

## Ellipsis: Derrida and Agamben on Sovereignty and Life

The following essay requires a prolegomena on the term “violence”—its translations, appearances, invocation, and function in the philosophy of deconstruction that will simultaneously cast light on a related but differing approach to negativity, namely Benjamin’s notion of destruction in, for example, his fragment “The Destructive Character.”<sup>1</sup> Such a preliminary exploration might serve as an apology for the following endeavor to read Agamben alongside Derrida in order to glimpse something of the ‘final’ stakes in their explorations of sovereign power and life. In the absence of such a necessary prologue however, let us keep in mind Derrida’s project to introduce alterity through repetition into form and sense as the self-presence of being,<sup>2</sup> and Agamben’s injunctions (following Benjamin) to contemplate suspending the “anthropological machine”<sup>3</sup> that produces humanity. Between the two we can trace an ellipsis that puts into question the fundamental political and ontological boundaries between man and animal through the destruction of tradition.

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<sup>1</sup> See for instance Alexander Garcia Düttman’s essay “Tradition and Destruction: Walter Benjamin’s Politics of Language” in Walter Benjamin’s Philosophy: Destruction and Experience eds. Andrew Benjamin and Peter Osborne, Elizabeth Grosz “The Time of Violence: Deconstruction and Value” in Cultural Values Volume 2 Numbers 2 and 3 1998 pp. 190-205.

<sup>2</sup> The radicalism of Derrida’s project is best understood through his 1967 essay “Form and Meaning: A Note on the Phenomenology of Language” Speech and Phenomena and Other Essays On Husserl’s Theory of Signs Trans. David Allison, Northwestern UP: 1973, 107-128.

<sup>3</sup> See for instance Agamben’s 2002 book The Open: Man and Animal trans. Kevin Attell, Stanford UP, 2004, and his 1992 essay “Notes on Politics” in Means Without Ends: Notes on Politics, trans. Vincenzo Binetti and Cesare Casarino, Minnesota: 2000,109-118.

The incongruous juxtaposition of Heidegger and Defoe's Robinson Crusoe in the second volume of the Beast and the Sovereign seminars yields Derrida with a dividend of at least two factors: a) the comparative method permits a performative critique of Heidegger's own comparative approach (the comparison among stone, animal, and man) in the 1929-1930 seminar Fundamental Concepts of Metaphysics; and b) it enables Derrida to trace the figure of the circle as the paradigm of a shared modality of undertaking, what he terms as "the roundness of a rotating movement, the rondure of a return to self" (Rogues, 10) in Heidegger and the fictional Crusoe. In the following, I shadow Derrida's method by juxtaposing in turn Derrida and Agamben in order to gauge the implications of their ways of linking sovereignty and (animal) life by tracing another figure of turn and re-turn: this time not the circle of sovereignty, but something closer to an ellipsis as the governing figure of their apparently dissonant philosophical relationship. We may recall that Derrida opens Rogues by naming ellipsis in "both senses of the word" saying: "*ellipsis* names not only lack but a curved figure with more than one focus" (Rogues, 1). In "Form and Meaning" the closed circle of metaphysics is deformed into an ellipsis by repetition, thereby making possible a something other that cannot be positively named.<sup>4</sup> The circle and the ellipsis then are figures of speech as much as those of temporality and spatiality that can serve as instruments with which to measure the pathways of inquiry initiated by the two philosophers.

For Derrida, particularly in the second volume of The Beast and the Sovereign seminar, Heidegger and Defoe's Robinson Crusoe appear to be haunted by a will to re-turn to their starting places, to retrace their steps that they cannot

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<sup>4</sup> *Op cit*, especially 127-128.

completely master. By himself performing the figure of re-turn as the (*bête*) automaticity of repetition Derrida re-discovers the circle in a variety of contexts and registers including the geography of Crusoe's desert island, Heidegger's circularity immanent in his pre-suppositional mode of questioning, the nostalgia or homesickness of philosophy, the auto-affection of the wheel that Robinson must re-invent, the voice of Poll the parrot that merely parrots Robinson's name, the "benumbment" or captivation of the animal, and a host of self-turnings, the most important of which is of course the concept of sovereignty itself, and the limit it finds in death. If the recurrence of the circle that Derrida repeats and replays continually throughout the seminar seems mainly ironic and playful (given the context of sovereignty) it is to Rogues that we must turn to grasp the significance of this figure, which he insists is neither "the purely ideal objectivity of the *geometric* circle" or even (as I shall be proposing shortly) the "*geological* possibility of a knowledge of the roundness or sphericity of the earth" (17). For here, in the chapter titled "The Free Wheel," he takes up with unmistakable gravity the circle as the figure of sovereignty, its unconditionality and *ipseity*. He writes:

Ipseity names a principle of legitimate sovereignty, the accredited or recognized supremacy of a power or a force, a *kratos* or a *cracy*. . . The first turn or first go-round of circularity or sphericity comes back round or links back up, so to speak, with itself, with the same, the self, and with the proper of the oneself, with what is proper to the oneself proper. The first turn does it; the first turn is all there is to it [*le premier tour, c'est tout*]. The turn, the turn around the self, of returning to the self or turning back on the self, the possibility of turning on oneself around oneself—the turn

[*tour*] turns out to be it [*tout*]. The turn makes up the whole and makes a whole with itself; it consists in totalizing, in totalizing itself, and thus in gathering itself by tending toward simultaneity; and it is thus that the turn, as a whole is one with itself, together with itself. . . This sovereignty is a circularity, indeed a sphericity. Sovereignty is round; it is a rounding off. (*Rogues*, 12-13)

The aptness and adequacy of the metaphor of the circle for sovereignty may well be thrown into question by Agamben's topology of sovereignty as akin to Leyden jar that confounds the distinction between inside and outside, which he theorizes in terms of a certain 'exercise' of latency. But given that they are both thinking about 'the same thing,' namely the relation between violence or force, and law, I suggest that the clue to thinking through this overlap is offered by the contrast in their writing styles: the extreme concision of Agamben's writing (often described as elliptical) as opposed to Derrida's periphrastic style,<sup>5</sup> makes it clear that this simultaneity and togetherness must be understood not as a circular turn but as an *ellipsis* (in both senses of the term). Contrary to the auto-affection indicated by the single focal point of the circle then, the relation between (the two systems of thought on sovereignty, violence, and the animal represented by) Derrida and Agamben, can be figured as another kind of re-turn—one that would flatten and break the perfect unanimity of the circle with something like a gap or an *ellipsis* (from Gk. *elleipein*, "to come short") in the distinct foci of the *ellipse*.

Perhaps another way to figure this return and relation can be understood with the help of the following well-known mathematical puzzle: A bear leaves his

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<sup>5</sup> See "Circumfession" (1991) in *Jacques Derrida* by Geoffrey Bennington, University of Chicago Press: 1993.

home. He walks 20km South, then 20km East and then 20km North. He finds that he is home. What color is the bear? The seeming *ellipsis* or *non sequitur* of this puzzle (the bear is white) finds its resolution in the polar ice caps where the curvature of the earth's surface excludes the perfect circle as much as it defies the right angles of the compass.<sup>6</sup> As an entry into deep mathematics, the polar bear's travels introduces us to the concept of non-Euclidean space where parallel lines meet theoretically in the curvatures of space-time. I set this puzzle before us as an analogy that represents something of the non-consensual simultaneity between these two thinkers. The premise of this paper is that the theories of Derrida and Agamben that appear to unfold in parallel lines to each other (despite similar modalities of engagement in terms of the archives they re-visit, the issues that compel them, or the general path of their questioning)<sup>7</sup> do in fact find concurrence not within the circle of consensus, but in the surprising curvatures of philosophy's space-time.

This paper offers what can only be called a sketch for an analysis of Derrida and Agamben's theories of power (with reference to animal life and sovereignty) by following mainly Derrida's arguments in the two volumes of The Beast and the

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<sup>6</sup> Adapted from Martin Gardner's My Best Mathematical and Logical Puzzles Dover Publications 1994.

<sup>7</sup> In an interview with Jean-Luc Nancy, "Philosophy as Chance" Lorenzo Fabbri recalling Derrida's deconstruction of sovereignty in his last works, says: "the absence of comparison with the work of Giorgio Agamben is striking; there is only a brief note on the project of *Homo Sacer* in *Rogues*. Yet Derrida and Agamben seem to share many of the same themes (sovereignty, the human and the animal, the witness) as well as the same authors (Heidegger, Kafka, Celan)" (435). Nancy's response makes clear his pain at what he suggests is Agamben's deliberate slighting of Derrida. While an examination of Agamben's many comments on Derrida might help clarify several important political and ethical issues, I desist from following that path here in order to privilege the perspective of Derrida's seminars.

Sovereign seminars with regard to: a) the localization of life—animal life or naked life with reference to law and its force. This section examines Derrida’s comments on the role of *zōē*, and its relation to the *logos* as the proper of man. Here, I shall only mark, without taking up in detail, the relevance of Agamben’s meditations on voice as it bears on the question of differentiation or pluralization within the *logos*; b) the emphases or the pressure Derrida and Agamben place on *Gewalt/walten* and *dynamis* respectively in their reading of sovereignty and its exercise. This section focuses on the way the two thinkers take up the relation between law and violence leading up to the question of a pre-sovereign violence, a force that exceeds and dominates even the constituent force that is theorized as the revolutionary force that posits the law; and c) the implications of their readings of sovereign power for an ethics pertaining to finitude and death—human and animal, namely what Derrida says through his reading of Heidegger about the “as such” of being and *Gelassenheit*, and Agamben as well on “letting be” and inoperativity. Given the virtually all-encompassing reach of particularly these last set of issues on the work of two philosophers, which calls for a separate study or studies, this paper confines itself to merely broaching the topic of “letting be” as a factor in their ethics and final stakes. Ultimately, I suggest that an *ellipsis* of thought occurs in the way both thinkers arrive at a concept of time as a species of non-sovereign un-conditionality. Though their theories of time have different focal points, they can, nevertheless, turn on the same axis of political and ethical possibility.

#### I. Life (*zōē* and *bios*) and Logos: the political ontology of separation:

In Volume I of The Beast and the Sovereign seminar, Derrida in the latter part of the third session is sharply ironic, even dismissive of Agamben’s rhetoric in

Homo Sacer. However, it is not until the twelfth session of the seminar that he turns in earnest to the substance of Agamben's argument, particularly his translation of the Greek terms *zōē* and *bios* and the consequent reading of the Aristotelian proposition about man as *zōon logon ekhon*. (Perhaps, it would not be an exaggeration to say that the entire basis of Derrida's polemic with Agamben, here and elsewhere, can be traced back to their differing approaches to, and appropriations of Aristotle, or more precisely Heidegger's reading of Aristotle.) The main disagreement that Derrida has with Agamben's reading of Aristotle pertains not only to the understanding of the Heidegger-Aristotle ligature but, more broadly, to the term *zōē* and how the concept of life or living being is being parsed by him. According to Derrida, the crux of Agamben's argument in Homo Sacer depends on a specious distinction between the Greek terms "*bios*" referring to a fully human and qualified life and "*zōē*" as unqualified living being or animal life. He says: "The whole difficulty depends on the fact that Agamben wants absolutely to define the specificity of modern politics or biopolitics . . . by putting his money on the concept of 'bare life,' which he identifies with *zōē*, in opposition to *bios*" (325). Derrida's own point about *zōē* is that man is zoo-political, and that *zōē* is itself a split term that is always already both animal and human. While Derrida dismisses as specious the distinction Agamben makes with reference to *zōē* as a specific difference rather than an attribute, later on in the seminar, he does acknowledge that the distinction could mean that man's essential difference is to be political by nature. However at no point does he countenance the idea that Agamben's argument regarding the nature of sovereignty might exceed the philological argument.

In its detail, Derrida's polemic has two main aspects: besides his expressed personal distaste for the rhetorical moves and claims made by Agamben, Derrida suggests that not only does Agamben invest too much in a rigid distinction between *bios* and *zōē*, a distinction that he argues is fundamentally untenable, and thus invalidates his entire thesis, but that the way both Agamben and Foucault think the historicity of bio-power and bio-politics is inherently problematic. For Derrida, both Foucault and Agamben err insofar as they inherit a linear view of history (Vol 1, 333). Bio-power and bio-politics he concedes with Agamben are nothing new nevertheless, by persisting in naming its contemporary configuration as something unprecedented, Agamben and Foucault, he suggests, fail to overcome a metaphysical view of time where a single founding moment inaugurates an event of sovereign power. Moreover, sovereignty, he asserts in another context, is not to be opposed *tout court* because "there is not SOVEREIGNTY or THE sovereign. There is not THE beast and THE sovereign. There are different and sometimes antagonist forms of sovereignty, and it is always in the name of one that one attacks another . . . In a certain sense, there is no contrary of sovereignty, even if there are things other than sovereignty . . . Even in politics the choice is not between sovereignty and nonsovereignty, but among several forms of partings, partitions, divisions, conditions that come along to broach a sovereignty that is always supposed to be indivisible and unconditional" (76). This measured approach, in which Derrida advocates for "a slow and differentiated deconstruction" (76) as we shall see differs markedly from Agamben's own call to "abandon" or at least "[think] all over again" sovereignty and constituent power that are "at the core of our political tradition." ("Notes on Politics," 112) However, Derrida's remark here does not in fact represent the limits of his own ethics or politics insofar as the



deconstruction of sovereign power surely, cannot be undertaken in the name of another sovereignty.

But where Agamben is concerned, what most offends Derrida appears to be terminology. Raising the problem of translation as the fundamental issue in any discussion of animality and sovereignty, Derrida argues that the Greek term *zōē* is used in multiple ways in literature—be it the New Testament or Aristotle—and cannot be held to mean strictly animal or bare life. He begins with a reading of the term by turning to the gospel of John where the term *zōē* is explicitly linked to *logos*. Translating John 1:1-4 he quotes: “The *logos* was in the beginning with God (*outos ēn en arkhē pros to theon*), everything existed through it [through the *logos*] and nothing that existed existed without it. In it [the *logos*] was life (*zōē*) and life was the light (*phōs*) of men” (313). According to Derrida, this Johannine doctrine of origins, establishes nothing if not the “ontological affinity” (not opposition as implied by Agamben) between *logos* and *zōē*/life. Likewise with Aristotle’s declaration in the Politics, where once again we discover “another configuration of *zōē* and *logos*, another essential inherence of *logos* in the living or the living in the *logos*, another *zoology* or another *logozōēy* which are situated, are supposed to be situated, at the *arkhē*, at the commencement, at the sovereign principle of everything that concerns what appears and grows in the light, the *physis* of light, *phōs*, of life, *zōē*, and of *logos*, of speech” (314). We must pause here to remark upon Derrida’s assumption that by *zōē* Agamben must mean the animal without *logos*. In other words, Derrida assimilates the *bios*/*zōē* distinction into the more familiar and traditional opposition between man and animal in terms of their access to language. However, it is not clear that Agamben’s *zōē* can be said to belong to this framework as a term signifying the absence of *logos* (the animal poor in the world), or that his view of

the *logos* is entirely on the side of speaking man (*bios*). But we shall return to this shortly.

Derrida then offers a sharp corrective to Agamben by turning rather ferociously upon his reading of Aristotle's notion of man as *politikon zōon*. After establishing again the (always already) insecure boundary between *zōē* and *bios*, Derrida then faults Agamben (and Foucault) for not properly crediting Heidegger for his original interrogation of Aristotle's proposition. Derrida suggests that Agamben fails to see that much of what he says was already adumbrated and signaled by Heidegger's reading of Aristotle. Here, Derrida argues for a bi-valent reading of Heidegger's inquiry into the term *logos* and his attempt to disclose *logos* as gathering (derived from *legein*). Derrida suggests that Heidegger's deconstruction of the Aristotelian *logos* functions not only as a critique of the hegemony of *logos* as reason, but also simultaneously as a (submerged) deconstruction of the Johannine dogma about Christ as the mediator of the *logos*. Where the biblical discourse is concerned, the problem for Heidegger, Derrida suggests, is that Christ as the mediator of the *logos* and as the embodiment of life (*zōē*) (the *logos* of *zōē*) was not properly human. Here Derrida claiming that Heidegger authorizes his reading says that not only is Christ in this sense:

a Jew, as is well known, by his origins, but is a Jew determined as *logos mesites* on the basis of a Jewish appropriation (Philo) of the Greek *logos*, a zoological Jew, since he is a Jew who unites in his person as son of God, both *logos* and *zōē*. And he is zoological not only because of the sacrificial lamb, because of the Paschal lamb of the Jews or the mystical lamb that erases the sins of the world. So it is also in this sense that—uniting in one and the

same body, or one and the same concept, *logos* and the life of the living, *logos* and *zōē*—a *zoo-logy* or a *logo-zōēy* imposes itself. It will, according to Heidegger, have imposed its authority, even its sovereignty its hegemonic predominance both over the originary interpretation of the Greek *logos* and over the Aristotelian definition of man as *zōon logon ekhon*, the animal that has the *logos*. As for him, Christ, qua man, not only has the *logos*; he is the *logos*. Incarnate. He incarnates the *logos* that he has. (321)

With this rather surprising reading, Derrida while covertly conceding that *zōē* refers to living being as animal life, (because *zōē* here functions as the stain of the improper animal) nevertheless overtly scores simultaneously against Heidegger for his complex and ambiguous brush with anti-Semitism, Agamben for his unacknowledged metaphysical and Christo-theological perspective, and (of course) logocentrism itself for its traditional bias towards gathering and oneness. There's a deep implication here for readers of Agamben in that Derrida, without saying in so many words, is consigning Agamben's notion of the *homo sacer*—the extreme figure of dehumanization and depoliticization—to the Christian *logos*, thereby showing that Agamben's interrogation of sovereignty is in fact entirely consonant with an arch-traditional Christological view of politics. The implication is that the figure of *homo sacer* that Agamben theorizes as the site of power's conflation of biological life and subjective existence (*zōē* and *bios*) is consonant with the arch figure of religious sacrifice—Christ on the cross. What Derrida does not contend with in this tacit renaming of the *homo sacer* as a Christ figure is the modality of power's exercise delineated by Agamben. The point being that while Christ represents the supreme sacrifice by a positive injunction of the law—crucifixion as capital punishment—

Agamben's *homo sacer* is a figure inaccessible to sacrifice and prevails in the law's indifference. From this perspective, i.e. that of the inmate of a camp (consider his delineation of the *musselman* in Remnants of Auschwitz) the question of philological correctness in Agamben's use of the terms *zōē* and *bios* loses its astringence.

The bare bones point is that for Agamben, depoliticized (animal or naked) life and sovereignty are fundamentally concepts that can find their significance only through an inescapable relationship to force. As concepts that name life, *zōē* and *bios* are not substantives. Rather, they must be situated within a framework and understanding of sovereignty, and Agamben here makes explicit his debt to Carl Schmitt, where sovereignty itself is derived from the original possibility of the state of exception. In other words, the state of exception is the inscription of anomie at the heart of and as the secret kernel of the law. Thus, he writes: "The rank and the paradox of Schmitt's concept of sovereignty derive, as we have seen, from the state of exception, and not vice versa" (SOE, 35). For Agamben, life is always already a political concept that cannot be understood except as "outside" of the law that is included as being such. This is clarified in The State of Exception when Agamben says: "There are not *first* life as a natural biological given and anomie as the state of nature, and *then* their implication in law through the state of exception. On the contrary, the very possibility of distinguishing life and law, anomie and *nomos*, coincides with their articulation in the biopolitical machine" (SOE 87). This juridical machine references the fact that sovereign power harbors as its latency or secret kernel a capacity to reduce political life to bare life through a process of depoliticization, namely the state of exception understood as a disclosure of law's force as neither properly fact nor right (HS, 18). For Agamben, the exception is the

*arkhe* of the law: through its separation and incorporation of animal-biological life in and as its purview, the law manifests animality as sheer force, even as it produces the animal as power's effect. "Sovereign violence" he writes in the chapter entitled "The Ban and the Wolf, "is in truth founded not on a pact but on the exclusive inclusion of bare life in the state. And just as sovereign power's first and immediate referent is, in this sense, the life that may be killed but not sacrificed, and that has its paradigm in *homo sacer*, so in the person of the sovereign, the werewolf, the wolf-man of man, dwells permanently in the city" (HS 107).

While Derrida too relates the beast to the sovereign on the terrain of force, though he is quick to warn us not to read sovereignty as "disguised manifestations of animal force" the truth of which is given by "inhuman cruelty" (Vol 1, 14), in the seminars, where Agamben is concerned, he focuses not on the political separation of life and its articulation with force, or on the logic of biopolitics as the reduction of human beings to species populations. He says, in fact, after a discussion of the metamorphoses of metaphors pertaining to wolves and men that "the zooanthropological, rather than the biopolitical, is our problematic horizon" (Vol.1 65). No doubt what underlies this polemic at least according to Derrida that distinguishes his own thought from Agamben's, is the way in which the *logos* as the proper of man is being approached, in other words, the problematic logocentrism inherent in Agamben's distinction of animal and political life. For Derrida, of course, the *logos* as noted above, is always already differentiated and partakes in *zōē*, and in he repeatedly indicts Agamben for his reliance on an over rigid distinction between *zōē* and *bios* or animal and man that must deny the *logos* to *zōē*. While there may be some justice (and this requires a separate discussion) to the larger criticism that Agamben distinguishes man from all other animals on the basis

of the nature of language and the way it is accessed by human being, the fact remains that this distinction is not only thoroughly politicized, but that Agamben's view of language and *logos* is equally if differently invested in indeterminacy. Though Derrida reads Agamben as placing *logos* on the side of *bios*, a more sustained reading of Agamben shows that in fact, language (or *logos* parsed as traditional reason, or Heidegger's gathering) is understood entirely through its negativity—what Agamben terms as its “infancy” or mute unsayability, which positions the *logos* between nature and culture. In his 1978 text Infancy and History, he takes up the split between *langue* and *parole* and says:

It is not language in general that marks out the human from other living beings—according to the Western metaphysical tradition that sees man as a *zōon logon échon* (an animal endowed with speech)—but the split between language and speech, between semiotic and semantic . . . Animals are not in fact denied language; on the contrary, they are always and totally language. In them *la voix sacrée de la terre ingénue* (the sacred voice of the unknowing earth)—which Mallarmé, hearing the chirp of a cricket, sets against the human voice as *une* and *non-décomposée* (one and indivisible)—knows no breaks or interruptions. Animals do not enter language, they are already inside it. Man, instead, by having an infancy, by preceding speech, splits this single language and, in order to speak, has to constitute himself as the subject of language—he has to say *I*. Thus, if language is truly man's nature (and nature, on reflection, can only mean language without speech, *génésis synechés*, ‘continuous origin’, by Aristotle's definition, and to be nature

means being always-already inside language), then man's nature is split at its source for infancy brings it discontinuity and the difference between language and discourse. (52)

In other words, for Agamben as well, *zōē* is associated with *logos*, which is fundamentally rethought, in terms of a certain muteness, the non-semantic nature of *langue*. In earlier texts such as Language and Death, Infancy and History, and in several other shorter pieces collected in Potentialities, including Homo Sacer, Agamben pivots the question of animal and *logos* onto the problem of voice. It is in these writings that he articulates his thinking about the relation between *logos* and animality and in Language and Death in particular, Agamben mounts a polemic against Derrida's critique of phonocentrism by suggesting that within the tradition of western metaphysics, human language has always been distinguished through the eviction of voice. Voice, he suggests is always associated with the animal, and silent *phoné* of intuitive expression finds its place through the excision of vocality.<sup>8</sup>

But for now remaining with the objections against Agamben raised by Derrida in this seminar, and question of the force of law, which renders the beast and sovereign as a doublet, a closer examination of Derrida and Agamben's inquiry into the ontology of force/violence in relation to *logos* and law is warranted. As I have already noted however, while force is fundamental to Agamben's thinking about life and law, forming a triadic structure that describes reality as a (sinister)

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<sup>8</sup> See the chapter entitled "Excursus 3: Between the Fourth and the Fifth Days" in Language and Death 38-40, also 7-8 of Homo Sacer. For Derrida's own discussion of voice in relation to animal phone as further proof of Heidegger's anthropocentrism see the Eight session of The Beast and the Sovereign Vol 2, 219-222.

biopolitical machine, such a critical and polemical project leading up to an audacious and risky strategy does not concern Derrida.

## II. *Logos, Physis, Gewalt/Walten and Dynamis:*

Having faulted Agamben and Foucault for neglecting to mention Heidegger's critique of man as *animal rationale* (living being endowed with reason), Derrida opens an important line of argument regarding the relation between *logos* and sovereign power, power and *physis*. He suggests here (as he has done over the years)<sup>9</sup> that "Heidegger is attempting to rethink in an original way the relation between *logos* and *physis* (*physis*, of which he says, at the beginning of the Introduction to Metaphysics, that its Latin translation as *natura*, which also speaks of "birth," has turned away from the originary sense of the Greek *physis*, as ethics, in the sense of morality, has degraded the original sense of *ethos*)." (Vol.1,317) Derrida then suggests that we keep in mind the five questions posed by Heidegger, the first of which pertains to the unity of *physis* and *logos* in the thought of the originary unity of Being. It is in the continuation of the seminar into the following year that Derrida delves into *physis* as the prevailing force. But to contextualize that cellular turn in his thinking, it is necessary to observe how he approaches force in its historicity at a more experiential level.

Of Heidegger's questions in the Introduction to Metaphysics, it is question five for Derrida that introduces the element of sovereignty into this equation of *physis* and *logos* and it does so as a symptom of the metaphysical forgetting of

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<sup>9</sup> For an excellent discussion of Derrida's discussion of Heidegger in these seminars see Michael Naas's "World, Solitude, Finitude": Derrida's Final Seminar" Research in Phenomenology 44 (2014) 1–27.



Being. The question is “how does this *logos*, as reason and understanding, come to reign (exercise its mastery, its authority, its sovereignty (*Herrschaft*) over Being at the beginning of Greek philosophy?” (Vol.1,318). What interests Derrida in this question is the formulation of sovereignty in terms of a fundamental relation to *logos* as the “violently imposed sovereignty of *logos* as reason, understanding, logic.” (318) And this “force of reason,” which Derrida has been expatiating on in previous sessions of the seminar, as well as in *Rogues*, is one that Heidegger argues overwhelms the sense of *logos* as gathering. Lest this element of overlordship (*herrschaft*) is read as a corruption of some kind of pristine *logos*, Derrida goes on to clarify that the domination of *logos* by reason does not mean that *logos* is in any way free of force. “For the *legein* or the *logos* as gathering, as *Sammlung* or *Versammlung*, which Heidegger holds to be more originary than *logos* as reason or logic, is already a deployment of force and violence . . . *logos* already has the violent character of a predominance or, as it is translated [into French], a *perdominance*, a *Durchwalten* of *physis*.” (319). In other words, not only does *logos* as reason impose itself with violence and force, but a certain force, in fact force as such (for here the “as such” is unavoidable) the force of *physis*, is essential to *logos*. “So the *logos* is itself, however one interprets it, as gathering, *Sammlung*, or later, as logic, reason or understanding—the *logos* is already, always, of the order of power, force, or even violence, of the order of that *Gewalt* that is so difficult to translate (force, violence, potency, power, authority: often legitimate political power, force or order: *walten* is to reign, to dominate, to command, to exercise a power that is often political: sovereignty, the exercise of sovereignty, is of the order of *walten* and *Gewalt*)” (320).

For Derrida then, the *logos* is bound up with a certain manifestation of power or force (*Gewalt*), and is therefore also the foundation of the force of law as right or

*droit*. We may recall here his 1989 speech “The Force of Law: The “Mystical Foundation of Authority,”<sup>10</sup> the better part of which was devoted to Benjamin’s *Zur Kritik der Gewalt* translated as “Critique of Violence” where Derrida had already questioned the reductive translation (into French and English) of *Gewalt* as violence. The question that he grapples with there (and it is one that is central to Agamben’s thought) is “how are we distinguish between the force of law of a legitimate power and the supposedly originary violence that must have established this authority and that could not itself have been authorized by any anterior legitimacy, so that, in this initial moment, it is neither legal nor illegal—or, others would quickly say, neither just nor unjust?” (Force, 927). (If stark contrasts are required here, we could say that Derrida and Agamben launch their respective paths of questioning from the ontological and political ends of *Gewalt* respectively to deconstruct the phenomenon of juridical sovereignty.)

While in the “Force of Law,” Derrida is mainly concerned with force in a politico-juridical context, in the seminars, he begins exploring what can only be called the ontology of force, to identify a *Gewalt* that precedes its political and theological determination. While juridical violence concerns both thinkers, it is in this question of originary violence, a force that is anterior to every manifestation of phenomenal power, that the knot of concepts, terms, and rhetoric that entangles Derrida and Agamben is properly situated. Not only does Derrida return to the question of a force before the force of law that overrides every political relation at the end of both volumes of the seminar, but Agamben too invests a decisive (ethico-

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<sup>10</sup> Jacques Derrida, “Force of Law: The “Mystical Foundation of Authority” trans. Mary Quaintance in *Cardozo Law Review*, 11. 919 (1990).

political) value to the way this pre-political force is theorized by Benjamin and Carl Schmitt.<sup>11</sup> In other words, it appears that for both Derrida and Agamben, the discourse surrounding the question of this force before force touches the raw nerve of ethics.

Derrida makes it clear in his 1989 speech that for him “it is always a question of differential force, of difference as difference of force, as *différance* (*différance* is a force *différée-différente*), of the relation between force and form, force and signification, performative force, illocutionary or perlocutionary force, of persuasive and rhetorical force, of affirmation by signature, but also and especially of all the paradoxical situations in which the greatest force and the greatest weakness strangely enough exchange places. And that is the whole history” (929). Force, then is what deconstruction is about—or more precisely, deconstruction is (or exposes) the force of differentiation. Perhaps, this can be written as: force is difference. As Derrida says: “c’est toute l’histoire” (928). Our question then is: How or where within this explosive history that force makes, or more accurately, within this ‘historicity of force,’ should sovereign power in its juridical manifestation—the force that posits the law and the force that conserves it—be thought? I raise this question mainly with Benjamin’s “Critique of Violence” in mind as that essay provides a hinge between Derrida and Agamben’s notions of sovereignty. In particular, it is Benjamin’s discussion of the relation between constituting and constituted power (the power that posits the law and the power that maintains it) and the co-implication of violence and justice that is of relevance here.

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<sup>11</sup> In State of Exception, Agamben stages a combat between Benjamin and Schmitt over what he calls “a zone of anomie” (59) within the law in a chapter aptly entitled “Gigantomachy Concerning a Void” (52-64.)

Compared to Agamben, Derrida's approach to the law and its "mystical foundation" is by and large descriptive of its eminently deconstructible status, rather than pointedly oppositional, or confrontational. Speaking of the constituting force of law, its self-authorizing, self-legitimizing violence in instituting law, he says:

Here the discourse comes up against its limit: in itself, in its performative power itself. It is what I here propose to call the mystical. Here a silence is walled up in the violent structure of the founding act. Walled up, walled in because silence is not exterior to language . . . Since the origin of authority, the foundation or ground, the position of the law can't by definition rest on anything but themselves, they are themselves a violence without ground. Which is not to say that they are in themselves unjust, in the sense of "illegal." They are neither legal nor illegal in their founding moment. They exceed the opposition between founded and unfounded, or between any foundationalism or anti-foundationalism. Even if the success of performatives that found law or right . . . presupposes earlier conditions and conventions . . . the same "mystical" limit will reappear at the supposed origin of said conventions. (943).

For Derrida, the foundation of (constituted) law in its own history and texts, or for that matter its lack of an "ultimate foundation" raises a paradox: "it is this deconstructible structure of law (*droit*), or if you prefer of justice as *droit*, that also insures the possibility of deconstruction. Justice in itself, if such a thing exists, outside or beyond law, is not deconstructible. No more than deconstruction itself, if

such a thing exists. Deconstruction is justice “ (945). In these few famous sentences, Derrida situates justice “in itself” before the law, (‘before’ as priority as well as facing) in an apparent contiguity with law’s mystical foundation in constituting violence. Does justice “in itself” then arise in the silence of the logos—“the walled up, walled in” silence of language—that is coterminous with the “violent structure of the founding act”? Or, does it prevail (*waltet*) in the *logos* as something other, (other than or other within) the anterior, exceptional, mystical, and decisionist force that constitutes the force of law? Here we cannot overstate the importance of Derrida’s assertion that “deconstruction takes place in the interval that separates the undeconstructibility of justice from the deconstructibility of *droit* (authority, legitimacy, and so on)” (945). As a negative force immune to being questioned or historicized as the dissimulation of presence, Justice in itself is not only outside and beyond the law, it is also to be understood as the *différance* of mystical authority or constituting power. And this is made clear when Derrida refers to the exclusion of the animal from legal understandings of violence and justice, and suggests that in the name of deconstruction, “we must reconsider in its totality the metaphysico-anthropocentric axiomatic that dominates, in the West, the thought of the just and the unjust” (953). Thus, this justice driven deconstructionist questioning of “the boundaries that institute the human subject” (953) would be the first step toward making a place for the zoo-logy the *zōē* in *logos* that Derrida wishes to bring into view in his displacement of Heidegger and the Greeks. Thus, as Derrida had stated earlier, it’s always a question of a differential force, and where juridical sovereignty is concerned, this anterior force, hitherto understood as constituting power is itself subject to pluralization and differentiation by the *différance* that is justice.

The force of justice “in itself” then would have to be understood in terms of the prescribed “double movement” (953) of deconstruction, which consists of a “sense of a responsibility without limits” (953) that demands a rigorous and persistent questioning of the “origin, grounds and limits of our conceptual, theoretical or normative apparatus surrounding justice” (955) and the necessary risk and anxiety that Derrida insists follows the suspension of “an axiom’s credibility” in the necessary *époque*, so indispensable to deconstruction, justice is incalculable, undeterminable, and above all “disproportionate.” This disproportion makes justice, the justice before any juridically informed justice that must necessarily go through the ordeal of the decision, impossible. “There is apparently no moment in which a decision can be called presently and fully just” (963). In an allusion to Levinas, Derrida also speaks here of the “infinite justice” “before any contract” that is owed to the other. In one of his most difficult, yet signal moves, Derrida then says that justice, “it *may* have an *avenir*, a “to come,” which I rigorously distinguish from the future that can always reproduce the present. Justice remains, is yet, to come, *à venir*, it has an, it is *à-venir*, the very dimension of events irreducibly to come” (969). Derrida repeats this proposition of infinite justice as infinite responsibility, its uncertain *avenir*, on several occasions, as when he discusses concepts such as democracy, hospitality, the gift, friendship, and I would suggest most powerfully in relation to the animal, where he reads Levinas’s little text on Bobby the dog in terms of Levinas’s disavowal of responsibility.<sup>12</sup> Thus, the space of that anterior force before any force that he raises again in the Beast and the Sovereign seminars carries for Derrida a profoundly ethical charge that in a sense

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<sup>12</sup> The Animal that Therefore I am especially 112-118.

'prevails' over the political and sovereign violence that Agamben theorizes in Homo Sacer and The State of Exception. In order to better situate this anterior *Gewalt* that authorizes law, and also frees Justice in itself from the order of law, we must take up once again the relation between *physis*, *logos*, and *walten*.

An extended exploration of the verb *walten* appears in volume II of the seminar held from December 2002 through March 2003, where Derrida for the most part juxtaposes two rather unlikely works: Defoe's Robin Crusoe (1719) and Heidegger's 1929-1930 seminar Fundamental Concepts of Metaphysics. In the second session of the seminar, Derrida introduces once again the translation of the word *walten*, but this time in relation to Heidegger's definition of the *physis* in metaphysics, its relation to *physis* as not merely "self-forming" but as a self-constituting "autonomous, autarcic force" the stress here on *walten* as much as "*sich bildenden*" (39). The point here is that Heidegger thinks *physis* not only in the sense of biological growth and increase, but as the force that inaugurates human experience that includes plants and animals in their capacity to grow and increase in terms of history "physis as history, in short nature as natural history" (39). This splicing of human experience on one hand and natural history on the other, i.e. *physis* to (what can justifiably be termed a hybridized notion of) history has the effect of retrospectively clearing the "mystical" element that Derrida identified as the foundation of authority in 1989. The *Walten*<sup>13</sup> that Derrida extracts from

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<sup>13</sup> Derrida notes that *walten* is used as verb and noun (Vol 2, 283) and stresses that Heidegger's use of the word "signs, in a sense, the untranslatable and idiomatic use of the word *walten* itself. It is a word and above all a writing gesture, a singular pragmatic use, signed by Heidegger, who presenting himself as a faithful thinking inheritor of the German language, is going ceaselessly to affirm and refine the vocabulary and syntax of *walten*, in defiance of all translatability (Vol 2, 282).

Heidegger's text is here "a figure of absolute power, of sovereignty before even its political determination" (40, my emphasis). What interests Derrida about this conceptualization of *walten/physis* that is neither simply botanical or biological nor entirely anthropological and juridical is the overcoming of the age old oppositions of nature/ culture, or even pre and post social contract:

*Physis* as totality of what is, and not, no longer, nature in the belated and restricted sense of the word, as object of the natural sciences (as opposed to history, society, spirit, liberty, culture, etc.) any more than in the prescientific, romantic, or Goethean sense of nature. No more is it a matter here of the *state of nature* as opposed to the *state of society*, an opposition that has organized so many discourses for so long, in particular discourses of political philosophy on the state of nature or on natural right. (40)

*Physis* here is fundamentally an original ontological force that is irreducible to the force of man-made law. Contrary to such legitimate *Gewalt*, Derrida stresses that for Heidegger *physis* understood as originary *walten* traverses and subjects man by exceeding and preceding the "theologico-political" (41). At this point, we may appear to have retraced our steps, caught in one of those circles that Derrida identifies in the seminar as endemic to philosophical path making. The question once again is: does this original *physis/Walten* subsume juridically manifest sovereign power? Here, at this point of the seminar, we come a little closer to something of an answer: yes and no.

Enter once again: *logos*. Now it's not only that the force of *physis* is essential to *logos* as we noted in the discussion of Heidegger's critique of *logos* as reason, but *logos* it seems is essential to the very *Walten* that is *physis*. Derrida underlines that



for Heidegger, any consideration of *logos* “will always depend tightly on the thinking of *Walten*” (42). Here then is an elaboration of the point that Derrida signaled in the previous year of the seminar: that there is a certain dominance (*Walten*) in *logos* that is not merely the lamentable dominance (*Walten*) of reason. Beyond even gathering, the *logos* unconceals *Walten* and brings to speech “this *physis*, this *physis*-as-*Walten*, from its *Verborgenheit*, its hidden, dissimulated, silenced being. And what is thus said, liberated from its retreat in the shadow of what is hidden (*Verborgenheit*), would be *Walten* itself. i.e. the law, its order and its status, its law . . . the law that rules over beings themselves” (42). This liberated *Walten* is not quite the constituting force of law that Derrida suggested was “walled up and walled in,” immured in a mystical silence. Here *Walten* speaks, shows itself in its liberation from silence, but is irreducible to the constituting force of law even as it authorizes it. As Derrida adds this is “the force of law not in the juridical sense of the term, but law as force, or the force that makes the law” (42, footnote 17; also p. 208). What is consequential here is a certain notion of world where *logos* understood as a capability for ‘saying’ as a “self-authorizing performative”(42) has a privileged access to the truth of *physis* as *Walten*, because it discloses the law that governs the entity.

Thus, if so far, Derrida has been following and transmitting Heidegger faithfully, here in a characteristic move, he steps aside and notes the punctuality of Heidegger’s anthropocentrism (42): The animal is poor in the world because it has no access to the “as such” through the *logos*, or because it has no access to the *logos* it cannot perceive beings as such. Thus once again, despite the powerful denaturing of “nature” and the “naturalization” of force and law, moves that could potentially radically reconfigure the traditional oppositions between *physis* and *logos*, *physis*

and *nomos*, Heidegger, Derrida notes, recuperates the privilege and sovereignty of human being over the so-called animal. For Derrida on the other hand, the thought of *Walten* as *physis* and *logos* could be said to reveal not so much the “as such” of beings, but perhaps the problem of justice “in itself.” Recalling his particular constellation of *Walten*, justice, and law, I suggest we can justifiably think of this force that is contiguous with justice “in itself,” that prevails in *physis* and *logos*, and founds the law, as a) not in any sense identical or reducible to the constituting violence that he discusses with reference to Benjamin’s essay (see 991); b) as the deconstructive trace that renders all law partial. The key point for the present inquiry then can be stated as follows: Given his approach to *Walten* in the second year of the seminar, I suggest that Derrida’s differential and differentiating *Walten* is not only not reducible, but it fundamentally exceeds the *épokhè* of the law, the *Gewalt* inherent in (what Benjamin and Agamben as interested readers of Carl Schmitt identify as) “the state of exception,” to appear instead as thoroughly inhuman, pre-political, pre-theological *physis*. For Derrida, the nexus of relations, among *logos*, *walten/Gewalt* and *physis* provides in retrospect an anchoring point for an extended meditation not only on sovereignty and sovereign power in terms of *Gewalt*, but also as is evidenced by the final session of the last seminar, of a pre-political, pre-sovereign sovereign power as ontological prevailing (*walten*), (which we may be forgiven for reading as) Justice in itself.

The issue now is whence Agamben in this deconstruction of *Gewalt*? The question is whether his theory of the force before the force of law is exhausted by the *épokhè* of the law understood as the state of exception, or whether there is an alterity within this anterior force (constituent power) that works to differentiate and deconstruct force as such? The difficulty of this question arises from a fundamental

difference in foci between Derrida and Agamben. If Derrida is interested primarily in deconstructing “sovereignty as such,” including all and any claims to absolute autonomy or self-presence, Agamben concentrates on “sovereign power,” how it works and where and in relation to what it finds its efficacy. However, where sovereignty is concerned, any attempt to rigorously separate the ‘what’ and the ‘how’ must fail given that it can only prevail through and as a performative act.

Compared to Derrida’s explorations of *Gewalt* and *walten* in relation to *physis* and *logos* (not to mention Justice) as antecedents to juridico-political sovereignty, Agamben’s analysis of (sovereign) power has a completely different focal point. His point of departure is not so much the self-enclosing rondure of sovereignty as presence, or the problem of the “as such” of the entity supposedly revealed by the *logos* as the *walten* of *physis* that for Derrida discloses the metaphysical blind-spot in Heidegger and others, but it finds its initial impetus from the *épokhè* of the law or the sovereign decision on the state of exception. For Agamben, the moment of the decision of the suspension of the law unlike in Derrida is as much a site of political opportunity as of risk and anxiety. In fact, for Agamben, the state of exception understood as a limit concept is the proper site of the political, insofar as it discloses the originary violence of sovereignty, and of a force before force (*Potenza*) that is just as differentiated but is not the same as Derrida’s *Gewalt*. Thus, rather than figuring sovereignty in terms of the rondure of an auto-immune system that is always already open to the lethal circularity that turns the system back on itself, Agamben, models sovereignty in terms of a topological paradox. As the limit concept of sovereign power, the state of exception exerts its violent efficacy by playing with the border between what is said to be “inside” (the polis) and what is assumed to be “outside” the polis or the law’s purview. He writes:

The state of nature and the state of exception are nothing but two sides of a single topological process in which what was presupposed as external (the state of nature) now reappears, as in a Möbius strip or a Leyden jar, in the inside (as state of exception), and the sovereign power is this very impossibility of distinguishing between outside and inside, nature and exception, *physis* and *nomos*. The state of exception is thus not so much a spatiotemporal suspension as a complex topological figure in which not only the exception and the rule but also the state of nature and law, outside and inside, pass through one another. It is precisely this topological zone of indistinction, which had to remain hidden from the eyes of justice, that we must try to fix under our gaze. (HS, 37)

What is important to note here, particularly in light of Derrida's criticism of Agamben's too rigid and specious a distinction between *bios* and *zōē*, is that sovereign power appropriates to itself, or rather it is nothing but the authority to mandate the distinction between what must be named as being inside and also outside of the polis, in order precisely to collapse this distinction (in states of exception) as the extreme exercise of its power of violence. As he writes with reference to the Hobbesian notion of "the state of nature": "Contrary to our modern habit of representing the political realm in terms of citizens' rights, free will, and social contracts, from the point of view of sovereignty *only bare life is authentically political*. This is why in Hobbes, the foundation of sovereign power is to be sought not in the subjects' free renunciation of their natural right but in the sovereign's preservation of his natural right to do anything to anyone" (HS 106). In other words, the force of sovereign power must structurally include "the state of nature"

as its own outside, as is evident in states of exception. Thus, here in this schema *physis* and *nomos* are not disclosed in the benign 'saying' characteristic of the *logos* that Derrida discusses with reference to Heidegger. Rather, the deconstruction of *physis* and *nomos* here bears the imprint of sovereign power, or to put it simply: sovereign power deconstructs the opposition between the so-called state of nature and the political state when it decides on the state of exception. The so-called pre-political, pre-sovereign *Gewalt* that Derrida identifies in his reading of Heidegger as the force of *physis* unconcealed by *logos* is for Agamben always already thoroughly political, in that it opens the proper place of a final or terminal contestation.

Confronted with the paradoxical topology of sovereignty that includes through exclusion, understood as a relation that emerges through the suspension of law, Agamben, unlike Derrida will venture an audacious political and material rather than a purely textual strategy. It is in fact an imperative—philosophical, political, and ethical imperative—that he derives from Benjamin's eight thesis on history, namely: "the tradition of the oppressed teaches us that the "state of emergency" in which we live is not the exception but the rule. We must attain to a conception of history that is in keeping with this insight. Then we shall clearly realize that it is our task to bring about a real state of emergency, and this will improve our position in the struggle against Fascism" (*Illuminations*, 257). The idea of a "real state" of exception, which of course also resonates with Benjamin's "disconcerting"<sup>14</sup> notion of divine violence, then guides Agamben's thinking about sovereign power and the law. Thus to grasp the contemporary political norm as in fact the prevalence of a state of exception (where the law is in force without

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<sup>14</sup> This is Derrida's adjective in "The Force of Law" (977).

signifying), is not to want to restore it to a positive functionality, to make it signify again, but to neutralize it—to render it without force. Agamben ends The State of Exception with the following words:

To show law in its nonrelation to life and life in its nonrelation to law means to open a space between them for human action, which once claimed for itself the name of “politics.” Politics has suffered a lasting eclipse because it has been contaminated by law, seeing itself at best as constituent power (that is, violence that makes law), when it is not reduced to merely the power to negotiate with the law. The only truly political action, however, is that which severs the nexus between violence and law. And only beginning from the space thus opened will it be possible to pose the question of a possible use of law after the deactivation of the device that, in the state of exception, tied it to life. We will have then before us a “pure” law, in the sense in which Benjamin speaks of a “pure” language and a “pure” violence. To a word that does not bind, that neither commands nor prohibits anything, but says only itself, would correspond an action as pure means, which shows only itself, without any relation to an end. (88)

Compared to the force of deconstruction, this strategy might at first appear audacious, and yet passive even pacifist, insofar as it seeks to sever law from violence. Moreover, as an exercise of thought it situates itself and thinks a political condition that can only transpire at the end of history, an end that must coincide with the end of the state form. Over and over again, Agamben ventures to speak, and recommend that we think, the condition of post-historical human being (as the

unsaved remnant) at the end of time. Again, much of this bears some resonance with Derrida's work in *Spectres of Marx*, "Faith and Knowledge" etc. The question of weak messianic power or messianicity without messianism (and related notions such as "the coming community" and the *a-venir* of democracy) is another shared thematic mediated by Benjamin between Derrida and Agamben and deserves its own treatise.

### III. Privation (*Sterēsis*) and Ethics

Remaining within the parameters of Derrida's seminar and the question of force in the moment of neutralization of the law as envisioned by Agamben: the political space that opens up here for human action is not one where force is absent. It is not an active force, but it is a force before force that is neither properly justice nor injustice, but simply a surplus negativity without a relation. Compared to Derrida then, the ontology of force that Agamben delves into is not exactly the *Walten* of physis, but a power that he terms *potenza*, that he says in his essay "The Power of Thought" aims "to understand the meaning of the syntagm *I can*. What do we mean when we say "I can, I cannot"?<sup>15</sup> If we turn to Agamben's early essays<sup>16</sup> as well as *Homo Sacer* and the works following, his thinking about right and sovereignty proceeds not from a consideration of the *logos* primarily, but from his early explorations into Aristotle's notion of *dynamis*, which he renders as *potenza*. This *potenza* for Agamben, undergirds all human capacity for action, especially the ability that exceeds generic possibility to actualize skill. However, the essence of this *potenza*, especially as it manifests itself politically in the state of exception is not

<sup>15</sup> "The Power of Thought" trans. Kalpana Seshadri, in *Critical Inquiry*, Vol 40, (Winter) 2014, 480-491.

<sup>16</sup> See the collection of essays edited by Daniel Heller-Roazen entitled *Potentialities : Collected Essays in Philosophy* Stanford UP: 1999.

predicated on the capacity to do, whereby power (*dynamis*) is exhausted in the act (*energia*) but the capacity to not do.<sup>17</sup> He writes:

If we recall that, in the *Metaphysics*, the examples of the power-to-not (*potenza-di-non*) were almost always treated within the ambit of techniques and of human knowledge (grammar, music, architecture, medicine, and others), we can then say that man is the living being that exists eminently in the dimension of power [*potenza*], of being able [*potere*] and not being able. Every human power [*potenza*] is, co-originally, powerless [*impotenza*]; every ability to be [*poter-essere*] or do is, for man, constitutively in a relation to his own privation. And this is the origin of the immense human power [*potenza*] that is all the more violent and forceful with respect to other living beings. Other living beings are capable only of their specific power [*potenza*], are capable only of this or that behavior inscribed in their biological vocation; man is the animal that is *capable of his own powerlessness* [*impotenza*]. (487)

No doubt, this clearly anthropocentric assertion could generate an immediate though very inadequate response. That is, we might say it is questionable whether Agamben's ontological force—his theory of *potenza* and *impotenza*—overcomes the metaphysical humanism that Derrida tracks in philosopher after philosopher, from Descartes to Heidegger and Lacan particularly in The Animal That Therefore I am. But I suggest that in this particular instance, such a

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<sup>17</sup> See my "Agamben, the Thought of *Sterēsis*: An Introduction to Two Essays" in *Critical Inquiry*, Vol 40, (Winter) 2014, 470-479.



criticism would divert us from grasping what is actually a crucial opening to overcoming the tradition of metaphysical humanism. By provisionally suspending this criticism, we may be able to glimpse something of what is ultimately at stake in Agamben's politics and ethics that in fact encounters Derrida's in the curve of an unfinished and unmet *ellipsis*. In the interests of time, and for lack of space, I shall here merely signal the issues that could be taken up in a separate analysis:

As previously discussed, the political manifestation of the power of *sterēsis* for Agamben is manifest in the state of exception. In other words, sovereign power is exercised through and as the suspension or the "non-doing" of the law thereby collapsing fact and law. However, insofar as power is both the power to do and to not do, which means that it is never exhausted in the act, this power of not-doing cannot be exhausted by sovereignty in the political state of exception. Thus it is perfectly possible to bring about a "real" state of exception in which the suspension of the law is once and for all severed from the decision that brings it about. The question now is: How does this privileging of *impotenza* the power to not, loosen the hold of metaphysical humanism? In The Open, Agamben speaks not so much of sovereignty but of "anthropogenesis" as the work of the "anthropological machine" that ceaselessly separates and articulates man and animal (79). To bring this machine to a standstill then is also to neutralize the ontological project of western politics and metaphysics.

There is no doubt an important implication of this imagined moment of suspension for the way death and dying are traditionally thought in relation to man and animal. Derrida's outrage at philosophy's denial of dying to non-human animals is writ large over his work, but most explicitly in Aporias, The Animal That

Therefore I Am,<sup>18</sup> and the seminars at hand. For Derrida, Heidegger's view that human beings alone have a relation to death and dying, whereas other species merely perish, is profoundly unjust for the simple reason that no one, no mortal creature can be said to have a relation to his or her own death and dying. At death, we are all equally caught off guard. Agamben, for his part, devotes Language and Death to the problem of how in Hegel and Heidegger the capacity for death is articulated with the capacity for language. Though, he cannot be said to respond with the righteous anger that Derrida unambiguously expresses at such humanistic arrogance, Agamben ultimately does question this appropriation of death, and the notion of the propriety of death through the figure of the *musselman* and the anthropological machine that enables the decision on the life worth living.

However, coming back to The Open, switching off the anthropological machine does not mean that man and animal are now perfectly reconciled. In the last few chapters of this brief but intricate book, Agamben reads Heidegger's notion of *Gelassenheit* or "letting be" through the displacing lens of Benjamin's "saved night" and the gnostic Basilides to mean not to "let the world and beings be as such" (91), which, as Derrida concurs presupposes that "the animal doesn't know how to "let-be," let the thing be such as it is" (*Animal That Therefore*, 159) as it has no access to the "as such" of beings. Rather, he interprets it as letting be "outside of being":

To render inoperative the machine that governs our  
conception of man will therefore mean no longer to seek new—

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<sup>18</sup> See especially 75-77 of *Aporias* trans. Thomas Dutoit, Stanford UP: 1993. Also *The Animal That Therefore I Am*, translated David Willis, Fordham UP: 2008, esp Chapter 4 "I don't know why we are doing this" on Heidegger.

more effective or more authentic—articulations, but rather to show the central emptiness, the hiatus that—within man—separates man and animal, and to risk ourselves in this emptiness: the suspension of the suspension, Shabbat of both animal and man. . . The righteous with animal heads in the miniature in the Ambrosian do not represent a new declension of the man-animal relation so much as a figure of the “great ignorance” which lets both of them be outside being, saved precisely in their being unsavable. (92)

From a certain angle, Agamben’s elaboration of *dynamis* and *sterēsis* when situated within the ethical and political contexts of sovereign power can appear rather uncannily like *différance* with a difference. Here then is a space of unconditional openness to the other without sovereignty, yet maintaining alterity that appears to countersign the signature of Derrida’s thought. But, unfailingly, there is a hiatus, a profound and perhaps unbridgeable ellipsis between the deconstructive trace and *impotenza* that has to do not so much with space but time. For, if Agamben thinks everything from and toward the end of time and history, aligning himself with Benjamin who proclaims: “the destructive character wipes away even the traces of destruction,” (Reflections, 303) Derrida, perhaps, can be counted on to begin again, always. His last words after all are: *Préférez toujours la vie et affirmez sans cesse la survie...*<sup>19</sup>

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<sup>19</sup> “Always prefer life and affirm ceaselessly survival. . .” This sentence with its ellipsis (three tear drops) is from the address Derrida himself wrote to be read aloud at his funeral on 9 October 2004.