

## **Derrida, Democracy and Violence**

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*ABSTRACT* Democracy is usually identified with openness, order and pluralism and thus peace. Yet, everywhere, from the political convulsions that bring it into being to the wars that aim to extend it, democracy is violent. Usually this violence is seen as accidental or forced upon democracy. The aim of this paper is to argue that the violence of democracy springs from its inextricable if denied relationship to revolution, the drive to re-found the political order properly and definitively. Through a reading of Derrida's account of the relationship between violence and justice in Walter Benjamin, violence is identified as the unstable founding moment which democracy must both pass through in order to emerge and also endlessly recall in its drive to both expand and complete its mission.

*"God is the name of this pure violence."* — Jacques Derrida (2002, p. 293)

### **Introduction**

We'll get to democracy, *eventually*.

Was it Marx of all people, in Hampstead in a room full of papers and coffee grounds and the blocked flue and falling damp, and worried about his daughters' marriages, with his love of duels and Shakespeare, and the bitterness, the anger, the anguish; was it Marx first of all who saw that the definitive modern problem, the political problem of the twentieth and twenty-first centuries would be *excess*? In his case, it was surplus value, the cruel discipline whereby human beings now worked more than they needed to for their own sustenance and survival because at the end of the day, in the last hour of the day, someone would wring out of them an hour's labour purely for profit, for the money no-one needed to live by—just money for its own sake, excess money? Excess unsettles all our politics: civic, parliamentary, corporeal, cultural; the excess of pleasure over law, of pain over subjectivity, of bare over civil life, of exception over rule, of art over identity, of killing over organization, of the other over the same, of race over nation, of apocalypse over war, of economics over society, of the event over knowledge and so on and so on.

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Democracy—we will get to it eventually.... What is the politics of the excess of democracy? Isn't democracy the politics of identity, of representation, of the established preference, the clear voice, the self-identical agent, the volatile plurality of the self-same? Is not democracy the politics of logic and logos, of negotiation and compromise, compromise and agreement, agreement and therefore rule? What could be the excess of democracy? The excesses I've mentioned: what they all have in common is that what is in excess both allows and threatens the pair concerned. Take the excess of race over nation, for example: the thing that makes the nation possible ruins it. What made the nation possible *in the first place*. Race is the name for the very thing out of which the logic of national self-determination sprang. Race is both enduring in this logic then, and an event. The enduring race harks back to itself as event, an historical rupture, the recognition and consolidation of a group identity, out of which the nation is formed. Yet, of course, race kills the nation by setting up something higher than it, the founding truth to which it must refer, and which it must try to preserve through war and policy, through border control and eventually perhaps—more than perhaps, of course, genocide—we've seen it: and more than once. Race both forms and constantly *tests* the limits of the nation. In the end—because the logic of race will always tend towards a mythic, impossible or murderous purity—race will always risk the durability of the nation as a liveable community.

What would the comparable situation be with democracy? What would be the thing that both explains democracy and leads it on—the excess of democracy which incites democracy as an event? Well, it can only be one thing. Revolution, of course. Derrida describes democracy as the politics which always puts itself at issue, which always problematizes itself in each and every one of its acts. Democracy, therefore, returns to and problematizes its own foundations in each democratic event. In *On Revolution*, Hannah Arendt (1990) defines revolution as the drive to re-found the political constitution in order “to bring about the formation of a new body politic” (p. 25). Democracy, by perpetually putting its foundation in play, perpetually recalls the revolutionary moment—and thus the revolutionary horizon—in every one of its events. We shall return to the relationship between repetition and founding as it pertains to democracy, just as we shall come to democracy eventually, or so we're always being told—in the end, at the end of the road, the end of history, we'll come to democracy, but let's say it now: democracy's defining event is revolution. Democracy is always post-revolutionary (each act of democracy must always—to sound Badiou-ian for a moment—recall the revolutions it mightn't have had, or that maybe didn't even happen, strictly speaking, but to which it implicitly refers, which it necessarily cites, those of 1649, 1776, 1789, 1917, 1949 and so on). Still, we're also always coming to democracy or democracy is coming to us, because—I don't know—we apparently always need more of it: as democrats we're always pre-revolutionary as well, post- and pre- at one and the same time. Revolution is the excess which both makes democracy, and—well of course—like all excesses, threatens to ruin it, with the myriad styles of apocalyptic violence and puritanical policing that it requires, apparently, to propose or defend its freedom. And democracy will never lose its ambiguous relationship to this excess, because in that excess lies its

history and its hope, but also its danger and the abyss, liberation and horror, the liberation in horror and the very horror of freedom, democracy's own shameful, much loved but repeatedly indulged, endlessly excused *violence*.

### **Deconstruction is Justice**

Among the pairings of excess that I didn't mention is the one that is most important in the late work of Jacques Derrida: the excess of justice over law. I want to progress by reading Derrida's canonical statement on this theme, in his paper of 1989, revised in 1990 and revised again in 1994, "Force of Law: the Mystical Foundation of Authority" (Derrida, 2002). Put simply, for Derrida, justice is the thing that brings the law into existence, in the first place. It is justice that the law sets out to instantiate and exemplify, even to fulfill. There would be no law without this reference to the possibility of justice, yet justice is immeasurable, impossible. No instance of the law will be able fully and finally to enact justice. It will always disappoint justice. Justice will always remain that impossible thing that is in excess of the law, that marks and measures law's failure, but also its interminable mission. Every instance of law is then a reduction of justice, a failure of it. Law is historically and semantically contingent and therefore deconstructible. Justice itself, however, is impossible, excessive, immeasurable and irreducible. It is the thing by which the deconstruction of the law proceeds by showing the fragility, the precarious historicity, of the act of law. Justice shows that law is something to be overcome, that needs to be reformed, endlessly and forever. Justice, itself, however is un-deconstructible, as un-deconstructible as deconstruction itself, Derrida says (p. 243)—adding in fact that "deconstruction is justice."

Justice then is the thing that provokes the law in the first place, and that the law strives to enact, but can't. I want to dwell on this idea of "in the first place," because as with democracy and revolution, and as with race and nation, so the event by which law is instituted is key. As with those other pairs, this event is something that the law always recalls but also always awaits. But what is most important about it is its relationship to violence.

### **Justice is Violence**

The relationship between law and justice in Derrida is important for our purposes because it is a foreshadowing of the crucial Derridean take on democracy. Democracy is in a relationship to something Derrida calls "*democracie-à-venir*" (future-democracy or democracy-to-come) something that is analogous to the relationship between law and justice (see especially Derrida, 2005). In turn, the law/justice dichotomy involves violence. So unpacking the violence of the law/justice nexus will help us to understand the role of violence in Derrida's democracy.

As we have seen, for Derrida, law is a human institution that aspires to enact justice. Justice always exceeds law, and is ultimately impossible. It cannot be realised in itself, but only through law. Yet it remains forever in excess of law.

Derrida cites Kant, to say that there is no law that does not contain within it some necessary relationship to force. There is no law that doesn't at some point need to be enforced, at least hypothetically. Every law must contain within it the possibility of being defended or circumscribed by violence. Law is therefore irreducibly violent. We know that, but how does this violence relate to justice? This issue is the crux and the difficulty of Derrida's paper. It's easy enough to accept that the violence enacted by the law is necessary for pragmatic reasons. The law must act and be defended. Yet justice should be the higher calling of the law, the thing that justifies and explains what is good and necessary about it. So how can justice be violent?

The discussion of this question revolves around two key issues: the foundation of the law in the first place; and the relationship between the founding of the law and the preservation of the law. Both of these relationships involve violence, and Derrida's discussion proceeds by way of a reading of Walter Benjamin's influential article, "Critique of Violence" (Benjamin, 1978), and its crucial distinction between mythical and messianic or divine violence. At the end of Derrida's paper on law, this distinction is mapped onto the law/justice relationship. Let us start, though, with the relationship between the founding of law and violence.

### **Violence Without Ground**

"In the beginning [of justice] there will have been force," runs Derrida's formulation (Derrida, 2002, p. 238). Justice is impossible, so for it to have a beginning, it must be emerging as law, its only possibility of ontology. The "violent structure of the founding act" (p. 242) is not the result of the interruption by human action of the perfect fabric of justice. It is because justice must be the site of the founding act, and because justice is itself nothing, impossible, that the founding act is violent. Justice will always exceed and challenge law. Because law is posited, then, only in relation to that which disrupts it, even in its founding, it always rests on that which will always violate it, to infinity. The institution of law in relation to justice—and all law is instituted in relation to justice—orients it to a violation that endlessly recedes as horizon, a violation that law embodies but that always remains ahead of it, as it constitutes itself only in relation to its endless re-constitution; in other words, only in relation to that which proposes its need to be remade. In short, law comes into being only in relation to its own violation, a violation that goes on infinitely. Law then is oriented towards an infinite disruption, yet this disruption is not merely abstract. It incites, even demands, the call for political change, for enthusiasm, for apocalyptic styles of political will and political confrontation, the confrontation of the established with the new and thus with the revolutionary horizon of violent change.

This is amplified by the fact that the founding of law is a decision. The decision in Derrida that founds the law is, like all decisions, not the application of a pre-existing formula. It always involves a grasping of the unknowable. If it were merely the application of an already existing incontestable agreed principle, its enactment would not be a decision. It would merely be something automatic,

something necessary. It would be what Derrida calls merely a calculation. Decision always involves some leap in the dark, some albeit miniscule exposure to uncertainty. That is what makes it a decision. When a decision is made in this sense, there is a great taking on of responsibility. You become answerable for your decision.

The decision thus involves an opening to that which is greater than you. In broad terms, it's an opening to otherness and, for Derrida (1994, p. 23), the opening to otherness is synonymous with an opening to justice. The founding of the law is a moment of decision eventuating in the impossible exposure to otherness/justice. It is a forcing, an insistence, an arbitrary flexing of agency (even before subjectivity). It is "a violence without ground" (Derrida, 2002, p. 242). At the beginning of justice, therefore, at the point where it arrives, as law, it has always already been violent:

Deconstruction . . . itself operates on the basis of an "idea of justice" that is infinite, infinite because irreducible, irreducible because owed to the other . . . deconstruction is mad about and from such justice, mad about and from this desire for justice. (p. 254)

What I want to draw attention to here is the dramatic nature of this statement: the connection between justice, infinity, madness and desire. It is this infinity of justice that makes for the violence of the decision which is the institution of law and thus the "beginning" of justice.

What makes the law violent is its taking place in the infinity of justice, as a decision whose violence is made by its exposure to infinity, its attempt to make the impossible real. Later, we shall look at the motif of divine or revolutionary violence which both Derrida and Benjamin discuss to clarify exactly why this decisionism is violent. It is violent because of the irreducible excessiveness of the impossible and the infinite it attempts to make work. But we shall return to this to develop their insight. It is this impossibility and infinity that we will find again in democracy's relationship to democracy-to-come. We are coming to democracy, I tell you, soon. But there are two more things to say about violence, law and justice: first, the relationship between the founding and the preserving of law, and, second, the relationship between divine and mythical violence and how these in turn fit with the relationship between law and justice. The more we say about justice the less will need to be said about democracy. The less said the better. Democracy is justice anyway.

### **Recalling the Future**

The founding of the law is an event, but one that is inevitably reiterated. In fact, every moment of the enactment of the law harks back to the founding of law. Derrida (2002) writes: "positing is already iterability, a call for self-preserving repetition. Preservation in its turn refounds, so that it can preserve what it claims to found" (p. 272). In other words, the establishment of the law always already assumes repetition and endurance. The point of the act of law is that it repeats the logic of the moment of its founding in every one of its iterations. Every act of law then repeats the moment of law's founding. In doing this, it re-opens itself to

justice in a repetition of the violence of the founding of law. This has consequences for our understanding of time, because the justice it recalls in this violence is justice-to-come, what Derrida calls in a telling prefiguring of what he will say about democracy, *justice-à-venir*. The justice being recalled is future justice. Every act of democracy is also a re-iteration of democracy's founding moment, its revolutionary moment, but in a way that both knows the past and characterises the future, both in the possibility of a justifiable violence.

The founding moment of law, then, is violent because it is an institution within an infinite justice. The violence is not merely the violence of the positing of a contrived self-identity in the middle of a romanticizable undefined and un-delimited field. It would not be violent if justice were not itself infinite. The sense that the justice that we reach back into the past in order to make "to-come" is infinite, even absolutely unconditional, means that there will be no limit to the enlargement of the horizons and operations of justice. There is no limit to what justice will demand of us. Similarly, there is no horizon beyond which democracy must not go. Democracy is for everyone and forever, and its rights cannot be limited. It has the right to intrude everywhere. It is irresistible. This is its license for violence.

### **Killing for Life**

But—I hate to say it—we haven't quite made it to democracy yet. There is another telling argument that needs making and this one is the most dangerous and obscure of all, the one that accounts for most of the problem. Derrida (2002) works with Walter Benjamin's distinction between two types of violence. First, there is the violence Benjamin attributes to the Greek tradition, what he calls mythical violence. Mythical violence is the violence of the founding of the law "a force, a positing of authority . . . a privilege of kings, of the great or powerful" (p. 287). The mythical foundation of law is one of authority and order. Its justice is one of balanced rule. It is not a distributive justice (p. 287). Its punishment is expiation, the making of amends, the reconciliation of accounts.

Benjamin and Derrida compare this violence with a second type of violence, this time from the Jewish tradition. This violence is also connected with a justice, variously called messianic or divine justice. This justice is excessive and unaccountable: "Instead of founding law, it destroys it, instead of setting limits and boundaries, it annihilates them" (Derrida, 2002, p. 287). Its justice is not the restoration of balance: "Instead of leading to fault and expiation, it causes to expiate" (p. 288). In other words, it provokes rather than orders, it throws things out of balance rather than establishing sense. Derrida again: "Instead of threatening, it strikes" (p. 288). This leads to what Derrida calls "the essential issue" (p. 288): instead of killing in the way mythical authoritarian violence kills (with bloodshed) divine violence kills without bloodshed. Divine violence is not the oppression of the living, the attacking of mere life in order to demonstrate and exercise authority. If it kills, it kills for life. Mythical violence has its own authority as its goal, and is thus careless of life and the living. "Divine violence," on the other hand "sacrifices life to save the living" (p. 288). It is a violence that

might kill but always because of its belief in the value of life itself: “it does so in the name of life, of the most living of life. Of the value of the life that is worth more than life . . . but that is worth more than life because it is life itself, insofar as life prefers itself. It is life beyond life, life against life, but always in life and for life” (p. 289).

There’s no need to remind us how dangerous this might be, and this is of course how the argument gets into trouble over the Holocaust. Is Benjamin pre-justifying the worst atrocity? After all, Nazi murder was done in the name of a construction of life, to say the least, a racial vitalism. Derrida’s final response is to distance himself from Benjamin. The argument is too much for him. Benjamin, he says in the end “is still too Heideggerian, too messianico-Marxist or archeo-eschatological for me” (Derrida, 2002, p. 298). But of course, it is cruel, given his fate (a Jewish political refugee, a bloodless death by overdose, in a hotel on the Franco-Spanish frontier in September, 1940, an act of auto-divine violence) to too quickly or too easily assimilate Benjamin to Nazi violence, or even to think of doing so. Besides, the distinction between mythic and divine violence is untenable. In the same way that the founding of law and the preserving of law meet in the opening to the justice-to-come that has always already taken place, reaching back to the future, mythic violence and divine violence meet in undecidability. Derrida writes, “On one side is the decision without decidable certainty [this is divine violence] on the other the certainty of the undecidable but without decision” (p. 291). What does this mean? In mythic violence, there is the organization of the state, posited, as all law-making is, on the undecidability of infinite justice, but which has instituted itself, and therefore can generate its own programme and certainty, its own predictability and impersonal order. The undecidable provides the context, but undecidability is overcome in the pre-formulation of regulations that do not require decision. On the side of the divine, we have the recognition of undecidability, but the decision gets made anyway. There is undecidability on both sides, Derrida says. In fact, there are not two sides. The mythic denies and overcomes the undecidability within which it is founded, the divine recognises it and defines itself by this very investment in the decision made in the midst of the undecidable. In other words, the two always go together, like the law and the justice to which they can be compared: the decision that founds the law takes place by way of the recognition of the infinite undecidability of justice, which in turn is spurned so that the foundation of law can seem just that, a founding.

What is the key point? The act of the founding of the law, and every act based on the law afterwards, is violent not only because of its founding in infinity, but because of its commitment to a service of a life beyond life, to the good of life over and above life. This is the violence that infinite justice cannot abrogate because it is the divine violence of justice. In political terms, its affiliation is with democracy, eventually, when we eventually get to it, but first and foremost it is to revolution, “the purest manifestation of violence among men” (2002, p. 291).

Divine violence is revolutionary violence. Mythical violence, the foundation of the logic of the state, allows for the programmatic and the meaningful, but it is founded always already in relation to divine or revolutionary violence, which it always cites despite itself and repeats and which remains mysterious: “Divine violence,” Derrida (2002) writes, “is the most just, the most historic, the most

revolutionary, the most decidable or the most deciding. Yet, as such, it does not lend itself to any human determination, to any knowledge or decidable ‘certainty’ on our part. It is never known in itself ‘as such,’ but only in its ‘effects’ and its effects are incomparable” (Derrida, 2002, p. 291). The founding of the law refers to the revolutionary divine violence it cannot bring to ground. It will always reach for, but fail, the revolutionary call. Democracy is the same.

### **Democracy is Violence**

We shall never come to democracy. Everything that needs to be said about it has already been said. Yet we can’t pass over it in silence. It is, after all, the endless re-opening of speech on the basis of what has always already been said, and that is of course, everything, or the possibility of the saying of everything, of the free speech always to come.

What is democracy-to-come? Put simply, democracy-to-come performs the same function in relation to instituted democracy that justice does to law. Democracy-to-come is the impossible thing that incites democracy in the first place as the unfulfillable promise of a polis more open to the other, more expansive, more just, more inclusive, ever more free and open. It is not an ideal either in the sense of an absolute regulative principle against which current achievements can be measured; nor is it a fixed “better” or “best” system of political organisation that we could one day hope to put in place. In the same way that law takes from justice its impulse and its orientation, and while never being able to implement justice nor reach it nor even fully grasp what it might be, while at the same time remaining totally vulnerable to justice, pre-defeated by it, always already exceeded by it and thus marked out by it as always a failure, in this same way, democracy-to-come is the thing that real democratic acts and institutions always both look forward to and remember, as the ever higher principle of greater liberalisation and well, yes, justice. Every democratic revolution, every democratic critique of democracy or of anything else for that matter, measures democracy not against established institutions or practices, but against this restless thinking of democracy as an ever-opening, ever-liberating, ever-relieving, more humane, more respectful, more equitable, more just, *infinite* honesty and hope.

In the same way that every act of law repeats law’s founding opening on justice-to-come, every act of democracy reiterates the founding orientation to this impossible democracy-to-come. As we have seen, the founding moment of law is violent: it is violent because it is an institution in the middle of the nothingness of an infinite justice, a decisionism in the dark, trying to make that infinity and darkness do something. This wildness in action is violent in the sense of Benjamin’s conception of a “divine violence.” Justice is a logic of immense disproportion, or rather of something totally beyond proportionality. It rejects all systems while requiring them. It licenses their institution in order to smash against them endlessly. It endlessly announces that their commitment to life is not to a life enough. It demands that the institution be smashed in order to make its commitment to life really to life, to a life beyond life. It will kill for this life.

Democracy-to-come is comparable. It abominates the very institutions of democracy that are never good enough for it but that it has incited. Instituted democracy can always be made better, always more free, more open, more just. The life it makes possible will never be life “itself.” We know that freedom is the thing democracy takes as its pretext but can never fully deliver, that can always be called upon and called for again and again, an ever more free freedom. The life that democracy promises is analogous. It will never be good enough. It will never be the destination it seems to be, a final destination, somewhere we can arrive. Freedom, life: in democracy these things beckon us on and we need to know how to enslave ourselves and others for this freedom, and we need to know how to kill ourselves and others for this life.

Every democratic act looks forward to the re-founding of its past orientation to this futurity. We want a better life for our children, more stuff, higher status, endless growth, all these are our orientations to a life beyond this our current particular living. But it is much more than these, and here we enter democracy’s inevitable ambivalence. It is its recall of its irreducible connection to revolution, which Arendt (1990) defined as the will completely to re-found the political order (p. 25). This will is repeated in every democratic act, as the inspiring upswing of its never-tiring optimism, but also as its readiness to make sacrifices, its own and anyone else’s for that matter. Historically now, we have to acknowledge the simultaneous romantic gleam and shocking horror of the revolutionary legacy. The revolutionary legacy of democracy—why is democracy so in denial of its revolutionary legacy?—is no exception. Though this begs the question: is there any other revolutionary tradition than the democratic, any revolution not laid out in the name of “the people”? I think not, but that’s a whole other discussion. The horror is not just empirical, however. It is constitutional. Derrida famously ridiculed Francis Fukuyama for seeing all the failings of communism as essential to communism, but all the failings of liberal democracy as mere contingencies. To Fukuyama, the idea remained untarnished. My point is to develop this idea of Derrida’s to show that the violence of democracy is not “collateral damage” or a set of historical accidents, unfortunate but not necessary to democracy. The violence of democracy is part of its incontestable revolutionary legacy, its commitment to a freedom, an openness, a justice—in the end a life—for which this our present life can never be enough, and which demands then that we go beyond it again and forever.

This violence is not abstract or hypothetical, but is realised in democracy’s craving for expansion beyond itself and for purification within its domains. No sacrifice is too good for democracy. It must “shock and awe” us. Nothing should stand in the way of its expanding its reach into new territories, despite the living people this may affect. After all, what is their life to life? It is also apparent in the determination of democratic governments to intensify the policing within their territories. We can follow a lazy 1960s prejudice to which the violence of policing fits with the rational meanness of repression. According to this argument, crime is social deregulation and rhymes therefore with desire, and the violence of relentless over-policing is the return of the forces opposed to desire and to liberalization. I think this is misguided. The will to the complete purification of the social body of unregulated behaviour is a dream of an heroic model of society as perfectible, purifiable, as still embodying a dream that can be

re-made and in the end made finally. Expansion, purification: both the result of images of a life beyond this life to which we can be and should be attuned.

There is another aspect to the valuation of life in democracy: a democratic life is of more value than another. The life of an American is more valuable than the life of an African; the life of an Israeli of more value than the life of a Palestinian. The life of a democratic citizen somehow weighs more than anyone else's. This is not a repetition of but a re-calibration of racism, a new kind of politico-racism, but one that is insistent in our political culture. The fear, of course, is that in an era of increasing global environmental catastrophe and the relentless political consequences this will bring—of population displacement, the insecurity of food supply, resource scarcity and wars—the lives of democratic citizens will remain the life oriented towards the better life and thus worth more, licensing ... what am I saying, it already licenses a commitment to this democratic life at the expense of others. For this democratic revolutionary life is oriented towards the ever receding image of a forever better democracy-to-come, the life that prefers itself to the living.

Democracy, we will never get to it. That's the problem, not because it is too good for us, nor because it's an ideal we can never quite reach, but because it is always larger than us and always demands that we strive to enact it in more forcefully effective ways. This is how it licenses the most innocent, excusable, life-affirming killing.

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