



CONSTANCE GOH

The Democratic Promise

The Individual Within the Community

POSTCOLONIAL STUDIES 6

Mission Impossible

A title occasionally resonates like a citation of another title. But as soon as it names something else, it no longer simply cites, it diverts the other title under cover of a homonym. All of this could never occur without some degree of prejudice or usurpation.

I shall try to do justice to these possibilities by beginning to read—and reading here amounts to citing—Kafka’s story entitled *Vor dem Gesetz* or, in English, *Before the Law*. While the translation of the title may appear problematic, in three words it sums up in advance and formalizes what is at stake.

—Jacques Derrida, “Before the Law”

Giorgio Agamben starts *State of Exception* with the question that preoccupied thinkers of Western politics: “...what does it mean to act politically?”, asserted here as an onto-theological question predicated upon an examination of the hegemonic ideology of both Western liberal democracy and its Eastern counterpart, socialist democracy. Whereas socialist democracy openly articulates its hegemonic underpinnings, those insisting on the “liberal third way” ignore the hegemonic violence inherent in the activities that occurred under its aegis. Can one say that the “liberal third way” manifests the inescapable fact of the state of exception in a globalized arena? What other options do we have besides the liberal third way or the socialist-democratic way? Can the conventions of human rights be read in another manner, a way that one calls messianic democracy, something akin to Žižek’s absent second way that is comparable to the dharmic-daoist way of *wu ju* (a way without desire and self-interest)? I shall argue that messianic promise is one that is achievable with language, that it is promised with(in) language. And despite the fact that that the idea put to work in praxis evinces a gap between thought and practice, it is paradoxically this abyss that provides the comparability here. This chasm necessitates the insertion of the resistant representative so that it is “plugged”, according to Slavoj Žižek’s psychoanalytic reading of socio-political crises. And this is made evident by the empirical manifestations of this idea, Mahatma Ghandi in India and Aung San Suu Kyi in Myanmar, but they entail a self-sacrifice that includes the followers who are subjected to torture and incarceration. What, then, is a way

that does not necessitate a sacrifice, even that of the self? Could it be an actual but alternate materialization of the celebrated cultural diversity, more appropriately the “cultural diversities” that Žižek’s universal exception *really* proposes?

This book explores the possibility of a cross-cultural approach to the idea of human rights, first, by questioning the universality of its judiciary machinery and its concomitant standards; second, by laying out the various possibilities for an intercultural dialogue on the notion of democracy and the effects on the intranational level; and, thirdly, by investigating the potential for democratic reconstruction of a specific Asian culture within the global body politic even as cultural diversity or relativity is used sometimes to justify for the violation of the human rights decrees. Its trajectory is founded upon the tension discovered between the freedom of the individual will and general will, the constrained liberty of an individual within a community, and the impaired classical concept of autonomous subjectivity which is then elevated to the macro-level of international relations. The primary goal here is to find a new way encapsulating the Western and Eastern concepts of messianic democracy that may accommodate the different perspectives on human rights and overcome the limitations and, more importantly, the imposing violence of so-called democratic sanctions on states or nations deemed resistant or renegade. The aggression which arose from the need to monopolize world economy can be read as another form of imperialism. Rey Chow’s concepts, “fascist longing in our midst”, in *Ethic after Idealism*, read as symptomatic of neocolonial control, and postcolonial “self-ethnography”, writings engaging with the post-Enlightenment politico-ethical crisis and the problematic notion of subjectivity and subalternity, are expanded and undermined with Jacques Rancière’s counter-reading of the judiciary concept which uses aesthetics as an analogue of political subjectivity in *Dissensus*.

Nation states which survive hegemonic upheavals are examined so as to provide information on their current socio-political situations and the impact of these political catastrophes on the lives of the individuals, the unaccounted ones. The following chapters discuss the various political clashes between nations and the United Nations, a supposedly international representative. This, then, brings in the politics of representation whereby the notion of autonomy, individual or collective, is attenuated since subjectivity is interpreted as agency propelled by one’s obligation to or acknowledgement of the Other. In order to push the thesis further, the discussion bears witness to the conditions that have impeded the realization of “messianic democracy” in various conflictual circumstances. By using the China-Tibet conflict as a case study, it seeks to identify the conditions under which “messianic democracy”

has served (India under the guidance of Gandhi or China under the leadership of Sun Yat Sen) or can serve potentially as an effective mechanism for conflict resolution. Finally, it is the conclusion here that any democratic aspiration is short-lived as history has demonstrated, thus the proposed democracy, in accordance to Derrida's messianicity, is one that requires perpetual vigilance on the abuses of human rights, a notion that political postmodernity has come to realize. And it is at the political postmodern moment that, *in pace with Derrida*, I shall assert that we cannot do without the democratic idioms. Instead we ought to rework what we have so as to bring about the envisioned New International.

Carl Schmitt anticipates political postmodernity by working with the concept of the exception, a juridical notion bound to politics in his writings, in a manoeuvre that exposes the constituted and constituent facets of law, in his critique of the Weimar Constitution, a response being reflected and elaborated by the political thinking of Žižek, Jacques Rancière and Giorgio Agamben, Friedrich Nietzsche's philosophers of the future. Contemporary politics can be described as a new state of exception, a neo-totalitarian violence elaborated in Agamben's *State of Exception* as that which is beyond Schmitt's distinction between commissarial dictatorship and sovereign dictatorship, empiric biopolitics as the new politics battling the various versions of what Schmitt terms "partisan war": insurrections, terror assaults and civil strife. Reading Schmitt's concept of the exception in accordance to J. Hillis Miller's *Ethics of Reading* demands this comment on the thinking of a number of political writers who represent the recent turn away from the idea of democracy. What are the implications in terms of political action with the current discourse on the "hatred of democracy"? In what ways can dissidence be a viable strategy countering extreme institutional violence without recourse to justification? Who and what authorizes this justification, an inquiry premised on what Emmanuel Levinas states as the opposition between justified saying and unjustified saying in his thinking of the Other's trace? This critique of democracy by Žižek, Rancière and Agamben requires a response that is a meta-critical detour to Jacques Derrida's deconstructive reading, Walter Benjamin's political historiography and Schmitt's concept of the political and political theology as the Derridian approach can be argued to encompass both the Benjaminian and Schmittian political countermoves demonstrated as not that different from each other, although Agamben's political critique is an interpretation via Benjamin's concept of the state of emergency.

In addition to providing an overview of the three approaches to equalitarian rights, the thesis explores the reasons for their "failures" and the

consequent ramifications on the oppressed, paying close attention to those who are affected by the above-mentioned attempts to democratize: first, the shattering of the Marxian utopia with the collapse of the Soviet Union, the fall of the Berlin Wall, and the Tiananmen Square Incident, events that occurred in the fateful year, 1989, which have tremendous effects on global politics; then the hegemonic violence of the the American intervention and occupation of Afghanistan and the consequential ricochet of the invasion of Iraq that deposed the Republican government of the United States. Reading the Holocaust as the epitome of authoritarian violence, a “failure” of the Kantian Enlightenment project, these political writers provide insights into the dynamics that prompted the events starting with the founding of Nazi Germany to the ending the Cold War in 1989, which also led to the beginning of the Age of Terror, the 9/11 Incident and post-9/11 world affairs of which the China-Tibet conflict is a significant instance, the three moments that Derrida mentions in his dialogue with Giovanni Borradori: “These three moments or series of arguments will appeal to the same logic. The same logic that elsewhere I proposed we extend without limit in the form of an implacable law: the one that regulates every autoimmunitary process” (2003, 94). The reason for the overarching framework that covers the three broad phases after World War II has to do with the rise of terror, which can be considered a version of Schmitt’s “partisan war”. This coverage of global terror has implications for this exegesis on the China-Tibet crisis because the insurrectionists, similar to the monastic protestors who rose against Burma’s junta in late 2007, are labelled “terrorists” by the respective totalitarian regimes in order to garner global support for their persecution and annihilation of the rebels who initiated protest marches.

These incidents exemplify the implacable law of every autoimmunitary process (an organic process that destroys the entity’s immunity to foreign influences and a process that allows the national entity to use the democratic conventions to its advantage). Derrida’s autoimmunitary process is another name for *différance*, and it is used in *Philosophy in a Time of Terror* to describe the ineluctability of onto-theological tainting. In other words, the conceptual contamination of an other is inescapable unless one can achieve the divine violence of which Benjamin speaks. I shall argue that what is at stake is the personal liberties, or, in other words, the freedom of autonomy that forms the basis of the democratic ideal, an issue that surfaces with the critical thinking of the political contributors on the notion of “decision” because the tensions between the communitarian and the individual rest upon the disjunction between deciding for or against the other. It is here that Benjamin’s enigmatic ending to “Critique of Violence” is recalled, a paradox that troubles political

thinkers of originary and preserving violence: divine violence as pure violence; revolutionary violence as unalloyed violence: “All mythical law-making violence, which we may call executive, is pernicious. Pernicious, too, is the law-preserving violence, administrative violence that serve it. Divine violence, which is the sign and seal but never the means of sacred execution, may be called sovereign violence” (1979, 154).

And it also here that I reinscribe Derrida’s conclusive response to the first name of Benjamin, which Derrida describes as “still too Heideggerian, too messianic-Marxist, or archeo-eschatological for me, a kind of ipseity which I think maybe necessary for the Schmittian ‘decision’”: “At the most singular, the most improbable of signatures at the sovereign. At the most secret, too: sovereign *wants to say/means* [*veut dire*], for whoever knows how to read, secret. *Veut dire*, that is to say (*heisst*) calls, invites, names, addresses, addresses itself. For whoever can read, at once [*aussitôt*] crossing out the other. For whoever receives the power [*force*] to unseal, but as such also keeping it intact, the undecipherability of a seal, the sovereign and not an other” (2002, 293, author’s emphasis). Derrida’s commentary is, in fact, ironic if we read the above in relation to the rest of his corpus. Benjamin’s colossal gesture acts as a *deus ex machina* to the quandary of constituting and constituent violence, an absolute erasure that has to do with that which is *beyond and beneath good and evil*. This also explains the reason why Derrida gives way to Benjamin’s signature even in his reading of the latter’s sovereign violence that signs and seals. But the detailing of this will have to be continued somewhere else and at a more opportune moment.

Derrida’s taking issue with the notion of sovereign dominion is reinforced at the end of the post-scriptum, added to the essay only in his 2002 publication, *Acts of Religion*:

I do not know whether from this nameless thing that one calls “final solution” one can draw something that still deserves the name of a lesson [enseignement]. But if there were a lesson to be drawn, a unique lesson among the always singular lessons of murder, from even a single murder, from all the the collective exterminations of history (because each individual murder and each collective murder is singular, thus infinite and incommensurable), the lesson we could draw today—and if we can do so then we must [et si nous le pouvons nous le devons]—is that we must think, know, represent for ourselves, formalize, judge the possible complicity among all these discourses and the worst (here the “final solution”). In my view, this defines a task and responsibility the theme of which I have not been able to read in either Benjaminian “destruction” or Heideggerian “Destruktion.” It is this thought of difference between these two destructions on the one hand and a deconstructive affirmation on the other that has guided me tonight in this reading. It is this thought of the memory of the “final solution” seems to me to dictate. (2002, 298, author’s emphasis)