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Deconstructing the Leviathan: Derrida's *The Beast and the Sovereign*

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Abstract: Derrida's *The Beast & the Sovereign*, volume I, explores the contradictory appearance of animals in political discourse. Sometimes, as he points out, political man and the sovereign state appear in the form of an animal and, at other times, as superior to animals of which he is the master. In session two of the Seminar, the main focus of this essay, Derrida explores the 'origin' of this contradictory logic *inter alia* with reference to animal fables which he contends draw on unconscious forces in their invocation of images. They pretend to make known something that cannot be the object of knowledge. In the same vein, Derrida shows how Hobbes's Leviathan and sovereignty itself are constructed and maintained through an uncanny fear, a fear not in the first place of one's fellow man, but of the wolf within the self, *i.e.*, the drive to self-destruction. It is the repression of this wolf, Derrida suggests, which leads to the further contradictory logic (in Hobbes) of excluding both beast and God from the covenant whilst maintaining God as the model of sovereignty. God, in other words, 'is' the beast repressed and can therefore hardly serve as the foundation of sovereignty. The self, and ultimately sovereignty, it can be said in view of Derrida's analysis, is never purely present to itself but instead arrives at itself by way of the 'binding' of unconscious forces. Sovereignty in this way ultimately shows itself to be divisible.

Keywords: Derrida; Freud; Hobbes; fable; fear; God; beast; sovereignty

1. Introduction

Hobbes's *Leviathan* (1651) [1] is regarded as one of the foundational texts of modern political theory. In summary, Hobbes explains here why there should be a state, why it should be obeyed and

how it needs to be constructed. In all of this, a certain view of human nature plays a central role. In the latter respect, Hobbes appears to follow Machiavelli, thereby departing from the Aristotelian view of man as by nature a social being. Hobbes informs us that the alternative to his Leviathan is a war of all against all; a return to the state of nature where man is a wolf to man. In positing a state contract concluded between the people in appointing a sovereign, Hobbes, in the standard reading, is said to have provided the basis for the modern secular state, where the sovereign no longer obtains his authority from God but from the people. Hobbes is furthermore said to have provided the basis for the liberal state through his conception of the right to self-preservation and the duties of the state following from this right (Strauss [2], pp. 181–182; Oakeshot [3], pp. 1–79; Manent [4], p. 32). Derrida’s reading of Hobbes in *The Beast & the Sovereign* [5] ties in more closely with the somewhat more audacious readings of Schmitt [6], Foucault ([7], pp. 89–99), Agamben ([8], pp. 105–106) and Hardt and Negri ([9], pp. 47, 103; [10], pp. 1–35). Like these thinkers, Derrida can be said to see a more enduring role for Hobbes’s state of nature subsequent to the establishment of the Commonwealth, though in other respects especially in relation to sovereignty, his reading differs markedly from theirs. Derrida’s wide-ranging challenge to sovereignty likewise calls for a reflection on human nature and in this respect, Hobbes’s *Leviathan* offers fertile soil for a deconstructive reading, for example the way in which he invokes fear in the construction of the Leviathan and his exclusion of God and beast as parties to the state contract. Hobbes nonetheless retains a place for God in the modeling of the Leviathan, a feature that Derrida relies on to challenge the traditional reading of Hobbes as laying the foundations of a secular state. This essay will, by elaborating on a few prominent themes, focus primarily on session two of the Seminar, although it will also follow certain threads that link to the other sessions.

2. The Fable

Derrida starts his discussion of Hobbes’s *Leviathan* in session one by referring to it as ‘the fable of the monstrous animal’ ([5], p. 26). He describes his own Seminar as itself a fable ([5], pp. 34, 273) and asks rhetorically whether the same cannot be said of political discourse in general, and even of political action, which he notes is indissociably welded to such discourse ([5], p. 35). Derrida notes that the fable is a type of simulacrum or a type of speech; it is a legend, a mythical narrative and is thus without historical knowledge ([5], p. 34). In order to clarify the latter characteristic, Derrida uses the French expression which he says is heavily equivocal, undecidable and untranslatable, of *faire savoir* (make to know, making known) ([5], p. 33). The fable, one could say, is supposed to make known [*faire savoir*]. Whilst the fable thus seeks to convey knowledge or to inform, it also gives ‘the impression of knowing...where there is not necessarily any knowing’ ([5], p. 35). The fabulous nature of the fable, Derrida furthermore notes, does not lie only in its linguistic nature, in other words, in the fact that it consists of words. It is tied to acts and gestures in the process of putting living beings on stage so as to ‘make known’. The fable, in other words, involves technique, rhetoric, art—the art of the simulacrum—thereby producing a narrative through a performative speech act ([5], p. 36)¹. For

¹ Derrida is implicitly relying on his earlier exposition in *Limited Inc.* [11] of the ‘law’ regulating constative and performative speech acts. It perhaps bears repeating here that Derrida does not simply problematize this Austinian distinction in showing that constative speech acts also have a performative dimension, but that he shows that the

Derrida, this performative showing/making known of the fable is similar to what happens on television, especially news broadcasts, which for all intents and purposes is a story told in an immediate sensory way, as though it were live ([5], p. 34). Such news broadcasts are performative in nature insofar as they not only report but ‘make’ the news and often do so, for example in the case of September 11, by invoking fear (which, as we will see in section 3, is not restricted to the past present and the future present) in the process of positing sovereignty ([5], pp. 36–37).

In relation to the fable in political discourse, Derrida is especially interested in the contradictory figuration therein of political man. Sovereignty is sometimes figured by raising man above the animal, subjecting, enslaving, killing the animal, yet sometimes (or at the same time) the sovereign (state) is presented as animality ([5], p. 25). The ‘most arresting example’ for Derrida of the sovereign or the state being figured ‘as the manifestation of bestiality or human animality’ is the fable of Hobbes’s *Leviathan* ([5], p. 26). In Hobbes and elsewhere, Derrida points out ‘the essence of the political and in particular of the state and sovereignty...[is] presented in the formless form of animal monstrosity, in the figure without figure of a mythological, fabulous, and non-natural monstrosity, an artificial monstrosity of the animal’ ([5], pp. 25–26). In *De Cive* [14], Hobbes, on the other hand, presents sovereignty as superior to the animal. He points out that the husband is the little king of the household (over women, children and slaves) and this sovereignty is extended also over beasts ([5], p. 30). This kind of contradictory ‘kettle’ logic which Derrida explores in similar fashion already in his early texts, such as *Dissemination* ([15], p. 113), as well as the important role that images play here², has to be understood with reference to psychoanalysis. At stake here is what Derrida refers to as an ‘economy of forgetting as repression’ and ‘some logic of the political unconscious’ ([5], p. 82). Political discourse, Derrida notes, chases after animals to make them flee, to forget them, to repress them, but at the same time also to capture and domesticate them, anthropomorphizing them ([5], p. 82). The Seminar like many of Derrida’s texts can be read as an attempt to establish the ‘law’ of this contradiction.

The fable again comes to the fore later in the seminar when Derrida analyses in more detail La Fontaine’s fables of *The Wolf and the Lamb*, as well as *The Heifer, the Goat, and the Sheep, in company with the Lion* (Project Gutenberg [18]). These analyses give us a further clue of what is at

‘origin’ of all speech acts lies in what he refers to at times as the performative (see [12], p. 136), another name for iterability or the ‘structural unconscious’ of speech acts (*Ltd Inc* 73–77). See De Ville ([13], pp. 45–57) for a detailed consideration.

² Freud interestingly refers to Hobbes’s *Leviathan* in *The Interpretation of Dreams* ([16], Volume V, p. 542) in attempting to explain the production of hallucinatory images in dreams (as well as in hallucinations and visions), that is, a thought being represented as a scene, in other words, as visual image and speech ([16], Volume V, p. 534). Freud refers to the psychical process at stake here as ‘regression’ (something Hobbes already seems to have understood), which he compares with the ‘normal process’, that is, the movement from the perceptual system towards motor activity. In summary, Freud explains that regression ‘is an effect of a resistance opposing the progress of a thought into consciousness along the normal path, and of a simultaneous attraction exercised upon the thought by the presence of memories possessing great sensory force’ ([16], Volume V, p. 547). This passage would have to be read together with texts of Derrida such as ‘Freud and the Scene of Writing’ ([17], pp. 196–231), where he re-reads the Freudian legacy by placing the emphasis on the ‘Note upon the Mystic Writing Pad’ ([16], Volume XIX, pp. 227–232) and ‘Beyond the Pleasure Principle’ ([16], Volume XVIII, pp. 7–64). It can in brief be stated that Derrida seeks to generalize the above process, that is, of unconscious forces leading to the creation of images, with reference to the death drive, rather than infantile experiences (as in Freud).

stake in the contradictory logic exposed above. Both these fables, Derrida suggests, show that sovereignty constructs itself by means of a performative speech act, which is of a fabular kind. Sovereignty sets itself up by way of the invocation of fear ([5], p. 214) and the assertion of the right of the strongest: ‘I am right because I am the strongest, and you will listen to me’³. This also happens in democratic discourse and action: through a fictional and performative speech act, as Derrida points out in ‘Declarations of Independence’, the sovereign (people) legitimates its arbitrary violence ([19], pp. 46–54).

3. Fear

Like Schmitt ([6], p. 31), Derrida notes the important role that fear plays in the construction of the Leviathan, as well as in its maintenance. As noted above, he furthermore makes a direct link between television images, the fable and fear: the deployment of information by capital and the media through teletechnology, Derrida suggests, is perhaps simply ‘spreading the empire of the fable’ ([5], p. 36). This happens particularly in a time of war ([5], p. 36). The technical reproducibility of the event of September 11, 2001, he points out, does not come along after the fact to accompany it, but determines its efficacy, scope and meaning, assuming there is such ([5], p. 36). Technical reproducibility is thus an integral part of the event—from the origin on already. The deployment of image effects, as noted above, is for Derrida a ‘supposed making-known’, referring thereby in part to the (fabular) role of the media in producing events, in active interpretation, in conditioning the political efficacy of the event ([5], p. 39). This making-known is linked by Derrida to fear—knowing how to cause fear, knowing how to terrorize by making known—on the side of the US and the perpetrators. The September 11 images are for this reason continuously rebroadcast in order to terrorize by making known ([5], p. 39). What Derrida seeks to do, both in *Philosophy in a Time of Terror* [20] (with reference to September 11) and *The Beast & the Sovereign* (with reference to political discourse), is to understand what, beyond language, gives rise to this repetition compulsion ([20], pp. 87–88). The fear at stake in the mediatization of September 11, Derrida notes, is not so much about what actually happened with some event in the past, but of something similar or even more terrible that could happen in the future ([5], p. 37). This fear, however, goes beyond a future present fear. This fear/terror, as Derrida notes, ‘overflows the presence of the present toward a past or future of the trauma, which is never saturated with presence’ ([5], p. 39). The ‘essence without essence’ of this terror lies in its ‘touching effectively, affectively and concretely both bodies and souls’ ([5], p. 39). The terror instilled through the media moreover takes place virtually, and it is exactly in this virtuality that the root of terror lies ([20], p. 109). The media thus copies the fable which also banks on fear, a fear that goes beyond knowledge⁴.

³ In session eleven ([5], p. 289), Derrida will point out with reference to Louis Marin, that sovereignty needs the narrative/representation, which again, as in the case of ‘news events’ ([5], p. 36), does not come about after the fact describing what happened, but that it is a structural part of sovereignty. Fiction, in other words, brings about the power of the monarch. There would thus be no sovereignty without this representation. Sovereignty, it can be said, draws all its power, all its potency, its all-powerful nature from this simulacrum effect. The position is the same in respect of the transfer of sovereignty from the King to the people in the French revolution. This transfer is also ‘fictional, narrative, theatrical, representational, performative’, yet ‘terribly effective and bloody’ ([5], p. 290).

⁴ The link with what is noted in section 2 above about Freud and ‘regression’ should be clear.

Derrida links the fear that is caused thus by the media directly to the fear/terror/panic that Hobbes speaks of in the *Leviathan*. According to Hobbes, fear is the political passion par excellence, the trigger (*le ressort*) of the political ([5], p. 39). As in the case of the fable (and the media), we have to do here with *faire savoir*: a certain knowledge or know-how is required to spread fear amongst the population and in this way to subject them, make them submit, to sovereignty ([5], p. 39). Fear, as Derrida points out with reference to Hobbes, is the correlate of sovereignty. The state runs on fear and reigns by fear ([5], p. 40). It is because of fear that it is instituted. In session one, Derrida points in this respect to the invocation of the phrase *homo homini lupus* by Hobbes and notes that this invocation of the wolf—

is also a way for man, within his human space, to give himself, to represent or recount to himself this wolf story, to hunt the wolf by making it come, tracking it...in a fantasy, a narrative, a mytheme, a fable, a trope, a rhetorical turn, where man tells himself the story of politics, the story of the origin of society, the story of the social contract, *etc.*: for man, man is a wolf ([5], p. 9).

Hobbes further comments that fear is the only thing that makes men keep the law ([1], p. 158; [5], p. 40). Noting the close association between law and sovereignty, Derrida suggests that fear is both the condition of possibility of sovereignty and its main effect ([5], p. 40). Sovereignty, Hobbes also states, is tied directly to protection: once the state has been established—and can offer me protection—I can no longer take the law into my own hands, unless there is an immediate threat to my life. In respect to breaking the law, Hobbes notes that there are a variety of causes: some defect of the understanding, some error in reasoning or some sudden force of the passions (vain-glory, hate, lust, ambition, covetousness and fear). Hobbes holds that fear is the passion that *least* makes men break the law ([1], p. 158; [5], p. 41). Nonetheless, in many instances, this may indeed be the cause ([1], p. 158; [5], p. 42). Derrida quotes the margin note here (which does not appear in all versions of the *Leviathan* or in some appears as headings): ‘Fear Sometimes Cause Of Crime, As When The Danger Is Neither Present, Nor Corporeall’. From this, as well as the body of the text, Derrida concludes that Hobbes privileges bodily fear, as well as the ‘present’ of the body, and then adds an important proviso:

but there is in all fear something that refers, essentially to non-body and non-present, if only the future of a threat: what causes fear is never fully present nor fully corporeal in the sense that the purely corporeal is supposed to be saturated with presence. Fear always exceeds corporeal presence and this is why it is also the passion correlative to the law [*la loi*]; fear is thus both the origin of the law and of the transgression of the law and the origin of both law and crime. And if you take fear to the limit of the threat either exerted or felt, *i.e.* terror, then you have to conclude that terror is both what motivates respect for laws and the transgression of laws. If you translate “law” by “sovereignty” and “state,” you have to conclude that terror is equally opposed to the state as a challenge as it is exerted by the state as the essential manifestation of its sovereignty ([5], p. 41).

The fear Hobbes speaks of, Derrida furthermore notes, boils down to a fear for one’s own life. Life is, in other words essentially fearful, he concludes. The protection of the sovereign/law/state is the result of a delegation from fearful subjects. From this follows that they must obey what protects them for as long as the sovereign is able to protect them ([5], p. 42; [1], p. 116). To summarize: men are fearful of their lives, therefore they institute the sovereign to protect them and then they obey the law that they

have instituted through fear of being punished if they break the law, thereby ‘moving from one fear to another’ ([5], pp. 42–43). Derrida notes that ‘being the subject of one’s fear and being the subject of the law or the state, being obliged to obey the state as one obeys one’s fear, are basically the same thing’ ([5], p. 43).

4. Man as Wolf to Man

We saw above that the state, for Hobbes in the *Leviathan*, is required because of man being a wolf for man (*homo homini lupus*). Towards the end of session two, Derrida refers to three more invocations of this phrase, which he refers to as ‘a transference’ and on the path of which God is always to be found ([5], p. 58)⁵. The first will simply be mentioned here and will be returned to indirectly in section 6 in a discussion of the relation between God and beast. This invocation appears in the ‘Dedication’ of *De Cive*, where Hobbes refers to two maxims, which he both regards as true: (*‘Man to Man is a kind of God [i.e., in comparing citizens amongst themselves]; and...Man to Man is an arrant Wolfe [i.e., in comparing cities]’*). The second involves Montaigne, who, in the context of a discussion on marriage, comments that a good marriage should strive for friendship between husband and wife and not love. Montaigne further notes that marriage is something that men cannot live without yet at the same time cannot but denounce. Marriage, he continues, is like a cage that birds on the outside want to enter and those on the inside want to escape. Montaigne quotes Socrates in this regard, who comments that whichever of these two options a man chooses, he will regret. Domestication is thus a double bind or double obligation, Derrida comments, within which one is trapped in advance. Montaigne then immediately invokes the common saying *homo homini aut deus aut lupus* (Man to man is either a god or a wolf), as if explaining this double bind. With this, Derrida comments, the wolf is in a sense let into the house, the scene of domestication and placed in close proximity to man and God. The double bind here, in context, seems to refer to the ‘heat and extravagance of amorous licence’ ([21], Book III, Chapter 5) on the one hand, and the domestication of sex within marriage, on the other. The wolf is in this way closely tied to sexual pleasure, clearly of great importance for the structure, or rather ‘stricture’, which Derrida seeks to expound here as we will further see below. This is also borne out by Plato’s *Phaedrus* ([22], p. 241d; [5], p. 60), where Socrates warns the young Phaedrus that ‘the friendship of a lover arises without any good will at all. No, like food, its purpose is to sate hunger. “Do wolves love lambs? That’s how lovers befriend a boy [alternative translation: Just as the wolf loves the lamb, so the lover adores his beloved]”.’

The third invocation of *homo homine lupus*, referred to by Derrida ([5], p. 61), comes from Plautus (254–184BC), who is said to have first uttered this maxim. In the *Asinaria*, or *the Comedy of Asses* [23], a merchant refuses to give credit to someone he does not know and who could behave towards him like a wolf ([5], p. 61). Plautus puts the following words in the mouth of the trader: ‘I dare say. But notwithstanding, never will you induce me to-day to trust this money to you, a stranger, (*somewhat apologetically*) “Man is no man, but a wolf, to a stranger” (*lupus est homo homini, non homo, quom*

⁵ This invocation of transference is clearly to be understood with reference to psychoanalysis. The notion of transference is deconstructed by Derrida in an interview ‘Du Tout’ ([12], pp. 497–521), thereby bringing the displacement that occurs in transference which also occurs in dreams, closer to the ‘outside’ of psychoanalysis which could be read as a reference to the death drive.

qualis sit non novit).' Derrida reads this passage, which can be translated in a variety of ways (for example, literally—'Wolf [the wolf] is man for man, and not a man, when [like or as] one does not know which he is' or 'Wolf [the wolf] is a man for man, which is not a man, when one does not know him), referring to 'what is most unknown in man' ([5], p. 61). The wolf, in other words, refers here to the unknown in man and, tying in with the discussion of the fable in section 2 above, that which 'exceeds all knowledge and making known' ([5], p. 61)⁶. This so-called first utterance can thus be understood as referring to something in man himself, that is, the unknown or uncanny in man. A certain reduction can therefore perhaps be said to take place in the traditional reading of this phrase as invoked by Hobbes.

Man's uncanny nature is explored by Derrida in detail in session ten with reference to Heidegger, but for the sake of brevity, we will instead turn here to session eight of the Seminar. First, we need to remind ourselves that Freud (*The Question of Lay Analysis*, 1926 (XX, pp. 183–258 at 211) tells us that whenever a wolf enters the scene this stands for the father and, thus, to understand such fables and stories we need to return to infantile sexuality ([5], p. 30). This also happens in his analysis of the Wolf Man (*History of an Infantile Neurosis*) with Derrida pointing to the memory (of the Wolf Man) that his father often said to him as a child 'I am going to eat you', but also to the fact that his mother is at some point associated with a wolf ([5], pp. 64–5; [16], Volume XVII, pp. 32, 47). In session eight, in the context of analyzing La Fontaine's *The Wolf and the Lamb*, Derrida refers again to the 'love' of the wolf for the lamb in Plato's *Phaedrus*—commented on above—and then invokes Cixous's essay 'The Love of the Wolf' *Stigmata* ([24], pp. 110–130; [5], p. 210). Cixous reflects here on love, tying in closely also with Montaigne's observations referred to above. She notes the pain, anguish and fear (of losing the beloved) which love gives rise to and comments that it invokes an ancient, forgotten horror; a danger from the inside, a love of the wolf to be understood as a double genitive or what could also be referred to as a 'complicity that attaches us to that which threatens us' ([24], p. 114). Fear and love, according to Cixous, are inseparable ([24], p. 116). Pointing to the thrill children get from terrifying stories, for example those that put a wolf on stage, she notes that nothing tickles the child more than the wolf saying 'I am going to eat you up'. Why does this idea lead to both pleasure and terror? 'It's to get this pleasure', Cixous notes, 'that you need the wolf' ([24], p. 123). The wolf, Derrida then contends, with reference to Cixous, is loved also by the lamb: it is a question of fear and desire (to be eaten), in other words, the (*unheimlich*) love of fear ([5], p. 210). At stake here is of course the 'desire' for death or absolute pleasure, which returns us to a certain strain in the thinking of Freud, which Derrida refers to briefly in session one of the Seminar when he is setting the scene for the analysis to follow ([5], p. 31).

In *Civilization and its Discontents*, 1929–1930, Freud compares human and animal societies, referring specifically to bees, ants and termites. The stability they are characterized by and the limitations on the individual, he notes, may be the result of a long development. Human beings would not be happy in these societies/states, as the latter are too stable and have no future. In respect of other animal species, he notes that some temporary harmony between the instincts and the environment has

⁶ Later in the seminar, Derrida will equate the saying *homo homini lupus* with the werewolf, 'the man who behaves like a wolf for man' ([5], p. 103). In session three, Derrida moreover refers to the werewolf as a kind of *différential* figure: 'the wolf-man, the lycanthrope, the becoming-man of the wolf and the becoming wolf of the man' ([5], p. 65).

been achieved which has led to a cessation of development. In the case of man, Freud notes, there is no such harmony and this may be because ‘in primitive man a fresh access of libido kindled a renewed burst of activity on the part of the destructive instinct’ (‘Beim Urmenschen mag ein neuer Vorstoß [push] der Libido ein neuerliches Sträuben des Destruktionstriebes angefacht haben [kindled/fueled]’). Within context (this comes just after a discussion of Eros and the death instinct ([16], Volume XXI, p. 122)), Derrida comments that Freud’s hypothesis entails that this relaunching of libido provoked a new unchaining/unleashing (*déchaînement*) of the death drive and of cruelty/ferocity (*cruauté*) and, thus, a relaunching of history ([5], p. 31)⁷. Derrida and Cixous can in a sense be said to follow Freud’s suggestion by linking the wolf to an ‘originary’ self-destructive drive.

5. The Onto-theological Foundation of Sovereignty and Beyond

Schmitt, as we know, describes all significant modern political concepts as secularized theological concepts ([26], p. 36) which can be understood [to mean that these concepts necessarily remain tied to their theological origin ([27], p. 92)]. The question Derrida implicitly raises in session two is whether this is also true of Hobbes’s concept of sovereignty. The question of secularization, and the extent thereof, arises because Hobbes seems to draw a very strict distinction between the obligation owed to the state and any obligation owed to God. The Leviathan, according to Hobbes and as we saw in section 3 above, is fabricated with the essential function of protection. For Hobbes this necessarily implies that sovereignty must be absolutely indivisible. Divisible or shareable sovereignty would not be sovereignty ([5], p. 46)⁸. In *De Cive* (Chapter 9), Hobbes, for example, notes that ‘Dominion (that is) supreme Power is indivisible insomuch as no man can serve two Masters’. In the *Leviathan*, he likewise notes that the social contract or convention is concluded between a multitude that convene to appoint someone—either one man or an assembly of men—to represent them ([1], Chapter 18). Important in this respect is that even those who disagree with the choice of representative and the terms of the agreement are bound by the decision of the majority. In spelling out the implications of this duty of unconditional obligation, Hobbes engages with the issue whether any convention or obligation beyond that to the Commonwealth, for example to God, can justify its limitation. According to Hobbes, there can be no one higher than the sovereign. He strongly condemns those who posit the contrary as a possibility, for example by arguing in favor of some notion of justice or by stating that God needs to be obeyed over and above the sovereign: ‘But this pretence of Covenant with God, is so evident a lye, even in the pretenders own consciences, that it is not only an act of an unjust, but also of a vile, and unmanly disposition’ ([1], p. 91). Derrida notes the extreme passion and anger that come to the fore in this condemnation of Hobbes which was probably motivated by the events of his time, but, he seems to suggest, perhaps also by something beyond that ([5], p. 51). The people who claim that there is an obligation beyond that owed to the human sovereign, on Derrida’s reading of Hobbes, are

⁷ In *The Animal Therefore that I am* ([25], p. 149), Derrida notes with reference to Heidegger that ‘the animal is finally, in comparison to man, simply caught in tighter networks of constraint, “a ring,” Heidegger will say, tighter rings; it is a problematic of binding’. It is therefore simply not the case, as alleged, for example, by Deleuze, that only animals, and not man, are in some way ‘forearmed’ against *bêtise* ([5], pp. 154, 180).

⁸ It should be emphasised that the issue here for Derrida is not about the principle of separation of powers; see further section 7 below.

guilty of three things: (1) of lying to men, as no proof can be brought of such an immediate covenant with God; (2) of placing another law beyond the laws of the state; and (3) of being like Jews, who claim a direct covenant with God ([5], pp. 51–52). Hobbes's position in this regard is that there can be no immediate covenant with God but only via mediation with his Lieutenant who represents him in person, that is, the one who has sovereignty under God ([5], p. 50). This idea of the sovereign as a mediator, of a son of God or of 'God made man', Derrida notes, justifies, or in any event leaves open, 'the possibility of a Christian foundation of politics'. It is exactly this model, as espoused by Hobbes and Bodin, which provides the foundation of the modern concept of sovereignty ([5], p. 52–53).

Comparing himself to many commentators on Hobbes and Bodin, who contend that modern sovereignty is emancipated from religion and theology, Derrida expresses the view that things are more complex ([5], p. 53). It is indeed the case, he points out ([5], p. 53) that Hobbes 'does all he can to anthropologize and humanize the origin and foundation of state sovereignty', for example, by insisting that this is a convention between men and not with God. Derrida, however, contends that sovereignty in Hobbes remains attached to God in two ways: (1) insofar as the fabrication of the Leviathan by man imitates the art of God; and (2) the logic of lieutenancy ([5], pp. 47, 53). In the case of Bodin, human sovereignty is likewise modeled on the divine ([5], p. 48). According to Bodin, the Prince is the image of God, and thus, the law of the Prince must be modeled on the law of God ([5], p. 48). The sovereign prince is moreover 'answerable only to God' ([5], p. 48). In this model, human sovereignty, whether in the form of a monarch or an assembly of men, thus remains subjected to divine sovereignty. The sovereign stands in for the absolute sovereign—God—and the immortality associated with sovereignty remains essentially divine ([5], p. 54). Modern sovereignty thus 'retains a profound and fundamental theological and religious basis ([5], p. 54).

This remains the case, according to Derrida, when sovereignty is transferred through revolution from the king to the people. Such a transfer brings about merely a *political* revolution without a certain kind of poetic revolution, that is, a revolution which completely renounces majesty or sovereignty. The notion of a poetic revolution invoked here is in accordance with Celan's attempt to think of poetry as speaking perhaps in the name of a totally Other ([5], p. 271). As Derrida points out, the temporality of this other (which is to be understood in view of what was said in section 4 above on the wolf)—

cannot be reduced, included, assimilated, introjected, appropriated into mine, cannot even resemble it or be similar to it, a present or proper time of the other that I must surely mourn, radically giving it up, but also the very possibility of which (the *perhaps* beyond all knowledge) is the chance of the encounter (*Begegnung*) and of this event, of this coming, of what is called poetry ([5], p. 272, translation slightly modified).

A simply political revolution, Derrida comments, is never more than a transfer of sovereignty and a handing over of power. This latter kind of revolution gives expression to the Freudian drive to power, explored in 'To Speculate—On Freud'—which is stronger than every other power, also the death drive ([5], p. 290, and see section 6 below). Derrida's analysis of Hobbes ultimately seeks to change the way in which we think about sovereignty, that is, in terms of an economy of sovereignty which, as we will see below, has important implications for the traditional idea of its indivisibility ([5], p. 290–291). Sovereignty itself, Derrida notes, 'never exists as such, as purely and simply itself, since it is only a hyperbolic excess beyond everything—and so it is nothing, a certain nothing (whence its affinity with effects of fiction and simulacrum)'.

6. The Exclusion of God and Beast from the Covenant Amongst Men

The previous section suggested that apart from pointing to the implicit onto-theological basis of modern sovereignty, Derrida also seeks to deconstruct this foundation. In this section, we will see that he does so by analyzing the other exclusion (apart from God) which Hobbes and Bodin ([5], p. 49) insist on in relation to the covenant that establishes the Leviathan. Hobbes is very adamant in the *Leviathan* that the ‘social contract’ is one concluded between men, and that both God and beast are excluded. The exclusion of God and beast takes place in two paragraphs following directly after each other, as Derrida notes ([5], p. 55), with the same terminology and syntax: ‘To make Covenants with bruit Beasts, is impossible...To make Covenant with God is impossible’ ([1], p. 71). A double exclusion is thus at stake, and in both instances language is in issue, specifically the possibility of response⁹. The reason why a convention cannot be made with the beast or with God is because of language: the beast does not understand our language, according to Hobbes, and cannot therefore accept an agreement or make known to us its response. God, likewise, cannot respond to us or make known his response to us except by mediation, that is, through revelation or through his representatives on earth ([5], p. 55). So, in the case of God, we don’t know whether our convention has indeed been accepted by him. In both cases, there is thus no exchange, shared speech, question and response as any contract seems to demand¹⁰. Derrida furthermore refers here to the idea of the non-responsive animal, which has been adopted consistently since Descartes and which he (Derrida) problematizes in session four of the Seminar, as well as in *The Animal Therefore that I am* [25]. It is interesting, Derrida furthermore notes, that God is in Hobbes’s *Leviathan* also said to be non-responsive and that this feature, strangely, is—

indeed the most profound definition of sovereignty, of that absoluteness that absolves it, unbinds it from all duty of reciprocity. The sovereign does not respond, he is the one who does not have to, who always has the right not to, respond [*répondre*], in particular not to be responsible for [*répondre de*] his acts. He is above the law [*le droit*] and has the right [*le droit*] to suspend the law, he does not have to respond before a representative chamber or before judges, he grants pardon or not after the law has taken its course. The sovereign has the right not to respond, he has the right to the silence of this dissymmetry. He has the right to a certain irresponsibility ([5], p. 57, translation slightly modified).

The sovereign, it seems, shares this ‘non-response’ with the beast and with God, but also, Derrida notes, with death, which Levinas describes as the no- or without-response [*sans-réponse*] ([29], p. 9)¹¹.

⁹ This issue is taken up again, and problematized in the session on Lacan (session 4).

¹⁰ Derrida notes in an aside that it is of course false to say that beasts in general do not understand our language or that there are no conventions between humans and animals (through training *etc*)—though they may not be literal and discursive ([5], pp. 55–56). Furthermore, as he notes, one cannot say ‘that the human conventions at the origin of states always or even most often take the form of literal, discursive and written contracts with mutual and rational consent of the subjects concerned’ ([5], p. 56). What is regarded as proper to man (here language), moreover, also belongs to other beings if one looks more closely, and what is proper to man does not strictly speaking belong to him (see [28], pp. 23–25).

¹¹ Derrida does not mention ‘madness’ here specifically, but the non-response can clearly be read together with the silence of madness at stake in ‘Cogito and the History of Madness’ (*Writing and Difference* [17], pp. 31–63). In *The Animal Therefore that I am* ([25], p. 52), Derrida also mentions ‘writing’ in this regard, which Socrates in the *Phaedrus* ([22], pp. 275d–e) notes, does not respond.

A few pages earlier, Derrida had anticipated this ‘metonymic contiguity’ between God, beast and sovereign commenting that ‘[t]hese three figures replace each other, substitute for each other, standing in for each other, the one keeping watch as lieutenant or stand-in [*suppléant*] for the other along this metonymic chain ([5], p. 55). To understand what is at stake here, we need to turn back again a few pages to where Derrida mentions this double exclusion for the first time ([5], p. 49–50). He notes here the interesting fact (noted in section 5 above) that even though God is excluded from the covenant (like the beast), he still serves as the model of sovereignty ([5], p. 50). He is in a sense the sovereign of the (human) sovereign ([5], p. 50). It is also noteworthy that ‘this theological model of the political, excludes from the political everything that is not proper to man, God as much as the beast, God *like* the beast’ ([5], p. 50). This ‘non-proper’ in man raises again the question of the *uncanny*, touched on in section 4 above. Here, the invocation of the uncanny and the link between man and beast has profound consequences for the foundations of sovereignty. Derrida puts this elusively as follows:

If God is the model of sovereignty, saying “God *like* the beast” puts us again on the same track, sniffing out everything that might attract the one to the other, via this *like*, the sovereign and the animal, the hypersovereign that is God and the beast. God *e(s)t* [is/and] with or without “s,” and so *with or without being*, the beast. The beast *e(s)t* God, with or without being (it). The beast is God *without being (it)*, a God without being... ([5], p. 50)

The text (in response to Derrida’s reference to an unspecified text of his own) here contains an editorial footnote, which points us to ‘How to Avoid Speaking: Denials’ in *Psyche II* [30], where the phrase ‘God without Being’ (*Dieu sans l’être*) is briefly explored (see *Psyche II* [30], p. 147). In line with the latter text, the ‘(it)’ in the above quotation is an attempted translation of ‘le’ in l’être’ (being), which can serve to refer not only to the definite article of the noun ‘being’ (*l’être*), but also to a direct object pronoun (*le*—it) of the verb ‘to be’. ‘It’ then refers back to God, that is, ‘without being God’. In the ‘How to Avoid Speaking’ text, we find an important indication of the distinction between deconstruction and negative theology, which helps to clarify the above quotation and to understand the link between God, beast and sovereign. In brief, negative theology can be said to hold on to the idea of a superior and transcendent being (and thus a presence) beyond language, even though this being is viewed as so incomprehensible that his being cannot find expression in language. *Différance*, one of Derrida’s neologisms giving expression to the ‘strictures’ explored by deconstruction on the other hand, does not exist, is not a present-being in any form and has neither existence nor essence. *Différance* claims to exceed and, thereby, at the same time, to inscribe the being at stake in negative theology (that is, God) within its operation. Deconstruction is, therefore, not concerned, as is negative theology, with naming an ineffable being, but in exploring the other of being; its condition of possibility. Returning now to the above quotation, we saw earlier (sections 3 and 4) that what is feared is ultimately the beast/wolf in man himself. For protection, a state is therefore fabricated, with its foundation in God, to drive away or suppress the beast. This positing of God as foundation (and thus also of the state), however, seems to be a trick man plays on himself. God, it appears, is nothing but the beast repressed. The beast is, in other words, God without being, or in somewhat different terms, the beast is God without being God.

The above analysis, which clearly also has close links with psychoanalysis, has very important implications for the supposed indivisibility of sovereignty which Derrida raises and contests

throughout the seminar. In session eleven, Derrida again invokes a ‘certain’ psychoanalysis within the context of sovereignty by referring to Freud’s *Beyond the Pleasure Principle*. In chapter 2 of *Beyond*, in discussing his grandson Ernst’s *fort-da* game, Freud contemplates whether the game can be ascribed to a drive for power or mastery that goes beyond the pleasure principle (*Dieses Bestreben könnte man einem Bemächtigungstrieb zurechnen, der sich davon unabhängig macht, ob die Erinnerung an sich lustvoll war oder nicht*). Derrida himself analyses this passage in detail in *The Post Card* [12], as well as in ‘Doing Justice to Freud’, where he (Derrida) contends that pleasure should be understood in terms of a drive for mastery that necessarily limits and masters itself ([12], p. 403). The drives themselves must likewise be thought of as binding and mastering themselves ([12], p. 403). In *The Beast and the Sovereign*, Derrida suggests that if we think of the political in terms of a drive for mastery, we should no longer take our point of departure in the pure concept of sovereignty but in ‘concepts such as drive, transference, transition, translation, passage, division’, as well as economic distribution ([5], pp. 290, 302). These ‘mediate’ words or concepts, most of which have been analyzed and transformed by Derrida in earlier texts (see e.g., [31], pp. 98–110), reframe the question surrounding sovereignty in terms of a ‘negotiation in a relation of force between drives to power that are essentially divisible’ ([5], p. 291)¹². This is, of course, another way in which to speak about *différance*, that is, of a self and of a sovereignty that is not fully present to itself but divided in itself.

7. Différential Sovereignty

Derrida’s analysis in session two of the Seminar calls on us to acknowledge the fragility of state sovereignty in all its forms, that is, also as democratic sovereignty. Derrida’s challenge to state sovereignty is of course not the first and, as we saw earlier, he is likewise not the first or the only one to invoke Hobbes in this regard. Through his analysis of sovereignty, both in *The Beast & the Sovereign* and elsewhere, Derrida at the same time casts doubt on the efficacy of challenging sovereignty by invoking the universality of human rights ([20], pp. 132–133; [32], pp. 87–88), by making the other (person) sovereign (a reference to Levinas; see B&S session nine), by relying on the notion of bare life (a reference to Agamben; see B&S session twelve) or by invoking a new ontology (a reference to Negri; see [33], p. 257). Derrida, moreover, does not seek to abolish sovereignty once and for all. The notion of *différance* recognizes that the desire for sovereignty, as well as for its abolition, will remain in operation. Derrida’s challenge to sovereignty thus entails acknowledging both its appeal and its necessity, while at the same time relocating it within a field of force, the force-field of *différance* ([20], p. 124). This has important implications for both external and internal sovereignty, dimensions which are, of course, closely related ([34], p. 158). Some of these implications can be mentioned here in broad outline with reference to Derrida’s texts. Insofar as its external dimension is concerned, sovereignty is still being regarded today as the cornerstone of international law despite an

¹² This analysis perhaps also helps us to understand the insistence throughout the Western Philosophical tradition on a strict division, limit or threshold between man and animal (finding expression for example in zoological gardens, mental asylums and human domestication in general) as at the forefront of the suppression of the beast within the self ([5], pp. 56, 298, 309–311). The drawing of the limit or imposing of a threshold (for which Derrida ([5], p. 333) notes that we have an irrepressible desire), such as the supposed ability (of man, compared to the animal) to respond or feigning to feint, thus seeks to ensure the indivisibility of sovereignty, precisely because of its divisibility.

increasing number of limitations gradually being recognized. Whereas Derrida in general supports such limitations ('[d]econstruction is on the side of unconditionality' ([27], p. 92), he has nevertheless insisted that insofar as a politico-legal decision for or against sovereignty is called for, the specific context should play a determining role ([27], p. 92)¹³. He has furthermore supported the idea of trans-state democratization whilst rejecting the idea of a (sovereign) world state ([20], pp. 130–131; [32], pp. 81, 87). International law, in his view, should not however have the last word, as the relation between unconditionality (justice without power) and sovereignty (right, power or potency), as analyzed *inter alia* in 'Force of Law', is also at stake on this level ([20], p. 115, 120; [27], p. 92; *Rogues* [32], p. xiv). Insofar as the internal dimension of sovereignty is concerned, in view of its foundational role in relation to law, the deconstruction of sovereignty can be said to have important implications for the principle of separation of powers, a principle which is often simply equated with the divisibility of sovereignty. As Schmitt ([35], p. 91), however, reminds us, and he is correct up to a point, the principle of separation of powers seeks to protect liberal freedom, yet it can by no means affect the absolute and indivisible sovereignty of the people ([35], p. 102). The constitution-making power of the people precedes the liberal separation of powers and remains in effect, ([35], pp. 125–126), that is, until its deconstruction. The democratization of monarchic sovereignty (in Freudian terms, the killing of the primal father by his sons) and its apparent splitting amongst three branches therefore does not in itself mean the end of indivisible sovereignty. In this respect, the above analysis raises the question whether the issue of separation of powers—which has interestingly for many years been at the center of debates in that most sovereign of all countries, the US, a debate which has also had a huge spill-over effect—does not serve to hide from view an issue of much greater importance. That issue is the relation between the sovereignty-enhancing ethico-politico-legal field as a whole on the one hand, and a certain poetic revolution that completely renounces sovereignty on the other. This revolution will continue to haunt the existing world order.

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¹³ State sovereignty, as Derrida points out, could, e.g., in certain instances be used as a protective mechanism against international capitalist forces; *For What Tomorrow* ([27], p. 92); *Rogues* ([32], p. 158).

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