STASIS BEFORE THE STATE

Nine Theses on Agonistic Democracy

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COMMONALITIES
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for Alexis
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There is a commonly held narrative about constitutional forms in the Western political and philosophical tradition. The story is schematically as follows: Initially Aristotle and other ancient philosophers, including, influentially, Polybius, propounded the theory of the three constitutional forms—monarchy, aristocracy, and democracy. This model assumes a revolution or circularity between the three forms. Later, around the seventeenth century, a radical transformation occurs, and political representation assumes center stage. In the contractarian tradition, the constitution is defined by how constituted power represents the people. This story, further, unfolds as a kind of narrative of progress or Bildungsroman. Representation ultimately—and this may be understood genetically or historically—leads to forms of representative democracy characterized by a strong link between constitutional and state forms. Thus, famously, Hegel
argues in the introduction to his lectures on world history for the operation of reason in history, which ultimately amounts to an argument about progress, whereby there is only one state that encapsulates rationality at each historical era.2

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

Is it possible to provide an alternative story, one that is, if not untold, at least rarely harkened? I am thinking
here of the story according to which democracy is the primary constitution and, consequently, that all other constitutional formations are nothing but subversions of democracy. As Eric Nelson has shown, this argument against the cyclical change between the constitutions and for the primacy of democracy—which Nelson refers to as “republican exclusivism”—emerges in the seventeenth century as a result of the renewed interest in the Hebrew republic. I am making the additional point that this rejection of the circulation of constitutions may lead either to the celebration of sovereignty and liberal democracy—which is the position Nelson takes—or to a radical democratic politics. This is the politics that I want to describe in terms of agonism.

Such an agonistic democracy is not understood here as a constitutional form but rather as the form of the constitution. This story emerges in Spinoza’s *Theological Political Treatise* as well as his *Political Treatise* and then in Marx’s notes on Hegel’s *Philosophy of Right*. According to this narrative, democracy is counterposed to sovereignty—that is, it does not presuppose sovereignty but is in fact presupposed by sovereignty. As I have argued in *Sovereignty and Its Other*, this alternative narrative can come to the fore only if we think of democracy in agonistic terms, that is, as being involved in a struggle with sovereignty. In this, I have been following Derrida and Negri, who—in different ways—draw a distinction between democracy and
sovereignty. What I want to add here is that this agonism is monist. By monism I understand both the ontological condition that existence is never isolated but is always a “being with” and the political insight that there is only ever one constitution, democracy, and that all other constitutions are effects of democracy.

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

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

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