

STASIS
BEFORE
THE STATE

Nine Theses
on Agonistic
Democracy

DIMITRIS
VARDOULAKIS



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COMMONALITIES

Timothy C. Campbell, series editor

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DIMITRIS VARDOULAKIS

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for Alexis

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PREAMBLE: THE RUSE OF SOVEREIGNTY OR AGONISTIC MONISM?

There is a commonly held narrative about constitutional forms in the Western political and philosophical tradition. The story is schematically as follows: Initially Aristotle and other ancient philosophers, including, influentially, Polybius, propounded the theory of the three constitutional forms—monarchy, aristocracy, and democracy. This model assumes a revolution or circularity between the three forms.¹ Later, around the seventeenth century, a radical transformation occurs, and political representation assumes center stage. In the contractarian tradition, the constitution is defined by how constituted power represents the people. This story, further, unfolds as a kind of narrative of progress or Bildungsroman. Representation ultimately—and this may be understood genetically or historically—leads to forms of representative democracy characterized by a strong link between constitutional and state forms. Thus, famously, Hegel

argues in the introduction to his lectures on world history for the operation of reason in history, which ultimately amounts to an argument about progress, whereby there is only one state that encapsulates rationality at each historical era.²

This narrative is still prevalent—even pervasive—today in the form of the assumption that liberal democracy is the best or most desirable constitutional form. Even if this narrative is rarely explicitly stated, and then only to be quickly acknowledged as remaining incomplete or inadequate—I am thinking here of books such as Fukuyama’s *The End of History*—the narrative remains largely unchallenged. Even Marxist thought, which identifies class struggle as the motor of historical development, rarely contests the historical “fact” of the triumph of representative forms of liberal democratic governance. Finally—and this is the most important point—this narrative identifies liberal democracy as the utmost perfected form (to date) of sovereignty. Or, to put it the other way around, in the prevalent narrative about constitutional forms, sovereignty is reminiscent of what R. G. Collingwood calls an “absolute presupposition.”³ Sovereignty is the unquestioned and unquestionable premise assumed in the narrative that regards liberal democracy as the most perfect constitutional form. Tacitly, sovereignty is taken as omnipotent.

Is it possible to provide an alternative story, one that is, if not untold, at least rarely harkened? I am thinking

here of the story according to which democracy is the primary constitution and, consequently, that all other constitutional formations are nothing but subversions of democracy. As Eric Nelson has shown, this argument against the cyclical change between the constitutions and for the primacy of democracy—which Nelson refers to as “republican exclusivism”—emerges in the seventeenth century as a result of the renewed interest in the Hebrew republic.⁴ I am making the additional point that this rejection of the circulation of constitutions may lead either to the celebration of sovereignty and liberal democracy—which is the position Nelson takes—or to a radical democratic politics.⁵ This is the politics that I want to describe in terms of agonism.

Such an agonistic democracy is not understood here as a constitutional form but rather as the form of the constitution. This story emerges in Spinoza’s *Theological Political Treatise* as well as his *Political Treatise* and then in Marx’s notes on Hegel’s *Philosophy of Right*. According to this narrative, democracy is counterposed to sovereignty—that is, it does not presuppose sovereignty but is in fact presupposed by sovereignty. As I have argued in *Sovereignty and Its Other*, this alternative narrative can come to the fore only if we think of democracy in agonistic terms, that is, as being involved in a struggle with sovereignty.⁶ In this, I have been following Derrida and Negri, who—in different ways—draw a distinction between democracy and

sovereignty. What I want to add here is that this agonism is monist. By monism I understand both the ontological condition that existence is never isolated but is always a “being with” and the political insight that there is only ever one constitution, democracy, and that all other constitutions are effects of democracy.

I will develop this position in the form of nine Theses. This form of presentation inevitably results in elliptical arguments, but the upside is a more synoptic perspective, which is my aim. Further, I will show how stasis plays a crucial role in the narrative that identifies democracy as the form of the constitution. There are multiple reasons for this, not least of all that the term “constitution” is in fact the Latin translation of stasis in forensic rhetoric. But more on stasis in due course.

We first need to frame the problem of the two different narratives about the constitution with more clarity, in particular through what I called the absolute presupposition of the predominant narrative, namely, sovereignty. Presupposing sovereignty as the necessary condition for constitutional forms essentially raises the question whether it is possible to conceive of a space separate from or not consumed by sovereignty.

This question would be trivial if sovereignty is understood simply as the sovereignty of specific states. The question is pertinent when we consider the violence functioning as the structural principle of sovereignty. Sovereignty can only persist and the state that it supports can only ever reproduce its structures—political,

economic, legal, and so on—through recourse to certain forms of violence. Such violence is at its most effective the less visible and hence the less bloody it is. This insight has been developed brilliantly by thinkers such as Gramsci, under the rubric of hegemony; Althusser, through the concept of ideology; and Foucault, as the notion of power. It is in this context that we should also consider Carl Schmitt's definition of the political as the identification of the enemy. They all agree on the essential or structural violence defining sovereignty—their divergent accounts of that violence notwithstanding.

The problem of a space outside sovereignty is complicated when viewed with this structural violence in mind. The *effect* of this structural violence—in the wide variety of forms in which it can be expressed, given specific historicopolitical conditions—is that it proliferates exclusions. These can be the excluded within a social formation, such as the poor or minorities, or it can be those excluded from the state externally, such as foreigners, immigrants, and refugees. The excluded can also be thoughts or ideas, opinions or cultural practices, that do not conform to the mechanism of reproduction used by sovereignty. In fact, both of the exclusions—"personal" and "impersonal," for want of better terms—are interconnected. For instance, the wide variety of racisms is always physical and conceptual. Thus, Gil Anidjar has shown in his remarkable *Blood* how blood is never only physical but also partakes of ideas through the "rhetoric of sanguification"—a move that allows him to show how

blood is indelibly linked to the history and politics of Christianity.⁷ Or—preempting an example that I will deal with later—justifying violence against refugees contributes to the affirmation of sovereign power. Exclusions are the phenomenal effects of a structural violence, and simultaneously they sustain and promote sovereignty by contributing to its ideological matrix. Exclusion both produces and is produced by structural violence. Thus, the operation of exclusion is the crucial mechanism for sovereignty's structural violence.

Posing the question of an outside to sovereignty within the context of the mechanism of exclusion turns the spotlight to what I call the *ruse of sovereignty*. This essentially consists in the paradox that the assertion of a space outside sovereignty is nothing other than the assertion of an excluded space and consequently signals the mobilization of the logic of sovereignty.

Let me provide here just one example of the ruse of sovereignty from Carl Schmitt's *Concept of the Political*. It comes after the definition of the political as the identification of the enemy, or as the one who is excluded through violent means from the polity. In the course of discussing several objections to this idea, in his characteristic irony Schmitt entertains the possibility of a staunch pacifism fiercely committed to end violence. To be consistent with its principles, such a pacifist attitude should be prepared to wage war to end enmity, or, in Schmitt's words, it should be prepared to conduct "the absolute last war of humanity." The result will be two-

fold. Schmitt speculates that such a war “is necessarily unusually intense and inhuman because, by transcending the limits of the political framework, it simultaneously degrades the enemy.” (In *Theory of the Partisan* this conception will be designated as absolute enmity.) More importantly, such a pacifist politics will still not escape the logic of sovereignty:

If pacifist hostility toward war were so strong as to drive pacifists into a war against nonpacifists, in a war against war, that would prove that pacifism truly possesses political energy because it is sufficiently strong to group men according to friend and enemy. If, in fact, the will to abolish war is so strong that it no longer shuns war, then it has become a political motive, i.e., it affirms, even if only as an extreme possibility, war and even the reason for war.⁸

The war to end all wars is still political in Schmitt’s sense to the extent that an enemy is identified—the enemy is the enemy. And the one who decides on the exceptional circumstance so as to identify the enemy is the sovereign. To put this in the vocabulary used here, *the attempt to exclude exclusion is itself exclusory and thus reproduces the logic of exclusion.*

The belief in the exclusion of sovereignty from the political is simply an illusion that we have stepped outside its structural violence using the very mechanism of exclusion that creates and promulgates that violence. The ruse of sovereignty is that sovereignty’s rejection is

tinkering at the edges of already established forms of liberal democracy. It is either a self-indulgent lament about forms of victimhood or a belligerent pursuit of identity politics—such as new rights for minorities—but without considering that such a strategy is only possible on presupposing and thus reproducing the status quo. Consequently, confining the effects of structural violence to a logic of victimhood perpetuates the ruse of sovereignty.

Let me try to formulate the ruse of sovereignty in one more way and to provide one more example. The notion that there is an “outside” to sovereignty and the exclusions through which sovereignty’s structural violence operates mirror each other, relying on the same mechanism of exclusion. A good example of this is the stock standard response of liberal democratic politicians when faced with protests: “Isn’t democracy great! Without democracy such protest would have been impossible.” In other words, the challenge to sovereign power is reversed as an affirmation of sovereign power. The ruse of sovereignty consists in posing a dilemma: Either there is something outside sovereignty, or sovereignty is omnipotent. The ruse resolves this dilemma in such a way that either option leads essentially to the same result, namely, to taking sovereignty as an absolute presupposition. From the perspective of politics, there is nothing outside sovereignty.

What I call “agonistic monism” is an attempt to address the ruse of sovereignty. The idea that democracy is agonistically related to sovereignty is fundamental to agonistic monism. I take this to mean that a relation

nothing but the subjective reanimation of the mechanism of exclusion, with the result that sovereignty is inscribed in a new context proliferating indefinitely. Thus the ruse of sovereignty mirrors Hegel's conception of the cunning of reason. As Hegel holds, reason operates and determines even that phenomenal realm that seems divorced from it. Or, differently put, the universal arises out of particularity.⁹ Similarly, the ruse of sovereignty presents sovereignty as operative in that which is opposed to it precisely because such an opposition presupposes the conceptual framework defining sovereignty.

One way in which the ruse of sovereignty operates is by confining the effects of structural violence to a logic of victimhood. Those who are affected by such violence seem to have two options—either the revolutionary option to use violence to counter the violence exercised on them or the reformist option to try to change the system from within. According to the first alternative, there will always be victims whose only possibility for redemption, according to this logic, will be a kind of apocalyptic moment—the end of capitalism, the complete annihilation of the one designated as the enemy, or the “end to the civil war that divides the peoples and the cities of the earth.”¹⁰ Such a logic quickly reaches Arendt's melancholic insight that “all revolutions since the French have gone wrong, ending in either restoration or tyranny.”¹¹ According to the second alternative, the best that can be hoped for in practical or pragmatic terms is either an endless critique without any “normative” purchase or a

persists between democracy and sovereignty: There is no pure outside sovereignty.¹² In other words, the correct question is not about what is excluded from sovereignty but rather the manner in which democracy is related to sovereignty—democracy and sovereignty are distinct but not separate; that is, they do not exclude each other. The mechanism of exclusion presupposes the agonal relation between democracy and sovereignty. At the same time, this agonistic relation is a monist relation in the sense that what cannot be accommodated within sovereignty is also the condition of its possibility. The opposite of exclusion is not inclusion—as Agamben, for instance, thinks—as this plays right into the hands of the ruse of sovereignty. Rather, the opposite of exclusion is the being with of democracy, which emerges through the agonistic engagement with sovereignty. Sovereign violence is an effect of its other, where “other” denotes both those who are the target of violence and the democratic disposition that is opposed to sovereignty.

Differently put, agonistic monism suggests that there is a political question: Democracy or sovereignty? If the answer to the question is either democracy or sovereignty, then sovereignty prevails, because even if we assert that we are with democracy and that sovereignty is our enemy and needs to be excluded, we are still using the logic of exclusion characteristic of sovereignty to place democracy outside sovereignty. This is what I call the ruse of sovereignty. Conversely, agonistic monism asserts that democracy is the cause of sovereignty so that

the two are inextricably bound in a relation. The question then is no longer about which one is excluded but rather about which one is dependent on the other.

Let me describe the same point from a different perspective, without relying so much on the relation between democracy and sovereignty. If we do not take democracy to designate only the regime that gives power to the demos—no matter how the demos is defined, as the people of a national community or as the multitude that is incommensurate with any form of representation; if, in other words, we do not take the definition of democracy to be exhausted in the opposition of constituent and constituted power, then how can we define democracy? Turning to Solon's first democratic constitution, I will suggest in this book that it is possible by identifying the conflictual nature of democracy—or what the ancient Greeks called *stasis*. Agonistic monism holds that *stasis* is the definitional characteristic of democracy *and* of any other possible constitutional form. *Stasis* or conflict as the basis of all political arrangements then becomes another way of saying that democracy is the form of every constitution. Hence, *stasis comes before any conception of the state that relies on the ruse of sovereignty*.

The obvious objection to this position would be about the nature of this conflict. Hobbes makes the state of nature—which he explicitly identifies with democracy—also the precondition of the commonwealth. Schmitt defines the political as the identification of the enemy.

Do not both of them ultimately defend a politics of sovereignty as opposed to a democratic politics? Foregrounding the question of conflict has the great advantage of posing this question, which essentially means that it establishes the opposition—that is, the conflict or stasis—between democracy and sovereignty. And answering this question, as I will suggest in this book, hinges on whether conflict is liquidated in a higher term or whether conflict can provide an account of stasis as the form of the political.

In order to highlight the contrast between democracy and sovereignty, I will proceed from the ruse of sovereignty, since this represents the most cunning form that the relation between the two can assume. The ruse of sovereignty can take a great variety of forms, a very small number of which I will describe here. All these forms are the result of sovereignty's structural violence. Such a structural violence becomes the alternative to stasis or democratic conflict. So I will start by exploring this sovereign form of violence in the first three Theses. The next three Theses will concentrate on the opposition of democracy and sovereignty. And in the final three Theses I will turn explicitly to stasis to highlight its importance for agonistic monism.