The Crisis of Sovereignty and the Kurdish Quest for Democratic Autonomy in Syria

A Theoretical Outline[1]

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The "Arab Spring" signified the ascent of the people, the awakening of the popular masses and their emergence as a political force, rejecting the ruling regimes and laying claim to power. From Tunisia to Syria popular demand for change was expressed in terms of a quest for democratic rule representing the will of the people. The demand that sovereignty had to be restored to the people echoed in the streets, becoming the focal point of the popular protest movements. The fall of Bin Ali, Mubarak and Ghadafi had already given considerable legitimacy and confidence to popular uprisings in these countries before the popular protest movement surfaced in Syria, much to the displeasure of Bashar Al-Assad, who had already warned the Syrians against the coming of the "virus". But in Syria the popular protest movement against the Ba'th regime stalled without being consolidated, spread without being organized and fragmented before being grounded. The vehemence of the state response and the indiscriminate use of violence fragmented an already disunited opposition, undermining its cohesion and direction, before regional powers and their internal proxy forces intervened in the unfolding "national" crisis, trying to influence the course of events and define their outcome in an increasingly volatile political field. The regionalization of the crisis, the civil war and the subsequent ethnic (Arab-Kurd) and religious (Alavi-Sunni-Christian) sectarianism forced the uprising off its course, boosting the fortunes of the Ba'thist regime, which was given a new lease of life by the shift in the US policy in August 2013. The "strategic disengagement" which has since been actively pursued by the US and the EU has exacerbated the power struggle in the sectarian political field, marginalizing secular forces and widening the gap between them and the growing Jihadi Islamist forces. The secular forces, divided internally on ethnic, religious and political grounds and caught up in a vicious cross fire between the Ba'th and Islamists, proved unable to form a united front to reclaim the lost ground. Their fortunes were dealt a further and more serious blow as the bulk of the Syrian military and security forces remained loyal to the regime, and large-scale break ups and desertion did not materialize. The resulting power vacuum provided a fertile ground for the development of the Jihadi forces, including ISIL. Their organizational flexibility, military cohesion and effective use of indiscriminate violence initially won them considerable support among the disaffected sectors of the majority Sunni community, worn out by the prolonged and seemingly self-perpetuating crisis presided over by a Shi'i-Alavi regime.[2]

The civil war and the emergence of the internal proxy forces and their foreign backers led to the regionalization of the conflict and the militarization of the political field in 2012. The subsequent predominance of violence in the political process marked the end of the crisis of legitimacy of the Ba'th regime which had set the popular protests in motion in Spring 2011. The regime was already fighting for its survival when the Jihadi forces gained ground in the military field and dominated the opposition in 2013; thereafter the juridical legitimacy of the regime no longer featured in the discourse of the opposition, Jihadi or otherwise, which was now bent on its destruction. The rise to prominence of the Peoples' Democratic Union (PYD) in Rojava, along with the consolidation of its territorial gains and subsequent formation of three autonomous political-administrative cantons (Czire, Kobani and Afrin) in the summer of 2012, signified a rupture in the structure of sovereign domination. The formal declaration of democratic autonomy by the PYD in January 2014 was enabled by this rupture, and by the political vacuum created by the failure of sovereign power to assert its authority beyond its immediate zone of security and control.[3]

The rise of ISIL, its military might and remarkable territorial gains and political influence in Syria and Iraq, helped bolster the fortunes of the Kurdish autonomous administration in Rojava in several ways. The new realignments in the military field, involving major international and regional powers and their internal proxy forces, provided the ground for the PYD to mobilize the bulk of the population and play a leading role in the struggle against the military machine and political influence of ISIL in Rojava. The defense of Kobane and the defeat and expulsion of ISIL from the region (October 2014-January 2015) was the culmination of the PYD's regional supremacy and international legitimacy. This gave particular status to the PYD in the operational structure of the anti-ISIL coalition, defined primarily by the military and logistical requirements of US strategy in Syria. The PYD thus occupied a strategic space created by the US refusal to commit ground troops to the war against ISIL. The functioning of the PYG as the US infantry in the expanding battle field within and outside the territorial boundaries of Rojava enabled it to participate in strategic decision-making in the daily conduct of the war. The organizational expansion and military success of the PYD, grounded by an egalitarian communalist ideology, enabled it to supersede the ethnic and linguistic boundaries of the Kurdish community and to reach out to a wider and more differentiated population in the region. The PYD took a leading role in the institutional structure of the formation of the Syrian Democratic Force, a loose coalition of multi-ethnic, multi-linguistic forces in the area, spearheading the war against ISIL in the outskirts of Raqqa, the capital and military-security HQ of ISIL. The Russian military intervention, which has shifted the balance in favour of the Ba'th regime, has simultaneously enhanced the political standing of the PYD in war-torn Syria. The PYD has benefited from the US-Russia 'understanding' in the area, with both apparently content with its military role and growing political influence. There are indications that both powers consider the PYD as an asset, capable of playing a positive role in the effective implementation of their strategies in post-ISIL Syria, although their position on the development of the democratic autonomy project in Rojava, and indeed the very idea of a federal political system in Syria, remains

unclear. The existence of a democratic federal republic is an essential condition of possibility of democratic autonomy in post-crisis Syria. As long as a democratic federal order is absent in Syria, only the crisis of sovereignty and the rupture in the structure of sovereign domination can ensure the continuation of the democratic autonomy project in Rojava. This point refers to the 'interiority' of sovereign power and the modality of its institutional structure to the concept of democratic autonomy as a non-sovereign mode of governance under the conditions of sovereignty. They are interconnected. This argument will constitute the focal point of my critique of democratic autonomy theory in the context of Kurdistan.

The Nation-State and the Stateless

There is a historical and logical connection between the nation-state and the stateless people/nation. Historically, they are twin born: they are contradictory outcomes of the processes and practices of state formation grounded in the sovereign rights of the people/nation to self-rule. Logically, the nation-state and the stateless people/nation presuppose each other: the suppression, denial and exclusion of the non-sovereign communities/identities is the condition of possibility of the political and legal unity of the nation represented by the state. This unity is usually achieved by reducing the people to the dominant ethnicity within its variegated ethnic, linguistic, religious and cultural structure, and presenting it as a uniform entity with a single identity. The reduction of the people to the nation, and hence the suppression of its differentiated ethnic and linguistic structure, as will be shown in the following section, is an effect of political power: it is the effect of the founding act of the state, which is also at the same time constitutive of the nation and its non-sovereign other, the stateless people/nation. The founding act of the state, forging the nation by reducing the 'demos' to the 'ethnos', is constitutive of the stateless people/ nation in modernity. The logical connection between the nation-state and the stateless people/nation is thus forged by the violence of the founding act of the state: they are the conditions of possibility of one another, standing in a relationship of identity in difference. This connection, as stated above, is interior to the structure of sovereign power in the nation state. I shall return to a consideration of this historical-logical connection and its significance for the analysis of the democratic autonomy project in Syria later on.[4]

The modern history of the Kurds in the Middle East bears witness to the truth of this argument. The founding acts of the nation-states in Iran (1906), Turkey (1924), Iraq (1932) and Syria (1946) also signified the genesis of the Kurdish question, defining their unity and diversity in the modern Middle East. The 'performative' and 'interpretative' violence perpetrated on the Kurdish community by the founding acts, at the founding moments of these sovereign states, was met with opposition by leading political forces in Kurdish communities at the time.[5] Kurdish opposition to sovereign domination, frequently turning to armed resistance with varying degrees of popular participation, resisted the suppression of Kurdish identity, and the struggle for the recognition of Kurdish rights to an autonomous existence as a distinct ethnic-linguistic community constituted the core of the Kurdish

question in the modern Middle East. In this sense, therefore, the Kurdish question is the political articulation and representation of the Kurds' resistance against sovereign suppression and denial of their identity and rights, and their struggle for the recognition of their identity and the right to govern themselves in their territory. The Kurdish question as such refers to the multiplicity of discourses and practices which originate in the intersection of two sets of mutually exclusive relationships, of suppression/resistance and denial/recognition, between the Kurds and the four sovereign powers ruling over them in their divided community and territory. This definition indicates that the Kurdish question is grounded in the dialectical nexus of an antagonism created and nurtured by the violence of the founding acts of sovereign states. The suppression and denial of Kurdish identity was constitutionally sanctioned and perpetuated in the structure of sovereign power in these nation-states. The constitutional law of these states continues to exclude Kurdish identity from the legal political process, that is, from the constitutionally recognized domain of legitimate political conduct, forcing it into extra-juridical space ruled by violence. Kurds thus became objects of extra-juridical violence perpetrated on them by sovereign powers in so far as they resisted sovereign domination and the imposition of sovereign identity on their communities.

This theoretical outline represents the Kurdish question in its generality, pointing to a community ruptured by sovereign violence at various junctures in the past hundred years. Sovereign violence is constitutive of the Kurdish question, while at the same time defining the historical diversity of its fragments. The historical specificity of the fragments, their diverse formations and developments, are defined by the diversity of their constitutive sovereign powers: the four sovereign states under which they were formed, lived and developed. The ruptured unity of the Kurdish question defies a common origin and a uniform history. There are now "Kurdish questions", each having a diverse origin and a diverse history, and this structural diversity signifies their discursive autonomy as objects of theoretical investigation. The Kurdish question in Syria, the object of this study, has its own autonomy, while at the same time displaying the main features of the general theoretical outline above. In Syria, as in Iraq, the formation of the modern nation-state was preceded by colonial rule, which, though it entailed a different mode of domination, laid the foundation for the institutional structure of the state after independence. The staggered development of the Kurdish question in Syria, from partial recognition under mandatory rule to total denial and exclusion after independence, is defined by two different modes of domination.[6]

The Kurdish Question in Syria: The Sovereign and the Unrepresentable

The modern territorial state in Syria was founded by the French mandatory power in the aftermath of WW1 and the dissolution of the Ottoman empire. The independent sovereign state which replaced French rule in 1946 was founded on the old colonial territorial arrangements laid out by the Sykes-Picot Agreement in 1916, subsequently sanctioned by the League of Nations in 1924. The Syrian state was shaped by these arrangements, and by

the political and administrative processes and practices resulting from their articulation in the indigenous social and cultural structures. It inherited and sanctioned the colonial territorial boundaries drawn by the mandatory powers, as well as the social and political forces and relations which subsequently defined the formation of the ruling elites in the new sovereign state. The Sykes-Picot Agreement, in this sense, constituted the historical framework of the new sovereign power but fell short of defining its identity. For the independent Syria was aspiring to be a nation-state, a modern political institution with a uniform national identity. The historical framework inherited from the colonial power lacked the juridical-political and cultural conditions required to ensure the construction of such an identity. As independence was followed by the triumph of Arab nationalism, the nationalist elite was instrumental in forging the crucial linkage between the dominant/majority ethnos and sovereign power. The Arab identity of the state, asserted relentlessly in official and semi-official discourse, and backed up by sovereign violence exercised by the military and security apparatuses of the state, laid the ground for the suppression and denial of Kurdish identity, history and culture.[7]

The Kurds were the unwanted and unacceptable other simply because they were not Arabs. The assertion of Kurdish otherness reached its culmination in the totalizing discourse of the United Arab Republic (1958-61), as official statements of total denial and suppression of Kurdish identity proliferated to justify the unity and supremacy of the Arab nation. The denial of Kurdish identity was a condition of the submission to sovereign will which qualified the Kurds as Syrian citizens and legitimized their status as part of the Syrian-Arab nation. Citizenship by denial of identity surpassed the legal-political conditions of subjectivity associated with this shared identity; it was rather a means of subjection of the Kurds, ensuring their status as objects of sovereign domination. Following a population census in Hasaka in 1962, 120,000 Kurdish inhabitants of Jazeera province were stripped of their Syrian citizenship by governmental decree. The act, prompted by the need 'to preserve the Arab character of Jazeera', also amounted to expropriation of land, resulting in the de-subjectification of 20% of the Kurdish population. They became stateless without juridical conditions of statelessness in international law. The official discourse referred to them as *ajaneb* (aliens) or *maktumin* (the hidden); they were objects of power as subjection, bereft of rights to legal and political representation, education, employment and property ownership. As *ajaneb* they were unrepresented, and as *maktumin* unrepresentable. The specific status of the Kurds as such remained almost entirely intact for the next 40 years, during which Syria experienced three Ba'thist coups d'etat, in 1963, 1966 and 1970. Throughout this period Kurdish identity was effectively denied and suppressed in order to safeguard the unity and stability of the Syrian sovereign identity.[8]

Sovereign power defined the conditions and modality of the subjection of the Kurds under the successive Ba'th governments from 1963 to 2004. The modes of Kurdish subjection were, in effect, modes of denial of subjectivity, and as such conditions of sovereign domination under Ba'th rule. For the majority of the Kurds, who were allowed to retain

Syrian citizenship in return for the denial of their identity and civil and democratic rights and liberties, citizenship rights functioned as 'sovereign ban', to use Agamben's concept: the means of exclusion by inclusion.[9] In this sense therefore the denial of their identity was the condition of their subjectivity, enabling them to be represented through their sovereign other. The Kurds who were stripped of Syrian citizenship in 1962 were excluded from the juridical domain of power; they were forced into the extra-juridical domain, where law no longer signified and power had an exclusively violent character. These Kurds were 'legitimate' objects of sovereign violence; devoid of the conditions of subjectivity, they were unrepresentable. These conditions were brought to an end by the popular uprising in March 2004. The recognition of Kurdish identity and the removal of the sovereign ban was the prelude to the crisis of sovereignty. The advent of the popular protest movement marked the onset of the rupture in the structure of sovereign domination, laying the ground for the ascent of the oppressed nearly a decade later.[10]

The current situation in Syria amounts to a crisis of sovereignty with far-reaching implications concerning not only the legal unity and territorial integrity of the state but also, and more importantly, the very foundations of the nation-state as a universal political form bequeathed to us by modernity. It is a crisis of sovereign power, the 'law-making' and 'law-preserving' power, to use Benjamin's definition, evidenced by the dissolution of the capacity of the state to ensure domination and maintain order by making and enforcing law.[11] The perpetual failure of the Syrian government to restore order, enabling law to signify and produce effects, was a clear indication of a rupture in the structure of sovereign domination before the advent of the civil war. Further, the collapse of sovereign order and the inability of the state to restore it showed not only the inefficacy of the law, but also the failure of 'extra-juridical' force to revive order. The boundaries separating juridical and extra-juridical violence had disappeared; hence the shift in the locus of sovereignty from the legal to the security-military processes which, in effect, meant that the sovereign could no longer reside on the threshold of law and violence, standing simultaneously inside and outside the law.[12] The fragmentation of the political field and the dire need to keep the military and security apparatuses together under a united command forced the sovereign to move out from behind the legal façade of the state into the sphere of violence, a situation signified by Schmitt's concept of 'exception'. In Syria, however, the sovereign did not have the opportunity to decide on the exception. The state of exception was presented only as a possibility, quickly averted by the advent of civil war, the rise of ISIL and the subsequent regionalization of the crisis. Taking hold of the fragmented political field, the crisis forced the sovereign off the threshold of law and violence (*locus classicus* of decision on exception) to reside in the extra-juridical domain, the domain of violence; the juridical system had collapsed around him. The perpetual failure and the stark inefficacy of sovereign violence to restore order left no room for a sovereign decision on the exception. The crisis has now surpassed the state of exception, threatening to destroy not only the executive apparatuses of power but also the very foundations of sovereignty. The fate of the sovereign state in

Syria still hangs in the balance, depending almost entirely on the outcome of the civil war and the changing balance of forces in the regional political field.[13]

The crisis, as stated earlier, has also created a new opportunity for the Kurds of Syria to voice their demand for recognition, respect and an autonomous life, free of denial, discrimination and oppression. The implosion of the structure of domination and the perpetual failure of sovereign violence to (re)establish order in the past five years has opened up a space for the emergence of the "constituting power of the people", that is, the subject of the radical democratic order in place in autonomous Rojava since 2013.[14] In this sense, therefore, the crisis has led to the emergence of the Kurdish other from the state of denial and suppression, as a political subject with definite rights and the will to strive to realize them in the chaos of Syrian civil war. The fate of the PYD and its democratic autonomy project is still uncertain. The final outcome of this process and the fate of the project will also be decided in the post-ISIL era by the balance of forces unleashed by its eventual removal from the Syrian political and military field.

The Argument: Rupture and the Ascent of the Other

The founding moment of a state is the moment of force and violence, to paraphrase Foucault on the constitution of sovereign power. Reproaching Hobbes for concealing the violence of the founding moment, covering it up with bogus notions of consent and covenant in an attempt to legitimize the constitution of the English state after the civil war, Foucault argues for the centrality of violence, the violence of the founding act, to the juridical model of power, that is, sovereign power, which is the constitutive of the modern state. Foucault's discourse is primarily concerned with the working of sovereign power conceptualized in terms of its effects, that is, in terms of the modes of sovereign domination and forms of non-sovereign resistance to it. Although the interiority of non-sovereign resistance to sovereign power testifies to the persistence of tension and conflict in the structure of sovereign domination, Foucault does little to uncover the face of the non-sovereign other, to make his/her voice heard from inside the walls of suppression built around them by the violence of the founding act of the state. Resistance to power, its modes and conditions of possibility, are left largely untheorized in Foucault's discourse; hence the limitations of his masterly discourse on power in relation to the suppressed other, where will to power begins with the will to resist power.[15]

Uncovering the face of the non-sovereign other and restoring his/her suppressed voice, on the other hand, is central to Derrida's project to deconstruct the concept of justice as law, that is, justice attained by means of law. Law and justice, Derrida argues, have a paradoxical relationship: law is both the condition of possibility of justice and the means of its deferral. The explanation of this paradoxical relationship, its formation and structure, is the starting point of Derrida's attempt to deconstruct the concept of justice. Law cannot 'signify' by itself, argues Derrida. It needs an agency outside it to enforce it, to animate it to attain its end. The phrase "law lives outside itself" is used to refer to the dependence of law on a force

outside it. This means that 'force is implied in the very concept of justice as law'. Derrida then proceeds to make two theoretical points, both essential to the deconstruction of the concept of justice as law. First, the force animating law, enabling it to signify and produce effects, is interior to its analytical structure. Second, the dependence of law on this force means that law always defers justice rather than attaining it. The end is always deferred by the means deployed to attain it. Derrida thus likens this deferral of justice by law to an event which "happens in not happening".[16]

The deconstruction of the concept of justice thus begins with a consideration of the status of this force and its relations to law. The interiority of the force to the analytical structure of law raises the question of its source/origin, that is, what defines the dual function of law as the condition of possibility of justice and the means of its deferral in the legal process. Derrida traces the source of this force to the 'founding act' of the state, that is, the 'originary violence' which establishes the law and defers justice at the moment of founding the legitimate authority of the state, the 'juridical power' which makes and enforces law. This originary violence of the founding act is thus identified as the common source of sovereignty and law, the so-called juridical power; hence Derrida's key theoretical statement that 'force is implied in every concept of justice as law'. The common origin, in effect, means that the concepts of sovereignty and justice as such share the same analytical structure, grounded by the violence of the founding act of the state.[17]

Derrida's argument here leads to a twofold conclusion: that power and law presuppose each other in the structure of sovereignty, and that the structure of sovereignty is identical to the structure of the founding act of the state. These conclusions furnish the ground for the deconstruction of the concept of justice as law, the object of Derrida's theorization. Given their common analytical structure, the deconstructions of sovereignty and law share the same discursive process and follow the same procedural rules of analysis. Although this ingenious theoretical detour enables Derrida to achieve his objective - the deconstruction of the concept of sovereignty - the locus of his theorization nonetheless leads to a further theoretical problem, resulting from the privileged status of this concept in modern political discourse.

The concept of sovereignty, it is widely recognized, is not theorized but given to discourse; and it is self-referential, containing the conditions of its own possibility. The concept requires no external means of assessment and justification. In other words the concept of sovereignty is not a theoretical construct. It is not founded, it is the foundation, the 'arche' of modern political discourse. Derrida recognizes the problem posed by the concept of sovereignty to deconstruction as method of approaching the structures and mechanisms of the suppression and denial of the other, silenced and hidden away by the discursive strategies of the 'metaphysics of presence' since the Enlightenment. His statement that 'what is not constructed cannot be deconstructed' is an explicit admission not only of this paradox but also of the need to overcome it. Derrida's attempt to overcome this problem

involves a shift of emphasis in the analysis from sovereignty to legitimate authority. Unlike sovereignty, legitimate authority, the legal authority of the state, argues Derrida, is deconstructable, because it is founded by the originary violence of the founding act. This crucial shift is thus effected via the violence of the founding act of the state.[18]

The originary violence of the founding act, the constitutive force of the state, is at the same time constitutive of legitimate authority, that is, the force ensuring the representation of power as law, the sovereign/juridical power, in the political process. The legitimation function of law, and hence its capacity to represent power, depends on 'what comes before it'. In other words, the violence of the founding act, a 'performative violence' which is also always 'interpretative violence' working through the structure of the discourse of legitimation, is not only constitutive of law but also animates it; it is the force ensuring its legitimation function in the political process. It is the force in the structure of the legitimate authority of the state which establishes the law and at the same time suppresses the possibility of attaining justice. The suppression of justice here is a reference to the suppression of the other, the other of sovereign power which takes place at the precise moment of the foundation of the state. The suppression of the other in the structure of legitimate authority, the denial of the identity and silencing of the voice of the other by performative and interpretative violence, is the essential condition of the possibility of sovereign law. In this sense, therefore, Derrida's argument that law defers justice is simultaneously an argument for the persistence of the suppression of the other by the violence underpinning the structure of legitimate authority of the state.[19]

Derrida's discursive strategy aims to deconstruct the structure of legitimate authority in order to uncover the identity of the other, suppressed by the violence of the founding act. This violence is 'interior' to the structure of legitimate authority; it serves to ensure the legal legitimacy of sovereign power and domination. Sovereign domination is thus geared to the efficacy of law to ensure legitimacy of the political authority, and political authority to the efficacy of performative violence to uphold it. The theoretical outcome of Derrida's discursive strategy to deconstruct sovereignty via its legal representation, the legitimate authority of the state, is that the capacity of law to represent power, and hence its legitimation function, presupposes the suppression of the identity and voice of the other and its exclusion from the legal and political processes. The suppression and exclusion of the other which defers justice is an essential condition of existence of sovereign domination. It follows that a rupture in the structure of sovereign domination is essential if the suppressed other is to emerge in the political and discursive field and make his/her voice heard.[20]

The ascent of the suppressed other, its capacity to cast off sovereign domination and enter the legal-political process as a subject with rights, Derrida's argument indicates, presupposes a rupture in the structure of sovereign domination. This rupture is an outcome of the changing relations of force affecting the relationship between law and violence in the structure of sovereign domination. The rupture emerges when law begins to lose its efficacy

in maintaining sovereign order, signified by a rapid decline in the efficacy of interpretative violence in the legitimation of sovereign domination. The sovereign order thus enters a process commonly known as the "crisis of legitimacy", whereby the performative violence in the structure of legitimate authority takes an increasingly active role in enforcing the legitimation function of the law. The decline in the efficacy of interpretative violence in the discursive field signifies the appearance of cracks in the wall of silence built around the other by sovereign law, and the suppressed voice of the other begins to seep through the cracks in the wall of silence and denial. This often corresponds to the revival of the public sphere, which, though still nascent, fragmentary and anemic, begins to evolve into a growing discursive field, articulating the critique of authority with the quest for recognition by the suppressed other.

The outcome of the crisis of legitimacy depends mainly on the efficacy of performative violence to enforce the law, to make it signify in the political field in particular in relation to the maintenance of order and security, and hence to the conditions of sovereign domination. A failure to shore up the discourse of self-legitimation of power, compounded by an increasing opposition to and critique of the sovereign in the public sphere, leads to another and deeper stage in the crisis. This stage is marked by the crisis of sovereignty signified by the inefficacy of the law, and hence the failure of performative violence/juridical violence deployed to enforce it, to sustain order and secure the conditions of sovereign domination. The inefficacy of sovereign violence and the persistence of political disorder threaten the legal unity of the state. The possibility of a rupture in the structure of sovereign domination unshackles the other, releasing the force hitherto suppressed by sovereign violence. The crisis of sovereignty as such presupposes a reconstitution of sovereign power involving the violence of the founding act, a situation defined by the concept of the "state of exception".

Beyond Sovereignty: The Nation-State and the Possibility of Democratic Autonomy

The crisis of sovereignty as such furnishes the ground for two political outcomes, each presupposing different conditions of possibility: the state of exception and radical democracy. These outcomes constitute the two opposing poles of the ruptured sovereignty clearly in evidence in Iraq and Syria at present.[21]

The concept of exception denotes a state of crisis, a crisis of sovereignty when law fails to signify, to produce the effects necessary to maintain sovereign domination. The power of the state to make law and enforce it effectively collapses in the face of a deepening crisis, threatening its survival. Exception refers to the extra-juridical power which is tasked to put an end to the crisis of juridical power and restore order. It always "gravitates" towards sovereignty, aiming to restore domination. It is a restorative force, fundamentally conservative in ethos: the restoration of order is the restoration of sovereign power and relations of domination. Exception is therefore the renewal of the founding act of the state, albeit on new legal and political foundations. Like the founding act itself, exception

presupposes suppression of non-sovereign identities as the condition of possibility of sovereign domination. It depends on the persistence and efficacy of violence, both "interpretative" and "performative", to restore sovereign domination.

Schmitt's concept of exception was originally developed to challenge the neo-Kantian conception of law constituted by norm. For neo-Kantian legal theorists law is pre-political. It is the source of power stipulated in/by the constitution of the state. Schmitt disputes this normative liberal approach to law and power in the constitutional state, deploying the concept of exception to show that sovereign power is constitutive of law: it makes law and maintains law by means of force and violence. The violence required to enforce the law is interior to it. The interiority of violence to law, Schmitt argues, is revealed in the state of exception: the sovereign decision to suspend the law/the constitution in order to restore order. The restoration of order in this context presupposes the restoration of sovereign power, the removal by violence of the conditions inhibiting its lawmaking and law-preserving capacities - that is, the capacity of the sovereign to institute and ensure domination. This capacity, according to Schmitt, depends on the sovereign decision to use violence to restore law and order. Exception removes the legal façade of power in the constitutional state, revealing its true violent profile. It also shows the paradox in the heart of sovereign power as both inside and outside the law, residing on the threshold of law and violence.[22] These aspects of Schmitt's conceptualization of exception are further developed by Georgio Agamben, who attempts to reconstruct it by disentangling the concept of sovereignty from its "decisionist" mould in Schmitt's discourse, and grounding it in a dialectical framework informed by his reading of Benjamin's 'Theses on the Philosophy of History'.[23]

Agamben's reconstruction of Benjamin's argument about "exception becoming rule" is an attempt to transcend the theoretical limits of Schmitt's concept about the constitutive role of sovereign violence by posing it on a different terrain, not as the relationship between law and violence but as the relationship between juridical and extra-juridical violence. The boundaries separating juridical from extra-juridical violence are characteristically ambiguous, but the ambiguity is a consequence of the changes in the objectives and hence techniques of maintaining sovereign domination. The predominance of the security concerns of the sovereign (the security problematic of the state in Foucault's terms), and the subsequent combination of the lawmaking and law-preserving power in the ever-expanding security apparatuses of the state, create a zone of indistinction. The concept of zone of indistinction deployed by Agamben is meant to signify the locus of sovereign power in contemporary liberal democracies, corresponding, in effect, to the ambiguity in the character of sovereign power as simultaneously inside and outside the law. The zone of indistinction signifies not only the expansion of the threshold between law and violence, the place assigned to the sovereign in Schmitt's discourse, but also the very function of the threshold. For the zone of indistinction is also at the same time the zone of "anomie", or the zone of the suspension of life in Agamben's discourse.[24]

Although Agamben's argument supersedes some of the theoretical limitations of Schmitt's decisionist discourse on sovereignty, his reconstruction of the concept of exception hardly surpasses the theoretical limitations of Schmitt's notion, especially in regard to its main objective, that is, the use of extra-juridical violence to restore law and order. For the permanence of the state of exception implied by his argument indicates the permanence of the crisis of sovereignty, suggesting that the extra-juridical violence deployed by the sovereign fails to achieve its intended objective. The question, however, arises: does the persistence/permanence of the state of exception mean the permanence of crisis, and if so why has exception not been able to remedy the crisis and restore sovereign domination? Clearly the notion of persistent/permanent or chronic crisis signifies the inefficacy of the measures taken to normalize the situation, including measures to increase and intensify the use of violence. It runs counter to arguments for the efficacy of concentrated violence as a long term strategy to restore sovereign order. The notion of persistent crisis thus has far-reaching consequences for the limits of sovereign power, that is, the limits of sovereign violence to reproduce sovereign domination as the conditions of possibility of order.

Schmitt's definition of exception as a borderline concept of the theory of sovereignty clearly refers to the limits of juridical power. Exception defines the limits of juridical power as the sovereign crosses the threshold, entering the domain of extra-juridical violence to restore order, that is, sovereign domination. The concept, therefore, posits order as the condition of possibility of sovereign domination and extra-juridical violence as the means of sustaining it. The outcome of the crisis precipitating the exception clearly depends on the range and efficacy of the strategic use of extra-juridical violence. Violence rather than law defines the limits of sovereign power and its capacity to restore domination. The perpetuation of the crisis signifies the persistence of exception as a rule exceeding the juridical domain of power only in so far as it signifies the failure of extra-juridical violence to restore domination. The concept of perpetual crisis accounts for the perpetual rupture in the structure of sovereign domination, the end of subjection and the emergence of non-sovereign identities from within the structure of denial and suppression. The active presence of the non-sovereign other in the political field signifies the rupture in the structure of the founding act. Violence defines a field of relations of force in which all differences, especially ethnic and religious differences, are transformed into antagonisms, perpetuating the crisis which as such supersedes the theoretical and political limits of the concept of sovereignty associated with the project of the nation-state.

The crisis of sovereignty as such supersedes the juridical limits of state power entailed in the concept of the exception both in its classical formulation by Schmitt and its more recent theorization by Agamben. For in the case of the exception the capacity of the sovereign to restore the juridical unity of the state depends strictly on the range and efficacy of the means of violence available to deploy to restore order. The significance of the concept of exception rests in its capacity to unmask the law, to show clearly that the legal order is grounded in the structure of domination and that the legal unity of the modern state

depends on the violence which can secure domination. It cannot explain the reasons for the crisis of sovereignty: why power cannot ensure domination, why the violence sustaining the legal order and the legal unity of the state is no longer effective. In other words questions which could lead us to the very heart of the crisis of sovereignty remain unanswered. The crisis of sovereignty reveals the face of the non-sovereign other. It shows that the eruption of the non-sovereign other onto the political scene undermines efforts to restore the legal unity of the state by means of violence. The failure of sovereign violence to restore domination is at the very core of the crisis of sovereignty, with direct implications for the viability of the institution of the nation-state as universal political form.

The founding act of the state, as previously argued, is constitutive not only of sovereign power but also its non-sovereign other. They are both constituted by the violence of the founding act, which persists in the structure of sovereign power as repressive violence in the discursive and political domains - interpretative and performative violence, to use Derrida's deconstructive analytics - defining its relations to the non-sovereign other in terms of domination and subordination. The persistence of the non-sovereign other in the structure of sovereign domination is an index of its structural instability. It threatens the political stability and the survival of the state in conditions of acute political crisis such as the crisis of sovereignty. The struggle of the non-sovereign other for recognition, its quest for freedom, presupposes relations of force which by definition include political power, in forms which may or may not involve sovereignty. That the crisis of sovereignty lays the ground for the transformation of ethnic-linguistic difference to political antagonism is clearly demonstrated by the histories of the modern state in Iraq and Syria. The antagonism which is currently overshadowed by the strategic requirements of the war against ISIL will emerge in full force to define the major contours of the political arrangements to be put in place after the victory over this apparatus of violence and death. The eradication of ISIL is by no means the end of crisis of sovereignty. This, however, should not be taken to mean that the stage set by the crisis of sovereignty for the transformation of ethnic difference to national contradiction is irreversible. The possibility of ethnic difference or national antagonism defining the main contours of the relationship between the non-sovereign community and sovereign power depends on the conditions of the resolution of the crisis of sovereignty in the post-ISIL era in Iraq and Syria.

This reading of the crisis of sovereignty in the contemporary Arab Middle East can help highlight the discursive formation and political specificity of the non-sovereign, namely Kurdish, resistance and opposition to sovereign domination in modern Syria. It shows that the struggle to shake off sovereign domination, though taking different forms at different stages in the process of resistance and opposition, is defined primarily by the mode of sovereign domination, that is, the processes and practices used by sovereign power to secure domination. Non-sovereign struggle therefore always filters through relations of sovereign domination articulated in the modality of the encounter with sovereign power. The advent of the crisis of sovereignty, it was argued, is marked by the failure of power to

secure domination and the subsequent rupture in the structure of sovereign domination, freeing the non-sovereign from sovereign repression. The rupture is precipitated by the disintegration of the juridical framework of power, hence the inefficacy of juridical violence in securing domination, forcing the sovereign to cross the threshold and enter the domain of extra-juridical violence. This coincides with the transformation of ethnic and religious difference to fully blown contradiction, underpinning the relations of force between sovereign power and its non-sovereign other as they pursue mutually exclusive aims and objectives in a political field grounded by binary relations. In the extra-juridical domain antagonism rather than difference defines the relations of force, effectively undermining the relational basis of identities in the political and ideological fields. Ethnic and religious identities thus turn to bearers of antagonistic relations between sovereign and non-sovereign, defining the violent processes and practices entailed in the dialectics of domination and liberation.

The Discursive Formation of the Concept of Democratic Autonomy

The concept of democratic autonomy refers to forms of non-sovereign self-government within the territorial framework of a sovereign state. The autonomous rule may or may not be territorial, but it always eschews modern political sovereignty and its characteristic institutional form for strategic or political-moral considerations. In the context of Kurdistan, too, the concept of democratic autonomy, elaborated in the writings of Abdullah Ocalan, essentially signifies a quest for self-government within the legal-political framework of sovereign states ruling parts of its divided territory. The institutional structure and socio-economic processes and practices of the autonomous government, it is contended, are grounded in a democratic culture characterized by communal participation in the process of policy and decision-making, gender equality and care for community and environment. The origins of these processes and practices, we are further told, lie in the indigenous institutions of ancient Mesopotamia, in particular the Sumerian civilization, preserved and passed on to succeeding civilizations in the area. But the 'natural' course of the development of this indigenous democratic culture and its communal institutions was interrupted by 'capitalist modernity' and its universal political form, the nation-state, which not only distorted the natural course of history but also destroyed the autonomous institutions of policy and decision-making by imposing modern sovereign rule on them. The concept of democratic autonomy thus treats capitalist modernity and in particular the institution of the nation-state as external causes, distorting the natural historical development of Mesopotamian societies, including Kurdistan. They are external to these communities and are imposed on them from outside, remaining alien to indigenous cultural formations. The concept of democratic autonomy attributes the Kurdish question to the repressive character of the nation-state: modern sovereignty is said to account for the suppression and denial of Kurdish identity and rights. The repressive character of sovereign power, its totalizing force, discriminatory nature and exclusionary function disqualifies the nation-state as a viable/credible solution to the Kurdish question. The Kurds should avoid repeating this failed

experience of capitalist modernity. The concept of democratic autonomy is held to offer a radical alternative to the 'bourgeois' institution of the nation-state.[25]

This brief outline shows the basic features of the theory of democratic autonomy in the Kurdish context.[26] The introduction of capitalist modernity and the establishment of the nation-state are said to be the cause of the distortion of Kurdish history and society as well as the reason for the Kurdish question. The concept of natural history implies the absence of social relations to define its dynamics, process and direction. Similarly the conception of a community and communal life devoid of power and relations of domination and subordination is theoretically flawed and historically untenable. However, it is not my intention here to take issue with these notions to dwell on their theoretical formation and discursive representation; rather my aim is to show that these notions, flawed as they are, are essential to the theoretical construction of the concept of democratic autonomy, in particular to the conceptualization of the nation-state as an external (non-indigenous) institution responsible for the Kurdish question. The insistence on the exteriority of the nation-state to the histories of Mesopotamian societies containing fragments of Kurdish territory, it will be argued, has serious consequences for the conceptualization of the conditions of possibility of the concept of democratic autonomy. To be more precise, it serves to conceal the interiority of the violence of the founding act, the originary mechanism of suppression and denial of Kurdish identity, to the structure of sovereign domination in the nation-state, and hence overlooks the centrality of sovereign power to the conditions of the possibility of the project of democratic autonomy in any part of Kurdish territory currently ruled by a sovereign state. Sovereign domination is central to the theoretical discussion of the conditions of realization of the project in present-day Turkey and Syria, which constitute the practical ground for the application of the project.

The Conditions of Possibility of the Concept of Democratic Autonomy

The concept of democratic autonomy presupposes specific conditions of possibility as a political project to ensure its realization and resolve the Kurdish question. The realization of the political project is to take place under the sovereign rule of the states currently administering Kurdish territories. These conditions are therefore mainly related to the historical specificity of sovereign power and its effects on the Kurdish community. Although these conditions have been admittedly instrumental in the formation and development of Kurdish question, they are not given in the discursive construction of the concept, they remain external to it. Their exteriority, it is argued, effectively undermines the discursive coherence of the concept of democratic autonomy, casting serious doubt on the possibility of the resolution of the Kurdish question within the juridical-political framework of state sovereignty. The PKK and the HDP in Bakur and the PYD in Rojava are committed to the project of democratic autonomy, ideologically and programmatically. The concept has been variously incorporated into their political programmes, defining their strategic objectives and informing their discourse and practice. Given the authority of Ocalan as its author, and the

aura of moral and political superiority attached to his personality within these organizations, the concept of democratic autonomy has also been used as the means of legitimation of discourse and practice since 2005. The HDP fought a successful election campaign in the name of democratic autonomy, surpassing the ethnic boundaries of Kurdish politics and reaching out to non-Kurdish voters in June 2015. The PKK's *berxodan*, civil resistance, on the other hand, perceived as a preliminary phase in the implementation of the project of democratic autonomy in Bakur, failed to achieve its declared objective. The urban armed action (the so-called 'trench war') was suppressed by the Turkish state, using concentrated violence on a massive scale indiscriminately against the fighters in the streets and the non-combatant population in Kurdish towns. The leadership of the PKK attributed the failure of their strategy to a mere miscalculation on their part of the scale and intensity of state violence in response to the process of civil resistance.[27]

Although the seemingly unexpected response of the Turkish government had direct implications for the conditions of possibility of the concept of democratic autonomy, the party leadership and the host of followers and sympathizers remained silent, as if the theoretical construction of the project, in particular the conditions of its possibility in practice, had nothing to do with this outcome. The silence implied, in no ambiguous terms, that to them the conditions of possibility of the concept of democratic autonomy were external to it, having no effect on its application and realization in the political field. The leadership of the PKK has paid a high price for this fundamental misconception, although they refuse to accept publicly that the theory should be rethought in the light of the experience of the civil resistance. Now with the benefit of hindsight they should not hesitate to admit that the conditions of possibility of the concept of democratic autonomy are internal to its theoretical structure, and as such have significant impact on the form and conditions of realization of the project. To admit this does not mean casting aside the concept but reconstructing it, to enable it to account for the interiority of the connection between Kurdish community and sovereign power in Turkey. This connection involves relations of domination and subjection, suppression and resistance, and as such is grounded in the violence of the founding act of the Turkish state. It should be theorized and articulated in the structure of the concept in each instance of the application of the concept. The founding act, as was argued, is constitutive of the Turkish sovereign and its Kurdish other; it is embedded in the structure of sovereign domination, and will continue to define the modality of their relationship until the moment of rupture when sovereign violence begins to lose its efficacy in the face of the mounting resistance and counter-violence of the non-sovereign other.

Contrary to the assertions of the concept of democratic autonomy, non-sovereign resistance to sovereign domination goes far beyond self-defense,: it is at the same time a quest for power involving relations of force, which may or may not include violence.[28] Thus the resistance of the non-sovereign other, its quest for power, may take a constitutional-legal form pursued through existing democratic political channels, like the path taken by the HDP

leading to the June 2015 parliamentary elections. In this case the quest for power presupposes freedom to enable the non-sovereign to build the broadest possible alliance with democratic forces in the political field, in order to garner active support and votes from a cross-section of the population with different ethnic-linguistic, sexual, cultural and economic identities. Opposition to sovereign power and refusal to submit to its authoritarian will constitutes the inner core of the diverse identities joining this alliance; a situation signified by the concept of 'common' developed by Negri and Hardt, involving a multiplicity of singular identities sharing a common political position, by virtue of which they become members of the common.[29]

The common is not a shared identity; rather it is a shared political position held by diverse identities. . The significance of the concept of common as such is in its capacity to recognize and respect the singularity of its constituent identities. On the other hand non-sovereign resistance may take a political-military form involving use of force. In this case the conditions of democratic alliance against sovereign domination will be defined primarily by the range and efficacy of force on the political field, especially in so far as the formation of a common is concerned. These forms of resistance are both interior to the structure of sovereign domination, and this means very clearly that they are far more than strategies of self-defense; they are at the same time forms of quest for power. We have seen both forms in the recent history of Kurdish resistance in Turkey: the PKK's strategy of armed resistance and the HDP's struggle for the formation of a broad democratic alliance in the political field. While the former has hardly been able to surpass the ethnic-linguistic boundaries of the Kurdish community and reach out to the democratic forces in Turkish civil society, the latter has achieved this strategic objective and operated as a non-ethnic 'national'/countrywide force in Turkey at large.

However, at present it is above all the ascent of the PYD in the Syrian political field and its phenomenal success in the war against ISIL which has come to represent the concept of democratic autonomy. The fortunes of the concept have been significantly boosted since 2012, when the PYD announced its aim of creating a new social-economic order inspired by it. The creation of the three cantons of Jazeera, Kobane and Afrin, based on a new democratic administration and gender equality, is widely seen as the dawn of a new era not only in Rojava and Greater Kurdistan, but also in the Middle East in general, dominated by repressive authoritarian regimes, religious and secular, with scant regard for civic and democratic rights and liberties. The success of the PYD in Rojava notwithstanding, it hardly demonstrates the discursive coherence and logical consistency of the concept of democratic autonomy. On the contrary, the success of the project of democratic autonomy in Rojava is due in no small measure to the persistence of the crisis of sovereignty and the rupture in the structure of sovereign domination in Syria, which has undermined the centralizing functions of sovereign power and severed its links with regions outside immediate state control, including Rojava.[30]

This situation, which has continued for the past five years, accounts for the political and administrative autonomy of Rojava. The persistence of the crisis has enabled the PYD to take preliminary steps in the implementation of the project of democratic autonomy, free of state intervention and the debilitating effects of sovereign power. Unlike Bakur, in Rojava the anomalies of the theory have been made irrelevant to the implementation of the project, owing mainly to the persistence of the crisis and the rupture in the structure of sovereign domination. In other words, the crisis has rendered the project free of a fundamental obstacle in the way of its realization, presenting a unique opportunity to establish an autonomous region in Rojava within the national jurisdiction of a sovereign state incapable of exercising sovereignty. This project of democratic autonomy in Rojava can continue to flourish as long as the crisis persists and the conditions of sovereignty, in particular the power to exercise territorial centralism, effectively elude the Syrian state. The final outcome will depend on the conditions of the resolution of the crisis and the resulting balance of power between the state and the administration of the autonomous Rojava in post-crisis Syria. The outcome may still be settled by military confrontation and force of arms if the legal-political status of the autonomous Rojava is not ensured in the juridical framework of a sovereign Syria. The political character of the post-crisis state will be decisive in this respect. For the end of the crisis and the restoration of the sovereign order will also mean the end of the rupture in the structure of sovereign domination.

This argument indicates very clearly that there are two options regarding the conditions of realization of the project of democratic autonomy. First, an acute crisis of sovereignty precipitating a rupture in the structure of domination and end of subjection and the subsequent ascent of the Kurdish community, signified by the developments in Rojava since 2012. Secondly, negotiating the conditions of autonomy as conditions of struggle against subjection by engaging in a genuine and all-round process of democratization, involving an active mobilization of civil society and a broad alliance and cooperation with democratic forces in the political field. The main object of this process should be the de-securitization of the Kurdish question/identity as a necessary precondition for a democratic constitutional reform. Contrary to the view held by a number of prominent academics and journalists on the left and center left of the political spectrum in Turkey, constitutional reform, necessary as it is, cannot be confined to changing the existing concept of Turkish citizenship. The proposed de-ethnification of the Turkish citizenship, though a necessary democratic measure, is by no means sufficient to ensure the de-securitization of the Kurdish question/identity. For the representation of the Kurdish other as a perennial threat to Turkish national security at all times is entailed in the discursive structure of sovereign identity. It is, in other words, a condition of possibility of sovereign identity/national identity at the founding moment of the state. Sovereign identity, and hence the representation of the Kurdish other as a threat to national security, are both effects of the founding act of the state, presupposing each other. It follows that the de-securitization of the Kurdish question/identity presupposes a redefinition of sovereign identity so that its connection with the violence of the founding act of the state is severed for good. Only the crucial delinking of

sovereign identity from the violence of the founding act of the state can provide the ground for the recognition of and respect for the non-sovereign other.[31]

This of course requires a new theoretical framework and fresh conceptual tools beyond the limits of democratic theory, which is the common point of reference for works seeking to find a 'democratic solution' for the Kurdish question. For democratic theory is grounded in the 'philosophy of presence', in Derrida's words, a long-standing and dominant tradition in western philosophy, marked by the suppression of difference in its discursive structure.[32] This discursive violence against the other resides in the heart of democratic theory, accounting for its insensitivity to the other, and concealing the differences constituting the identity of the other. Democratic theory should be radically rethought and reconstructed so as to be able to expel this violence from its discursive structure and become sensitive to the fate of the suppressed other, recognizing the other and respecting his/her rights and liberties. This could pave the way for a genuine conception of pluralism to overcome the 'democratic political paradox' and dispense with 'democratic deficit', which are but different names given to the suppression and denial of the other entailed in the discursive structure of democratic theory.[33]

Endnotes

[1] This paper is submitted to *Geopolitics* for publication in the special issue on *Rojava*

[2] For informed accounts of the crisis which aim to locate it in its historical and political context see: McHugo, J. *Syria: A recent History*, London, 2014; Phillips, C. *The Battle For Syria; International Rivalry in the New Middle East*, New Haven, 2016; Glass, C. *Syria Burning: A Short History of the Catastrophe*, London, 2015.

[3] Ibid.

[4] I have discussed the historical and logical connection between the nation-state and the stateless people/nation in detail in various of my writings on modern Kurdish history and politics; see for example 'The Kurds and Their Others: Fragmented Identity and Fragmented Politics', *Comparative Studies of the Middle East, Africa and South Asia*, vol. 18, no. 2, 1998; *Kurds and the State in Iran: The Making of Kurdish Identity*, London 2012.

[5] See Derrida's discussion of the violence of the founding act of the state in 'The Force of Law: The Mythical Foundations of Authority' in P. Cornell et al (eds.): *Deconstruction and the possibility of Justice,* London 1992.

[6] This general theoretical outline is discussed in detail in Vali, op. cit. 1998

[7] For histories of the formation and development of the Syrian state since the end of WW1 see the following: van Dam, N. *The Struggle for Power in Syria: Politics and Society under Asad and the Ba'th Party*, London 2011 Hinnebusch, R. *Authoritarian Power and State Formation in Ba'thist Syria: Army, Party and Peasant*, San Francisco, 1989; Mo'az, M. et al. (eds.): *Modern Syria,* Brighton, 1988; Zisser, E. *Asad's Legacy: Syria in Transition* , NY, 2001; Wedeen, L. *Ambiguities of Domination, Politics, Rhetoric and Symbolism in Contemporary Syria*, Chicago, 1999; George, A. *Syria: Neither Bread nor Freedom,* London, 2003.

[8] Before the recent crisis there was little interest in the history, politics and culture of the Kurds in Syria. Some major works on the history and politics of modern Syria are almost silent on this issue; others treat the Kurds as a docile community uninterested or unable to have a voice in Syrian politics, a parochial issue at best. March 2004 was a watershed in this respect. See Yildiz, K. *The Kurds in Syria, Forgotten People*, London, 2005;

Montgomery, H. *The Kurds of Syria: An Existence Denied*, Berlin, 2005; Lynch, M. and Perveen, A. *Buried Alive: Stateless Kurds in Syria*, Washington, 2006. Tejel and Alssopp provide informed accounts of Kurdish politics and history in more recent times: Tejel, J. *Syria's Kurds: History, Politics and Society*, Routledge, 2009; Alssopp, H. *The Kurds of Syria: Political Parties and Identity in the Middle East*, London 2014.

[9] Agamben, G. Homo Sacer: *Sovereign Power and the Bare Life*, Chicago, 1998

[10] For accounts of the 2004 uprising and subsequent developments in Kurdish politics in Syria see Tejel, op. cit. 2009 and Alssopp, op. cit. 2014.

[11] Benjamin, W. 'Critique of Violence' in Benjamin, W. *Reflections*, New York, 1968

[12] This point refers to Schmitt's much- quoted definition of sovereign as 'he who decides on the exception', in *Political Theology: Four Chapters on the Concept of Sovereignty*, Cambridge Mass, 1988, p. 5.

[13] Schmitt op. cit. Also see his *The Concept of the Political,* Chicago, 1996.

[14] The concept of the constituting power of the people, initially used by Benjamin in his seminal essay Critique of Violence, was reconstructed and developed by Antonio Negri and Michael Hardt, signifying the subject of their proposed radical democratic order in *Multitude: War and Democracy in the Age of Empire,* New York, 2004, and the *Commonwealth,* Cambridge Mass, 2011; see also Negri's *Insurgencies: Constituent Power and the Modern State*, Minneapolis, 1999, and his essay 'Sovereignty Between Government, Exception and Governance' in Kalmo, H. and Skinner, Q. (eds.): *Sovereignty in Fragments: The Past, Present and Future of a Contested Concept*, Cambridge, 2010.

[15] See Foucault, M. *The Society Must Be Defended*, London, 2004, esp. chapters 2, 5 and 11. The interiority of resistance to power is asserted by Foucault in Part Four, chapter 2 on 'Method' in *The History of Sexuality*, Vol. 1. London, 1976, but to my knowledge it is never theorized by him in subsequent works, including interviews and comments.

[16] Derrida op.cit, 1992

[17] Ibid

[18] Ibid

[19] Ibid

[20] Ibid

[21] Negri discusses similar conditions with reference to 'Beyond Exception'. For me exception is an outcome, and along with radical democracy, constitutes a condition and form of the resolution of the crisis of sovereignty. This a fundamental difference with important implications for this analysis. See Negri op.cit. 2010

[22] Schmitt, C. op. cit. 1988

[23] See Thesis 8 in Benjamin, W, 'Theses on the Philosophy of History', in *Illuminations*, New York, 2007.

[24] See Agamben op. cit. 1998. The main themes of his theoretical framework, including 'exception becoming the rule', the 'zone of indistinction', and 'anomie', referred to in this work are further developed in *State of Exception,* Chicago, 2005.

[25] See Ocalan, A. *Prison Writings*, *The Roots of Civilization*, Vol. I 2007, and *The Road Map to Negotiation* (Prison Writing, 3), 2012. All references are to the English editions of these sources. Ocalan acknowledges the influence of Murray Bookchin, the American Libertarian-Socialist-Ecologist theorist, as his teacher and source of inspiration, but his conception of democratic autonomy varies from that of Bookchin on a number of key issues, including the historicist account of the evolution of the ancient communal/natural origins of Mesopotamian socio-cultural institutions, the institutional structure of democratic autonomy and the role of political party organization in the process of the constitution and consolidation of democratic autonomy. These differences are discussed by Leezenberg in a recent article on the concept of democratic autonomy which attempts to engage critically with Ocalan's writings. Leezenberg's work is a rare, though limited, critical engagement with Ocalan's concept: he focuses almost exclusively on issues related to institutional organization of democratic autonomy and the concept of self-defense, leaving aside the discursive formation of the concept and critical issues related to the theorization of the conditions of possibility of the concept of democratic autonomy, see Leezenberg, M. 'The Ambiguities of Democratic Autonomy: the Kurdish Movements in Turkey and Rojava in *South European and Black Sea Studies*, Vol. 16, no. 4.

[26] There have been a number of academic studies of the ideological formation and development of the PKK in the last few years. See among others: Akkaya, A and Jongerden, J. 'Reassembling the Political: The PKK and the Project of Radical Democracy', *European Journal of Turkish Studies*, no. 14; Jongerden, J. 'Radicalizing Democracy: Power, Politics, People and the PKK' in *Research Turkey*, 4. No. 3; Gunes, C. *The Kurdish National Movement in Turkey: From Protest to Resistance*, London, 2012; White, P. *The PKK: The Coming Down From the Mountains,* London 2015; Yeyen, M. 'Armed Struggle to Peace Negotiation: Independent Kurdistan to

Democratic Autonomy: the PKK in the Context', *Middle East Critique*, 2016, http://dx.doi.org/10.1080/19436149.2016.1218162

[27] See my interviews in Agos Jan. 2016 and Evrensal Sept. 2016

[28] See Ocalan on resistance op.cit 2012 English trans

[29] See Hardt&Negri Multitude op. cit 2004, part 2 chapter 3

[30] For recent publications on Rojava and the system in place in the three constituent cantons see: Kucuk, B and Ozselcuk, C. The Rojava Experience: Possibilities and Challenges of Building a Democratic Life; Usundag, N. Self-Defence as a Revolutionary Practice in Rojava, or How to Unmake the State; Madra, Y. M. Democratic Economy Conference: An Introductory Note, all three in The South Atlantic Quarterly, January 2016. Also Kapp, M et al. *Revolution in Rojava: Democratic Autonomy and Women's Liberation in Syrian Kurdistan*, London, 2016.

[31] I have discussed this issue in detail in Vali 1998 op.cit, and my 'The Stolen History' introduction to the Turkish translation of *Essays on the Origins of Kurdish Nationalism,* Istanbul, 2006.

[32] See Of Derrida, J. *Of Grammatology*, 1976, and *Writing and Difference,* London 1978.

[33] See Connolly, W. E. *Identity and Difference: Democratic Negotiations of political Paradox*, 1992 and Mann, M *The Dark Side of Democracy: Explaining Ethnic Cleansing*, Cambridge, 2005