that would have allowed us to give meaning to those images. Moreover, as Derrida pointed out in an interview with Giovanna Borradori, it is certainly not a coincidence that we continue to talk about what happened on September 11, 2001 by referring to a date, to a simple figure:

Le 11 septembre, September eleventh, 11 settembre: in the end, we do not know exactly what we are saying or what we are referring to. The brevity of the denomination (September eleventh, 9/11) does only not answer an economic or rhetorical necessity. The telegram of a metonymy – a name, a digit – reveals the ineffable by recognizing that we do not *acknowledge* it: perhaps we do not even *know* it, we still do not know how to speak of it, we do not know what we are talking about. (Borradori 2003: 94)

On that day, in real time, a crisis has emerged. The crisis of an architecture that for centuries has been based on the central function of the Nation–State, which had guaranteed clear and univocal distinctions, both spatial and conceptual. Such an architecture seems to be, by now, 'off-key', incapable of grasping the essence of contemporary reality, and, as well, incapable of representing and defining all those clear and univocal distinctions that had been guaranteed by the Nation–State. It is the very concept of 'globalization', after all, that marks the crisis of the concept of border, and with it the possibility of keeping the inside separate from the outside. 'Globalization' is a concept whose 'meaning' lies precisely in not recognizing its borders. Everything is inside everything else. That is to say: between inside and outside there is no opposition, but an inevitable co–implication.

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The cold war, i.e. the threat of war, could be contained within the cold calculations of strategic game theory, but today this is no longer possible. And the reason is simple, although far from reassuring: the absolute threat no longer has a state form: the absolute threat does no longer (simply) come from a state, albeit 'rogue'.

Such a situation rendered futile or ineffective all the rhetorical resources (not to mention military resources) spent on justifying the word *war* and the thesis that the 'war against international terrorism' had to target particular states that give financial backing or logistical support or provide a safe haven for terrorism, states that, as is said in the United States, 'sponsor' or 'harbor' terrorists. All these efforts to identify 'terrorist' states or rogue states are 'rationalizations' aimed at denying not so much some absolute anxiety but the panic or terror before the fact that the absolute threat no longer comes from or is under the control of some state or some identifiable state form. It was thus necessary to dissimulate through this identificatory projection, to dissimulate first of all *from oneself*, the fact that nuclear arms or weapons of mass destruction are potentially produced and accessible in places that no longer have anything to do with a state. Not even a rogue state (Derrida 2005: 105-6).

This is the root of terror: it is terror of a threat yet to come. For this reason, underlines Derrida, the trauma of 9/11 seems destined to 'remain traumatizing and incurable: because it comes from the future' (Derrida 2005: 104). The same desperate and despairing attempt to identify some rogue states, as well as the persistent use of 'moribund' concepts and dichotomies that have had their day, first of all that between war and terrorism – the same dichotomy by which the very expression 'war on terrorism' would end up taking on the traits of a curious oxymoron – are nothing but attempts to 'rationalize' this terror, to understand it and give it some meaning. But these attempts end up denying the ultimate root of this terror: precisely the fact that the absolute threat is today fully outside of the control of States, whose origins revolved around the supposed (and reassuring) monopoly of the exercise of force.

Rationalizations and denegations: this is what is at stake in trying

to identify and hit alleged rogue states. Also, this is what is at stake in refusing to recognize the fact, inscribed in the logic of the concept of 'sovereignty', that every state, as such, is 'rogue'. And these illusory 'rationalizations', according to Derrida, are what we ought to distrust, assuming, so to speak, the task of reasoning with reason. After all: 'to make its ipseity see reason, it must be reasoned with. A reason must let itself be reasoned with' (Derrida 2005: 159). In short, Derrida writes,

it is a matter of thinking reason, of thinking the coming of its future, of its to-come, and of its becoming, as the experience of what and who comes, of what happens or who arrives—obviously as other, as the absolute exception or singularity of an alterity that is not reappropriable by the ipseity of a sovereign power and a calculable knowledge (Derrida 2005: 148).

Here we see once again the theme of hospitality and justice understood as the opening up of a present that claims to be constituted *qua* reflexively closed in itself. In *Rogues*, this theme is re-declined in terms of a distinction between sovereignty and unconditionality, which Derrida himself considers difficult and fragile:⁶

I consider it scarcely possible yet essential, indispensable – even an ultimate lever. When it comes to reason and democracy, when it comes to a democratic reason, it would be necessary to distinguish 'sovereignty' (which is always in principle indivisible) from 'unconditionality.' Both of these escape absolutely, like the absolute itself, all relativism. That is their affinity. But through certain experiences that will be central to this book, and, more generally, through the experience that lets itself be affected by what or who comes [*(ce) qui vient*], by what happens or by who happens by, by the other to come, a certain unconditional renunciation of sovereignty is required a priori. Even before the act of a decision (Derrida 2005: xiii-xiv).

We have already mentioned this: according to Derrida, the decision – therefore especially the 'sovereign' decision – exceeds and *must exceed* any 'knowledge' and any 'subject' who claims to reflexively constitute its identity on such knowledge. Hence the appeal to a sort of 'passive decision': a decision intended as the decision *of the other*, and not of a

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subject that would allegedly own it. In short: a 'theory of the subject' is incapable of accounting for decision, argues Derrida, because it domesticates the unconditional nature of the future by reducing it to the terms of a simple *present future*. And it is precisely to avoid this risk that, according to Derrida, we must try to dissociate 'sovereignty' from 'unconditionality'. This attempt, in fact, presupposes that 'we think at once the unforeseeability of an event that is necessarily without horizon, the singular coming of the other, and, as a result, a *weak force*' (Derrida 2005: xiv).

B The broken circle

It is therefore a matter of thinking the unthought of reason, of sovereignty and of democracy: a 'weak force', in fact. Or, rather, the impossible possibility of an event to come, capable of exceeding the mastery of any subject and of any conventionally constituted authority. Hence, a call that Derrida addresses to reason:

the call for a thinking of the event *to come*, of the democracy *to come*, of the reason *to come*. This call bears every hope, to be sure, although it remains, in itself, without hope. Not hopeless, in despair, but foreign to the teleology, the hopefulness, and the *salut* of salvation. Not foreign to the *salut* as the greeting or salutation of the other, not foreign to the *adieu* ('come' or 'go' in peace), not foreign to justice, but nonetheless heterogeneous and rebellious, irreducible, to law, to power, and to the economy of redemption (Derrida 2005: xv).

Of course, the task is difficult, as Derrida never ceases to point out. So difficult, that it requires the invention of a new concept, an impossible invention *of the impossible*, perhaps within the very name (and in the name) of 'democracy'. Distinguishing sovereignty from unconditionality means, in fact, dissociating democracy, in its radical unconditionality, from the self-reflective circularity that structures the proper domain of politics and of the sovereignty of reflection itself. In a word: 'The democratic is possibly impossible, and the political possibly possible' (Derrida 2005: 46).

Unlike politics, and unlike the reflection that distinguishes the

logic of autonomy, democracy should name the unnamable: the *event*, the arrival of the impossible in the heart of the possible. Its invention therefore requires rethinking the concept in the light of the fact that the present is out of joint, something that runs through the power originally inscribed in the very heart of *ipseity*:

Before any sovereignty of the state, of the nation–state, of the monarch, or, in democracy, of the people, ipseity names a principle of legitimate sovereignty, the accredited or recognized supremacy of a power or a force, a *kratos* or a *cracy*. That is what is implied, posed, presupposed, but also Imposed in the very position, in the very self-, or autopositioning, of ipseity itself: everywhere there is some oneself, the first, ultimate, and supreme source of every ‘reason of the strongest’ as the right [*droit*] granted to force or the force granted to law [*droit*] (Derrida 2005: 46).

If the self-positioning of the self involves the circularity or ‘roundness’ proper to the reflective return of the self to itself, Derrida’s challenge lies in thinking the unthought of this ‘wheel’: the exceeding concept that constitutes its condition of (im)possibility. In short, it is a question of thinking *ipse* no longer starting from the self, but starting from the other. The ellipsis thus takes the place of the circle: no return to oneself is possible here, simply because the very constitution of *ipseity* does not revolve around a single, immobile, pivot. Therefore: if sovereignty is circular, or at least claims to be such, democracy is (or must be) structurally elliptical. And as such it is literally unrepresentable.⁷ What distinguishes it is precisely the lack of ‘proper meaning’:

For what is lacking in democracy is proper meaning, the very [*même*] meaning of the selfsame [*même*] (*ipse*, *metipse*, *metipsissimus*, *meisme*), the it–self [*soi–même*], the selfsame, the properly selfsame of the it–self. Democracy is defined, as is the very ideal of democracy, by this lack of the proper and the selfsame (Derrida 2005: 37).

After all, Derrida notes: ‘Plato already announces that ‘democracy’ is, in the end, neither the name of a regime nor the name of a constitution. It is not a constitutional form among others’ (Derrida 2005: 26).

The basis of democracy, if anything, is freedom – even Plato’s

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excessive freedom, or license pure and simple:

Before even determining *demo-cracy* on the basis of the minimal though enigmatic meaning of its two guiding concepts and the syntax that relates them, the people and power, *demos* and *kratos* – or *kratein* (which also means ‘to prevail,’ ‘to bring off,’ ‘to be the strongest,’ ‘to govern,’ ‘to have the force of law,’ ‘to be right [*avoir raison*]’ in the sense of ‘getting the best of [*avoir raison de*]’ with a might that makes right) it is on the basis of freedom that we will have conceived the concept of democracy. This will be true throughout the entire history of this concept, from Plato’s Greece onward (Derrida 2005: 22).

This freedom, however – Derrida notes immediately after – is traditionally thought of as yet another figure of the sovereignty of the *ipse*:

Whether as *eleutheria* or *exousia*, this freedom can of course always be understood as a mere figure, as another figure, turn, or turn of phrase for power (*kratos*). Freedom is essentially the faculty or power to do as one pleases, to decide, to choose, to determine *oneself* to have self-determination, to be master, and first of all master of one order self (*autos, ipse*). [...] There is no freedom without ipseity and, vice versa, no ipseity without freedom—and, thus, without a certain sovereignty (Derrida 2005: 22-23).

To free democracy from the order of political discourse, by dissociating sovereignty from unconditionality, it is therefore necessary to think differently about freedom itself. It is necessary to question its link with force, power and mastery, rethinking it rather as conceptually exceeding, immeasurable and irreducible to the reflective circularity of the *ipse*, and therefore as radically ‘unconditional’:

First it should be noted that if this freedom, between *eleutheria* and *exousia*, seems to characterize social and political behavior, the right and power of each to do what he or she pleases, the faculty of decision self-determination, as well as the license to play with various possibilities, it presupposes, more radically still, more originally, a freedom of play, an opening of indeterminacy and undecidability *in the very concept* of democracy, in the interpretation of the democratic (Derrida 2005: 25).

After all, it is precisely this semantic indetermination lurking in the very heart of its concept – ‘freewheeling’, as Derrida says – that characterizes the history of democracy.

Thus, while for Tocqueville the actual realization of democracy in America implied a sort of circular identification of the cause with the end, democracy as Derrida understands it ends up exceeding this circular closure, resulting literally *unpresentable* (Derrida 2005: 13), and is destined to remain such because its concept exceeds the dimension of the *present*. For this reason, writes Derrida: ‘it is perhaps a question here of an essence without essence that, under the same name, and through a certain concept, would have no aim. It would thus be a matter of a concept without concept’ (Derrida 2005: 32). The proper meaning of democracy, in other words, lies in the *renvoi*, in the deferral of the present of a power that claims to be constituted in a purely reflective way, just like *différance*:

This *renvoi* of democracy is thus still very much related to *différance*. Or if you prefer, this democracy as the sending off of the putting off, as the emission of remission [envoi du renvoi], sends us or refers us back [renvoi] to *différance*. But not only to *différance* as deferral, as the turn of a detour [tour du detour], as a path that is turned aside [voie détournée], as adjournment in the economy of the same. For what is also and at the same time at stake – and marked by this same word in *différance* – is *différance* as reference or referral [renvoi] to the other, that is, as the undeniable, and I underscore undeniable, experience of the alterity of the other, of heterogeneity, of the singular, the not-same, the different, the dissymmetric, the heteronomous (Derrida 2005: 38).

Yet another ‘undecidable’, then: democracy is neither a purely and simply ‘political’ concept, nor a purely and simply ‘ultra-political’ concept. It is a concept called to achieve the impossible, to name what cannot be named: the difference that constitutes the ‘non-original origin’ of every political order, destined to remain unthought and unthinkable *qua* structurally exceeding the logic of presence. Herein lies its weakness, which is also its strength:

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The absence of a proper form, of an *eidōs*, of an appropriate paradigm, of a definitive turn, of a proper meaning or essence and, at the same time, the obligation to have only turns, rounds, tropes, strophes of itself: that is what makes democracy unrepresentable in existence. But this unrepresentability responds and corresponds to the force of this democratic weakness (Derrida 2005: 74).

Here, Derrida refers to the famous passage of the *Social Contract* in which Rousseau affirms: ‘Taking the term in the strict sense, a true democracy has never existed and never will’ (Rousseau 2001). As is well known, for Rousseau this does not take away the need to keep the democratic desire alive, to continue to prefer ‘a dangerous freedom’ to ‘a quiet servitude’. Derrida does not fail to undersign this commitment to freedom and democracy:

If[si] democracy does not exist and *if*[s’il] it is true that, amorphous or polymorphous, it never will exist, is it not necessary to continue, and with all one’s heart, to force oneself to achieve it? Well, *yes* [si], it is necessary; one must, one ought, one cannot not strive toward it with all one’s force (Derrida 2005: 74).

But we *must* commit to democracy – seems to claim Derrida, this time in dissonance with Rousseau – not so much *despite* the fact that such a democracy has never existed and will never exist, but rather *because* of the unrepresentability of democracy, no longer understood ‘in the strict sense’, but rather as a concept without proper meaning. In a word: precisely *because* democracy is impossible, we must keep working towards a democracy *to come*.

Democracy to come, therefore. This ‘sort of motto that is not even a sentence’ (Derrida 2005: 81) appears frequently in Derrida’s last writings, starting from the Preface to *Du droit à la philosophie*, published in 1990: here, speaking about democracy *in* philosophy, Derrida writes: ‘Democracy, the kind which is always to come, is also a philosophical concept’ (Derrida 1990: 53). But it is in *Specters of Marx* that this motto starts playing a central role within Derrida’s thought:

We always propose to speak about democracy in the future present, not as a regulating idea, in the Kantian sense, or of a utopia—at

least not to the extent that their inaccessibility would still retain the temporal form of a *future present*, of a future modality of the *living present* (Derrida 1994: 46).

Once again, therefore, the relationship with Kant is decisive. The *democracy to come* is not simply a regulative idea, as Derrida tirelessly repeats: 'It is necessary to insist on this in thinking of the future, of a to-come that would be neither a chimera nor a regulative Idea nor a negative and simply impossible impossibility' (Derrida 2005: 77).

The point is the arrival of the other within the heart of the same, therefore of justice understood as the indefinite opening of this *possible impossibility*. According to Derrida, this arrival can neither be idealized nor teleologically framed, because otherwise its evenemential character would be lost. And this applies both to Kant and to Husserl:

Whenever a *telos* or teleology comes to orient, order, and make possible a historicity, it annuls that historicity by the same token and neutralizes the unforeseeable and incalculable irruption, the singular and exceptional alterity of *what [ce qui]* comes, or indeed of *who [qui]* comes, that without which, or the one without whom, nothing happens or arrives (Derrida 2005: 128).

In short: if the regulative idea belongs to the order of the possible, of the 'possibly possible' – the same order as law, politics, sovereignty and autonomy – the *democracy to come* points to yet another figure of the impossible, or better of the 'possibly impossible': just like the gift, justice is (an) otherness whose event, in order to be respected as such, must remain radically heterogeneous with respect to any wait. However, Derrida makes a clarification:

This impossible is not privative. It is not the inaccessible, and it is not what I can indefinitely defer: it announces itself; it precedes me, swoops down upon and seizes me here and now in a non-virtualizable way, in actuality and not potentiality. It comes upon me from on high, in the form of an injunction that does not simply wait on the horizon, that I do not see coming, that never leaves me in peace and never lets me put it off until later (Derrida 2005: 84).

And indeed it is worth spending a few more words on this

clarification.

4 We can, therefore we must

In a nutshell: the democracy to come is an *exceeding* democracy, just as justice is *exceeding* compared to the law and the gift is *exceeding* compared to the circle of economic exchange. In this motto and elsewhere, as repeatedly emphasized by Derrida, we see an excess that 'presses *urgently* here and now, *singularly*' (Derrida and Ferraris 2001: 22). After all, as Derrida writes:

I think that the instant one loses sight of the excess of justice, or of the future, in that very moment the conditions of totalization would, undoubtedly, be fulfilled – but so would the conditions of the totalitarianism of a right without justice, of a good moral conscience and a good juridical conscience, which all adds up to a present without a future (Derrida and Ferraris 2001: 23).

Which is why, rather than embracing resignation, this motto calls for a commitment that takes the form of an endless criticism of the existing:

The expression 'democracy to come' does indeed translate or call for a militant and interminable political critique. A weapon aimed at the enemies of democracy, it protests against all naivete and every political abuse, every rhetoric that would present as a present or existing democracy, as a de facto democracy, what remains inadequate to the democratic demand (Derrida 2005: 86).

To speak of a democracy to come does not mean, therefore, to resign ourselves to the fact – however indisputable – that any present democracy is condemned to remain indefinitely inadequate compared to its concept, nor does it mean to prophetically announce the coming of a future democracy. Rather, the point is to partake in the *here and now* – in the urgency of a now that cannot be reduced to the 'present'⁸ – through critical awareness, which is but another name of deconstruction: 'no deconstruction without democracy, no democracy without deconstruction' (Derrida 2005: 90). In short, as with inventions, the point is to *achieve the impossible*, instead of simply

saying what will happen or is happening.

The expression ‘democracy to come’ oscillates, after all, between a constative and an explicitly performative utterance.

If, on the one hand, it constitutes the result of a simple conceptual analysis, on the other hand its use witnesses a commitment and invites us to act: ‘The *to* of the “to come” wavers between imperative injunction (call or performative) and the patient *perhaps* of messianicity (nonperformative exposure to what comes, to what can always not come or has already come)’ (Derrida 2005: 91). After all, as aforementioned, without this *perhaps*, without this possible impossibility of the future *to come*, according to Derrida, there would be no space for an, authentic decision, and thus for responsibility and justice. This is exactly what a democracy to come should produce: a decision, a way to take a stand, and not just a mere calculation. A *just* decision, i.e. a decision capable of exceeding all criteria, and capable of being purely and simply present. A decision that takes the future into consideration, by keeping that possible impossibility wide open – an impossibility which constitutes the quasi-transcendental condition of possibility of the future. Here we can find that ‘maximization of the transcendental argument’ that Ferraris talks about when discussing Derrida’s reading of Husserl (Ferraris 2003). Ferraris claims that behind the reference to Husserl made by Derrida, there is a ‘maximization of the transcendental argument’ for which if we *can*, then we *must*. There are typical examples of this maximization in Kant: if we can act ethically, then we must act ethically. If we can dare to know, then we must dare to know. The two modalities are not exactly equivalent, and yet neither Kant nor Derrida think that the capacity to do something and the duty to feel obliged to do it are really separated. This shift from the possibility to the necessity, for which if something is possible then this possibility becomes intrinsic to its essence and must then be taken into serious consideration – a logical passage that Ferraris values as ‘far from obvious’ – is the key to access the oscillation between constative and performative which characterizes the democracy to come. The time of this democracy is in fact a *disjointed* time, just like that time constituting a condition of

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(im)possibility of justice, a time which is not there, indeed, a time that democracy should *give* to itself as a present, reflexively:

To be 'out of joint,' whether it be present Being or present time, can do harm and do evil, it is no doubt the very possibility of evil. But without the opening of this possibility, there remains, perhaps, beyond good and evil, only the necessity of the worst. A necessity that would not (even) be a fated one (Derrida 1994: 34).

The condition of possibility of the *democracy to come* is therefore, in a (merely) apparently paradoxical way, the possibility of the evil, and thus the possibility of its impossibility. Still, without that *possible impossibility*, the alternative would simply be the resignation to the necessity of the worst. A worst that can be named, here, 'totalitarianism'. And that we can – therefore we must – avoid: *here and now*. Without any guarantees, naturally, but in the form of a duty which is structurally aporetic (Derrida 2005: 86):

The 'to come' not only point to the promise but suggests that democracy will never exist, in the sense of a present existence: not because it will be deferred but because it will always remain aporetic in its structure (force without force, incalculable singularity and calculable equality, commensurability and incommensurability, heteronomy and autonomy, indivisible sovereignty and divisible or shared sovereignty, an empty name, a despairing messianicity or a messianicity in despair, and so on).

After all, if it is true that democracy is the only political form of government in which the right to critique is publicly recognised, this right can – therefore must – be exercised also towards the very concept of democracy, and towards its history and tradition, following a logical twisting already formalized by Derrida in *The Other Heading – Reflections on Europe Today* (1992: 77): 'The same duty dictates cultivating the virtue of such critique, of the critical idea, the critical tradition, but also submitting it, beyond critique and questioning, to a deconstructive genealogy that thinks and exceeds it without yet compromising it'. And it is precisely in virtue of such a recognition of the right to an endless critique, which is nothing but the umpteenth

name of deconstruction, that democracy appears to be, for Derrida, ‘the only paradigm that is universalizable, whence its chance and its fragility’ (Derrida 2005: 87). Always provided that, however, the distinction between the ‘to come’ and the ‘future’ is maintained; a distinction of the ‘to come’ from that future that – from a regulative perspective – would appear as a mere *present future*.

Notes

- * The present text reformulates ideas that I developed in two of my monographs. See Andronico A 2006 ‘La disfunzione del sistema. Giustizia, alterità e giudizio’ in *Jacques Derrida*, Giuffrè Milano; and Andronico A 2002 *La decostruzione come metodo. Riflessi di Derrida nella teoria del diritto* Giuffrè Milano.
1. After having specified, in the beginning, that his approach is ‘manifestly philosophical’ (Gasché 1986: 1), some pages further Gasché writes: ‘My goal is to demonstrate that Derrida’s philosophical writings display a subtle economy that recognizes the essential requirements of philosophical thought while questioning the limits of possibility of these requirements. Deconstruction [...] is engaged in the construction of the ‘quasi-synthetic concepts’ which account for the economy of the conditions of possibility and impossibility of the basic philosophemes’ (Gasché 1986: 7).
 2. Gasché recalls an expression taken from a passage of *Dissemination*: ‘Dissemination is written on the back – the *tain* – of that mirror’ (Gasché 1986: ix).
 3. Derrida 2005: xiii. In a footnote, Derrida adds a clarification on the concept of ‘Rule of Law’, or constitutional state, introducing some important questions that must be recalled: ‘What is called [...] a ‘constitutional state’ or ‘state of law,’ is, it should be emphasized, a conventional *system*, at once logical and social. It *prescribes* or grants predominance to a certain type of reasoning, the one that subjects to law the consensus that is sought and the conclusions of a debate or conflict, which is to say, in truth, all that is at issue in a litigation.’ (Derrida 2005: note 5).
 4. Derrida refers here to Chomsky 2000.

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5. See in particular Derrida 2005. He criticizes the conceptual architecture of the UN Charter: ‘The reason of the strongest not only determines the actual policy of that international institution but, well before that, already determined the conceptual architecture of the charter itself, the law that governs, in its fundamental principles and in its practical rules, the development of this institution. It organizes and implements for use by the United Nations—precisely so that it itself may then use the United Nations—all the concepts, ideas (constitutive or regulative), and requisite Western political theorems, beginning with *democracy* and *sovereignty*. [...]’ (Derrida 2005: 100).
6. The necessity to distinguish sovereignty from unconditionality had been discussed in Derrida 2001.
7. Derrida focuses in particular on the conclusion of the fourth chapter of *De la démocratie en Amérique*: ‘Tocqueville himself, in describing the sovereignty of the people, speaks of this circular identification of the cause with the end’. He focuses on the following passage: ‘the people reign over the American political world as God rules over the universe’ de Tocqueville cited in Derrida 2005: 14. Which allows him to ‘announce from afar that, at the end of a long detour, right near the end, it will perhaps become clear that democracy *in America* or, more precisely, democracy *and America* will have been my theme. This volt between ‘democracy *in America*’ and ‘democracy *and America*’ will give another twist to the Tocquevillian turn of phrase that turns around a circle turning around itself, as ‘the cause and the end of all things,’ where ‘the people reign over the American political world as God rules over the universe’ (Derrida 2005: 14).
8. ‘There is a ‘now’ of the untimely; there is a singularity which is that of this disjunction of the present. [...] There is ‘now’ without present; there is singularity of the here and now, even though presence, and self–presence, is dislocated’ (Derrida and Ferraris 2001: 12–13).

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