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“Democracy to Come” in the Political Thought of Jacques Derrida

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This dissertation is a study of Jacques Derrida’s political theory as it develops in his later period. It focuses in particular on what Derrida calls the *aporia*, the experience of the possibility of the impossible. It is argued that Derrida uses *aporia* as a logical tool by which he views the world. He observes its operation in parallel sets of dualities: among others, he finds *aporias* at work between the measurable and immeasurable, the conditional and unconditional, the same and other, and the guest and host. In each of these cases, Derrida develops an analysis that does not seek to resolve dualities according to a Hegelian *Aufhebung*. Rather, *aporias* are impossible difficulties—paradoxes—that must be experienced and endured without resolution. Existence does not seek to transcend *aporias*; rather, *aporias* constitute our existence. The study takes special aim at several categories of thought that illuminate the *aporias* of his political theory: foundations, the event, sovereignty, hospitality, and democracy. In each of these areas, Derrida observes that instead of living in paradoxical opposition--a more conventional way of defining *aporia*--the categories of our thought contaminate and haunt each other. In particular, he shows that inside the sovereign self—whether in its personal or political forms—is always already the parasite of the other. After observing that we live upon a foundation of political authority that exceeds determination, we are then free to invent impossible new forms of political life. He argues that political sovereignty divides itself in an impossible gesture of hospitality toward the other, such that even political enemies receive a welcome. The study culminates in an examination of democracy, which is the best political regime precisely because within it is the *aporia* of measurable equality and immeasurable freedom.

This dissertation by Andrew Kaufmann fulfills the dissertation requirement for the doctoral degree in political theory approved by David J. Walsh, Ph.D., as Director, and by Stephen F. Schneck, Ph.D., and Dennis Coyle, Ph.D., as Readers.

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Introduction

Jacques Derrida was born in 1930 to Jewish parents in the Algerian city of El-Biar. After suffering through a childhood marked by anti-Semitism, he moved to Paris to pursue education at the Ecole Normale Supérieure. Although he did write *The Problem of Genesis in the Philosophy of Husserl* in 1956, it was not until the 1960's that his publication production increased significantly. It was during that decade that many of the essays that would form the triumvirate of *Speech and Phenomena*, *Writing and Difference*, and *Of Grammatology* (each of which came out in French in 1967) were written. These three volumes established Derrida as an intellectual force in France, effectively launching his career. Also notable was his delivery of the lecture, "Structure, Sign, and Play in the Discourse of the Human Sciences" at Johns Hopkins University in 1966. This lecture established his presence in the United States, where he became even more famous later in his career.

The publications continued in the 1970's, with volumes like *Dissemination*, *Margins of Philosophy*, and the inventive *Glas*, all of which in their own ways were attempts to elaborate on the ideas presented in the triumvirate of 1967. His continuing interaction with American universities and audiences reaped dividends with a three-year appointment at Yale in 1975. American graduate literature courses began to read Derrida, and it is there that his influence was first felt. His notoriety and fame only increased in the United States, while his influence in France steadily decreased, to the point where by the mid-1980's he was sometimes even writing and speaking in English.

What is most significant for this dissertation is that the mid-1980's marked the beginning of his serious treatment of both religious and political topics. One of the most notable is his treatment of Heidegger in *Of Spirit*, an honest and profound treatment of Heidegger's

relationship to the Nazi Party and use of the word “spirit.” His first major book on political theory came in 1993, with the publication of *Specters of Marx*. From the mid-1980’s until his death in 2004, Derrida produced numerous books and articles related to friendship, hospitality, justice, law, sovereignty, forgiveness, and the death penalty. Although he refused to call this an ethical or political *turn*, it is difficult to ignore his change in emphasis.

Secondary Literature

In general, the secondary literature on Derrida is vast and overwhelming. As is often noted, Derrida’s influence stretches far beyond the home that should have been most hospitable—philosophy—to literature, architecture, media studies, gender theory, and the humanities broadly considered. Scholars use Derrida for any number of purposes, with varying degrees of fidelity to the text of Derrida himself. Moreover, since his death in 2004, many journals and books have been devoted to his legacy. The vastness of the commentary on Derrida is enough to scare anyone out of attempting to categorize it. Further, there are many ways to parse out the secondary literature, none necessarily more valid than another. Still, in order to set up my argument, I want to make some comments on a few types of secondary literature on Derrida.

The first and most obvious category of the secondary literature on Derrida includes those who find in Derrida a nihilistic philosophy—most often but not exclusively drawn from the resources of critical theory. One of the more famous examples of this is Jürgen Habermas’ *Philosophical Discourse on Modernity*¹--an important book for many reasons--which devotes two chapters to some of the early writings of Derrida. Habermas’ major critique of Derrida is in the latter’s desire to displace metaphysics and reason from their throne, thus undercutting the

¹ Habermas, Jürgen, *The Philosophical Discourse of Modernity*, trans. Frederick Lawrence (Cambridge: Polity Press, 1987).

power of critique that we inherit from the Enlightenment. A characteristic line captures the spirit of Habermas' complaint: "The critique of origins, of anything original, of first principles, goes together with a fanaticism about showing what is merely produced, imitated, and secondary in everything."² Also characteristic is the charge that "Derrida is particularly interested in standing the primacy of logic over rhetoric, canonized since Aristotle, on its head."³ From both of these statements comes the basic charge that Derrida is an enemy of origins, and that whatever is primary in the history of philosophy needs to be displaced by whatever has been secondary. What we need, according to Derrida via Habermas, is a great reversal of the conceptual pairs of philosophy.

Habermas was not alone in this reading of Derrida. As Simon Critchley notes, during what he calls the second wave of Derrida's reception into the English-speaking world, scholars like Rodolphe Gasché, Irene Harvey, John Llewelyn, and Christopher Norris all have more sympathetic readings of Derrida.⁴ However, their sympathies do not include the area of the ethical, for the simple reason that ethics as traditionally conceived is a zone of inquiry that itself "presupposes the philosophical or metaphysical foundation that deconstruction deconstructs."⁵ So while Derrida may be philosophically interesting, he cannot be considered an ethically serious thinker. While all of them nuanced, each of these thinkers comes down along the same lines as Habermas—that Derrida displaces an anchor, a center, a foundation with something other than an anchor, a center, and a foundation. And these are precisely the kinds of things necessary upon which to build a system of moral inquiry and rational critique.

² Ibid., 187.

³ Ibid., 187.

⁴ Critchley, Simon, *The Ethics of Deconstruction: Derrida and Levinas* (Edinburgh: Edinburgh University Press, 1999), 1-2.

⁵ Ibid., 2.

Another group of scholars includes those who attempt to trace out political implications based on the early phase of Derrida's career. Gayatri Spivak and Michael Ryan⁶ are two notable contributors to this body of commentary. Both of these literary theorists attempt to cast Derrida in a Marxist light, prefiguring the discussion that would ensue after Derrida actually wrote a book on Marx and Marxism.⁷ Richard Beardsworth's *Derrida and the Political*⁸ is also a significant achievement in its attempt to draw out political implications from the early Derrida.

Yet another group of scholars includes those who are more sympathetic to Derrida on the whole, but find him to be politically unhelpful. The most prominent of these is Critchley, whose influential *The Ethics of Deconstruction* argues that "deconstruction fails to offer a coherent account of the passage from ethical responsibility to political questioning and critique."⁹ While on the one hand "ethics is the goal, or horizon, towards which Derrida's work tends,"¹⁰ Critchley observes an "impasse" in Derrida's work that prevents deconstruction from offering a positive political program, and that the way out of such an impasse is through a "Levinasian politics of ethical difference."¹¹ This account has been so influential that many have followed in its wake, also discounting the relevance of Derrida for politics.

Another group of scholars includes those who are basically sympathetic to Derrida's project and seek to defend him against his detractors. Perhaps most notable among them is Geoffrey Bennington, whose most famous interaction with Derrida is in the collaboration which produced *Jacques Derrida*. Others include more recent explorations of his political theory, such

⁶ See Ryan, *Marxism and Deconstruction*; Spivak, "Scattered Speculations."

⁷ Jacques Derrida, *Specters of Marx*, trans. Peggy Kamuf (New York: Routledge, 1994); Derrida, *Spectres de Marx* (Paris: Éditions Galilée, 1993).

⁸ Richard Beardsworth, *Derrida and the Political* (New York: Routledge, 1996).

⁹ Critchley, xiv.

¹⁰ Ibid., 2.

¹¹ Ibid., xiv.

as the collection of essays in *Derrida and the Time of the Political*¹² and *The Politics of Deconstruction*,¹³ as well as the more extended monographs *Derrida and the Inheritance of Democracy*¹⁴ and *Radical Atheism: Derrida and the Time of Life*.¹⁵ These latter two are particularly important for this study, since they explicitly take as thematic the central notion of aporia. Insofar as Derrida's political theory could have an organizing principle, it is this. This leads me to the motivation and the central argument of the present study.

The Central Argument

The motivation of the study arises from Derrida's discussion of the end of history, my treatment of which is found in chapter 3. What is meant by this phrase, "end of history," and how are we to relate to it? This is in a certain respect the question that has haunted western thought since Augustine's *City of God*. In this classic work, Augustine argues that the end of history was inaugurated by the incarnation, death, and resurrection of Jesus Christ, which will come to completion with his second coming. Even for Augustine, however, the second coming of Christ does not really mark the end of history. While the purpose (end) of history is found in Christ, it is not terminated with him. The new heavens and the new earth only mark a new era in the history of redemption. For now, according to Augustine, we live between the times, patiently waiting for Christ's return.

So it is with this understanding that western thought has received its bearings. Hegel is perhaps the most famous of the modern thinkers who takes up the question. The conventional reading of Hegel is that absolute knowledge represents the end of history, the sublation of thesis-

¹² Pheng Cheah and Suzanne Guerlac, eds., *Derrida and the Time of the Political* (Durham, NC: Duke University Press, 2009).

¹³ Martin McQuillan, ed., *The Politics of Deconstruction: Jacques Derrida and the Other of Philosophy* (London: Pluto Press, 2007).

¹⁴ Samir Haddad, *Derrida and the Inheritance of Democracy* (Bloomington, IN: Indiana University Press, 2013).

¹⁵ Martin Hägglund, *Radical Atheism: Derrida and the Time of Life* (Stanford, CA: Stanford University Press, 2008).

antithesis dialectic. The dialectic is synthesized through a process of sublation. However accurate a reading this is of Hegel, its impact was felt through the totalitarian experiments of the 20th century, all of which were disastrously murderous. What binds all these experiments together is the conceit that the secret to history had been discovered, and therefore that through the implementation of that secret knowledge, history would come to an end.

Derrida is not the first thinker to join the chorus of those who find this apocalyptic mindset problematic. Political theory in the twentieth century has been marked by an effort to understand the murderous regimes that have defined it. Liberal political theory, which of course precedes the 20th century in its origins, is itself a project to establish conditions that would limit the reach of government. John Rawls' veil of ignorance is perhaps a perfect symbol for the widespread longing to prevent anyone from dragging their totalizing perspective into the public square. Neo-classical philosophers like Leo Strauss and Eric Voegelin attempt to recover an ancient order of existence that would serve as a corrective to the century's excesses. Voegelin is noteworthy for his meditative mode of the middle, vigorously resisting the hypostasization of either the beginning or the beyond. The list of political thinkers who operate in this vein could go on and on.

How does Derrida enter the conversation, and what is his answer? In short, Derrida's answer to the question of the end of history is that there is no answer. Indeed, that sentence is itself what he calls an *aporia*, an experience of the possibility of the impossible. While the question of the aporia receives more extended treatment in chapter 1, it suffices to say now that this experience of aporia, paradox, and nonpath is Derrida's way of not providing any resolution to the question of existence. Indeed, aporia is the mode of existence within which we all live. Aporia is an experience we inherit, the way we inherit genetic makeup: we have no choice in our

reception of it, and we can never get beyond it. For Derrida, aporia is the pre-eminent symbol for what it means to live within the end of history. This is because it opens up a space for human action—political and otherwise—to take place. Ordinarily considered to be a place of paralysis, aporetic tension conditions our lives, giving the lie to any attempt to resolve it. It is out of the aporia that we can make decisions, live responsibly, show hospitality, and participate in democratic government. If it can be said this way, aporia constitutes our lives.

The methodological approach of this dissertation will therefore be to expose the aporetic structure at work in Derrida's work. In its own way, it is a way of turning Derrida back on himself. Derrida is well known for exposing the aporias at work in the history of philosophy. Indeed, this is one of the definitions he gives to deconstruction: to uncover the contradictions and paradoxes within a thinker's framework, even when the thinker himself may be unaware of it. Whether it be poison and remedy at work within Plato's *pharmakon*, or the ideal and empirical at work within Francis Fukuyama's schema, Derrida tirelessly seeks to expose paradox. What I hope to contribute is showing forth the coherence of the aporias at work within Derrida's own political theory.

After discussing in chapter 1 some of the aporias at work in Derrida's work, I turn in chapter 2 to a discussion of the founding. It is here that we find that the founding experience is itself aporetic. The symbol in play is *khora*, a metaphor received from Plato's *Timaeus* that is neither *mythos* or *logos*, myth or philosophy. It is the origin that is no origin, the womb that gives birth to nothing and nobody. It resembles negative theology, but Derrida is clear that *khora* even exceeds negative theology insofar as negative theology suffers from a hyperessentiality. That is, *khora* represents the "spacing before any determination" that could be given in ethical and political life. For Derrida, *khora* runs throughout his political thought, even if it is not always

brought to the fore. Whatever democracy to come turns out to be, it cannot really be anything—at least not anything determined. What we know of democracy to come must be something *other* than its essence and origin, even if we have some knowledge of it through a “kind of precomprehension.”¹⁶

This discussion of khora is important because the remainder of the study illustrates the ways in which the experience of politics exceeds determination and calculation, even while it remains the field of those very things. In chapter 3, I discuss Derrida’s views of history and decisionmaking. We examine more closely what khora would mean for our view of history and the future. How do we live within a future that is undetermined but still requires us to make decisions? Derrida calls us to live in light of the event that is to come, an event that can only be an event if it is totally unforeseen. Still, we are called by justice to act with urgency, even if the indeterminate nature of our conduct prevents us from ever knowing if our acts are truly just.

In chapters 4 and 5 we examine the twin issues of sovereignty and hospitality. Derrida’s deconstruction of sovereignty is done in view of khora, since political sovereignty as traditionally understood relies on a certain and absolute knowledge. Instead of the simple view that sovereignty is absolute and unconditional, Derrida argues that it is shared. Sovereignty as shared is itself an aporetic concept, since sovereignty in its pure form can never be shared. The word that Derrida uses for this view of sovereignty is hospitality: that selfsame sovereignty gives way to a radical and absolute openness to the other. In chapter 6 the study culminates in an examination of democracy, where all of the themes come together in the aporetic structure of the democratic. Democracy turns out to be the only form of government that is open to its own

¹⁶ Jacques Derrida, *Rogues: Two Essays on Reason*, trans. Pascale-Anne Brault and Michael Naas (Stanford, CA: Stanford University Press, 2005), 18; Derrida, *Voyous* (Paris: Éditions Galilée, 2003), 39.

transformation because, like khora, it is itself not a determinable form. Democracy opens itself up in radical hospitality to the coming of the other.

What transpires from this examination of Derrida's aporetic political theory is the unmistakable conclusion that there is not a political program that arises from it. As will be discussed in greater detail in chapter 3, Derrida opposes a view of the decision that would confine the decision to the mere repetition of received programs and rules. Certainly Derrida is a man of the left, but this turns out to be mainly incidental to the thrust of his political theory. Even his eventual embrace of democracy is not as warm as some desired. Derrida argues that whether one is an heir of Marxism, liberalism, or something in between, that reception is always aporetic in nature. That is, there is an openness that transcends the determination of the tradition, such that one is completely dependent on the tradition *while at the same time* opening up to something absolutely new. This particular view of the decision is emblematic of Derrida's aporetic political theory, and it is the core of the present study. In the end, to say that Derrida's program is that there is no program is not to give in to nihilism, but to admit it to the inescapable, transcendent immeasurability of human existence. Such immeasurability does not defy program, but it certainly transcends and operates in aporetic tension with it.

Chapter 1

The Aporias of Derrida

In the beginning paragraphs of “Passions: An Oblique Offering,” Derrida explains how it is that although critique and noncritique are not the same, they spring forth from the same well.¹ He imagines a scholar, a specialist in ritual analysis. He argues that because rituals are everywhere to be found in society, there is no such thing really as a specialist in rituals. It is indeed something that any layman could take up as a practice. However, in order to do this, in order to “play a role” in this work, we must ourselves be caught up within a certain logic of rituals.² In order to take part responsibly--in a wedding for example--we must learn the rules and procedures of that particular ritual. We must learn that we stand up for the bride when she walks down the aisle with her father. We also learn that when the pastor asks if anyone objects to the marriage about to take place, nobody is *really* supposed to object at that time. But the main thing we need to know is that in order for us to be responsible participants in a given ritual, we must to some degree extract ourselves from the ritual and learn about it. We must take on the roles both of participant and analyst, *at the same time*.

The traditional scholar might object, however, that there is a critical difference between the analysis just mentioned and the analysis that tries to explain something “objectively.” Certainly the former is rather unscientific and the latter scientific. But if we agree that any critic who would pretend to objectively explain a ritual event, must also be a participant, then that critic must accept all the conditions required of a participant. These would include the particular role and vantage point the participant must take—is he the bride or groom, in the first row or in

¹ Jacques Derrida, “Passions,” in *On the Name*, ed. Thomas Dutoit (Stanford, CA: Stanford University Press, 1995) 3-31; Derrida, *Passions* (Paris: Éditions Galilée, 1993).

² Ibid., 3; 13.

the balcony? The critic as participant must make choices—differentiate, evaluate, and distinguish. In the analysis, there is no way to cover every detail, so choices must be made. Do we emphasize the beauty of the bridal gown or the length of the homily? Do we comment on the music, or do we leave those details out? There is no such thing as cold analysis that can be abstracted from a participatory point of view. This applies just as well to a reader of a book, who finds himself being critiqued by the book at the same time he offers a critique. So while the words “critique” and “noncritique” are not identical, they are at least involved in the same project: that of critical participation or participatory critique. They operate in a relationship of mutual contamination.

Aporia Pervasive in Derrida’s Philosophy

This discussion of critique and participation illustrates well a particular kind of logic that pervades Derrida’s philosophy: the logic of aporia.³ Aporia as central to Derrida’s approach has not been lost on the scholarship.⁴ Richard Beardsworth claims that “Derrida’s aporetic thinking” is “the very locus in which the political force of deconstruction is to be found.”⁵ But what is this “aporetic thinking”? In *The Other Heading*, Derrida makes the following remark: “The condition of possibility of this thing called responsibility is a certain *experience and experiment of the possibility of the impossible: the testing of the aporia* from which one may invent the only

³ For a helpful discussion of the specific types of aporias employed by Derrida, see Samir Haddad, *Derrida and the Inheritance of Democracy* (Bloomington, IN: Indiana University Press, 2013), 7-22.

⁴ See Geoffrey Bennington, *Interrupting Derrida* (London: Routledge, 2000), 9; Jonathan Culler, *On Deconstruction: Theory and Criticism after Structuralism* (Ithaca, NY: Cornell University Press, 1988): 95-96; Rodolphe Gasché, *The Tain of the Mirror: Derrida and the Philosophy of Reflection* (Cambridge, MA: Harvard University Press, 1986), 79-105.

⁵ Richard Beardsworth, *Derrida and the Political* (London: Routledge, 1996), xv.

possible invention, the impossible invention.”⁶ Here we learn that the experience of aporia is the condition of responsibility and decision. Or, even better, the experience of aporia *is* responsibility and decision:

The most general and therefore most indeterminate form of this double and single duty is that a responsible decision must obey an “it is necessary” that owes nothing, it must obey a *duty that owes nothing, that must owe nothing in order to be a duty*, a duty that has no debt to pay back, a duty without debt and therefore without duty.⁷

This admittedly difficult and *impossible* way of thinking is vintage Derrida. How can a decision obey necessity and yet owe nothing? How can a duty have no debt to pay back and therefore not be a duty? This is indeed the experience of the impossible, an experience of aporia. Among other things, Derrida is saying that in order for one to be responsible, she must experience the possibility of the impossible. How can this be?

Anyone familiar with Derrida’s writing will recognize the seemingly contradictory logic of these remarks. In fact, Derrida is clear that the logic of the aporia has pervaded his work: from early discussions of the aporia of time, to the aporia of iterability and invention, to the aporia of duty and hospitality, to the aporia of law and justice, and even to the aporia of democracy. However, familiarity does not necessarily produce understanding, and the strict logician may be troubled by Derrida’s formulation, if he has not already dismissed him outright.

Aporia is an elusive idea, but it has a specific meaning for Derrida. It specifically refers to the impassable stopping point of thought and action. When coming to the proverbial fork in

⁶ Jacques Derrida, *The Other Heading*, trans. Pascale-Anne Brault and Michael B. Naas (Bloomington, IN: Indiana University Press, 1992), 41; Derrida, *L’autre Cap* (Paris: Les Éditions de Minuit, 1991), 43.

⁷ Jacques Derrida, *Aporias*, trans. Thomas Dutoit (Stanford, CA: Stanford University Press, 1993), 16; Derrida, *Apories* (Paris: Éditions Galilée, 1996), 37.

the road, two equally valid and acceptable pathways are presented. To take one would be to forego an equally valid alternative. In an aporia, we approach what is clearly an impossible situation—but we are experiencing it nonetheless. Therefore, we are experiencing the possibility of the impossible. An aporia is just that: an experience of the possibility of the impossible.

One of the first places the aporia appears in Derrida's writing is in one of his most famous early essays, "Ousia and Gramme."⁸ He gets at the issue through a deconstruction of the Aristotelian conception of time, through the pathway of Hegel and Heidegger. According to Derrida, Heidegger's destruction of classical ontology first had to rid itself of Aristotle's "vulgar concept" of time, which has governed "the determination of the meaning of Being in the history of philosophy."⁹ It has done this by treating the meaning of Being as *parousia* or *ousia*, which signifies presence, implying that *beings* are grasped in their *Being* as presence. This means that the treatment of the meaning of Being is done according to a particular mode of time—the present. This preoccupation with presence has marked the history of philosophy, particularly in its relationship to time, up to and including Hegel, who is the most radical formulator of the vulgar conception of time. Heidegger's intention therefore is to contrast his fundamental ontology with the classical and vulgar one.

Aristotle's vulgar concept of time is rooted in the privileging of the "now" and the "point" as anchoring references for time. Hegel continues this privileging but adds to it the dialectical negativity for which he is famous. For Hegel, the present is a now that must be lifted up by an *other* present. He therefore does not escape the metaphysics of presence that serves as a

⁸ Derrida, "Ousia and Gramme: Note on a Note from *Being and Time*," in *Margins of Philosophy*, trans. Alan Bass (Chicago: The University of Chicago Press, 1982), 29-67; Derrida, "Ousia et Gramme: Note sur une note de Sein und Zeit," in *Marges de la Philosophie* (Paris: Les Éditions de Minuit, 1972), 33-78.

⁹ Ibid., 31; 33.

foundation for the history of philosophy. By thinking an other presence, he is simply thinking two presences and two centers at once, taking one present and thinking another present as the negative of the first. This thinking is the *Aufhebung*, which then produces truth. The very concept of truth therefore is tied up with the thinking of being as presence, which only further ensconces us in the metaphysics of presence.

What does all this have to do with the aporia? The truth of Aristotle's presentation—despite its complicity in the metaphysics of presence—is the acknowledgment of time as an aporia. On the one hand, we can think of time as a punctuated instant, a present now. However, as soon as we think of time as a present now, it is already in the past. In our attempt to grasp time as a present being, it becomes nonpresent and absent. Or, to put it in terms that Derrida would prefer, our apprehension of time as a present bears within it an originary and primordial absence. The present now is always already absent, even in our apprehension of it. The conditions that make *possible* the apprehension of time as present are the same conditions that make *impossible* our apprehension of time as present. Such is the nature of the aporia of time.

I raise the aporia of time as mediated through Aristotle, Hegel, and Heidegger simply to point to the ancient origins of such an idea. It is not an idea that Derrida invents but rather one that has always been with us. More than idea, however, for Derrida the aporia is an experience of the possibility of the impossible—an experience that is inescapable. It inhabits our language, ethics, politics, and experience in general. In the remainder of this chapter, we will examine Derrida's treatment of the aporia of death, the aporia of iterability, and the aporia of invention. What each of them has in common is an illustration of the nature of aporia: an experience of the possibility of the impossible, an experience of the other.

The Aporia of Death

The topic of death as discussed in *Aporias* is tailor-made for thinking about aporia. In fact, one could argue like Heidegger that it is the aporia par excellence, since it is for Dasein the possibility of impossibility. The conditions that make death possible for Dasein are the same conditions that make death impossible for Dasein. The aporia first comes out of a meandering discussion on borders and death, and death as a border. For when we conceive of death as a border-crossing event, we realize that it is a crossing that leads nowhere, except to extinction. Death is unique in this regard: it involves a walking, a stepping into a phase that brings an *end* to walking and stepping. If there is a beyond to death, it is a beyond that is also an end. So we are faced with an aporia, a coming without *pas* (step).

But the aporia also refers to the untranslatability of the phrase in question, “*Il y a d’un certain pas.*” It can mean, “He is going there at a certain pace,” where *pas* refers to pace. It can also connote the question of the step or passage. But *pas* also can mean negation. Derrida observes that language is always caught up in this web of signification, that in a translation from one language to another, the meaning always exceeds the text—something is always lost and gained in a translation. The translation itself is undecidable, indeed aporetic.

The aporias continue as Derrida meditates on the possibility of the phrase, “my death.”¹⁰ He approaches the analysis through the idea of what it means to “die for the other.”¹¹ On the one hand, to “die for the other” is a time-honored tradition showcasing a person’s valor, love, and self-sacrifice. To put oneself in the line of fire, or to ensure the safety of others at the risk of

¹⁰ Derrida, *Aporias*, 21; *Apories*, 48.

¹¹ Ibid., 38; 74.

one's own life, are ways in which people die for others. The ultimate example, of course, is the God-man Jesus Christ who took upon the sins of the world, substituting himself for all those who have sinned against God. His was the ultimate example of "dying for the other."

But it is not hard to see that "dying for the other" is in one sense impossibility par excellence. Only I can experience "my death." When I put my body in the line of fire, ostensibly for another, it is not the other's death that I am taking, but my own. "Dying for the other" becomes nothing more than a sentimental slogan used to justify bravery in battle or the dogma of Christian theology. Why should I give up my life for another? What is the status of this "for another"? Am I really doing anything for this other person, aside from taking my own life, experiencing my own death? Death is at once the most and the least substitutable event that can be experienced. On the one hand, everyone experiences death and therefore has that in common. On the other hand, no one can truly die for another. This is true for any noun that follows the possessive "my." Another person can no more experience "my first dental appointment" than she can "my death." Therefore, death serves as a wonderful example of the possibility of the impossible: on the one hand, it is possible for everyone to experience death, but on the other hand it is impossible for anyone except me to experience "my death." Thus we recall Heidegger's definition of death in *Being and Time*: "the possibility of the pure and simple impossibility for *Dasein*."¹²

But the aporia Derrida and Heidegger focus on is even deeper than a concern for the phrase, "dying for the other." Are we able to think of "my death"? Is that even possible? On the one hand, it is possible because we have seen other people die, we know scientifically what

¹² Derrida, *Aporias*, 23; Derrida, *Apories*, 50.

happens when people die, and we are ourselves aware of our own mortality. We know that if we put ourselves out in the middle of the road in front of a bus, we will most likely experience death. We even know that death brings to bear experiences we do not know about, since we cannot speak to people who have died—in this sense we know that we do not know.

On the other hand, “my death” is as foreign to me as it could possibly be, and is in a very real sense impossible. The conjunction of “my” and “death” is curious. How can I experience my death? For as soon as I am dead, the “I” no longer exists. My death appears to be an impossible situation. It is the question of the border--the border of death--that provides the figure capturing the figure of the aporia. For at what point have we crossed the border into death?

On this reading, death is the example par excellence of the possibility of the impossible, and we should read the rest of the possible impossibilities in Derrida in light of it. Death is the unique occurrence of the possibility of the impossibility, because it concerns the impossibility of existence itself. We all know that death is quite possible, even inevitable. We see it all around us, and it is a biological fact of mortality that eventually we will de cease. But for *Dasein*, this kind of thing is impossible. Insofar as *Dasein* is being-there, death is impossible because it is a not-being-there or a being-not-there. It is definitionally impossible for *Dasein*:

The impossibility that is possible for Dasein is, indeed, that there not be or that there no longer be Dasein: that precisely what is possible becomes impossible, from then on no longer appearing as such. It is nothing less than the end of the world, with each death, each time that we expect no longer to be able to await ourselves and each other, hence no longer to be able to understand each other.¹³

¹³ Ibid., 75; 131.

The reason death is possibility of the impossible par excellence is that Dasein is pure possibility, and for pure possibility to die--to stop being possible--is impossible. The interlacing of possibility and impossible is rich and complex here. That which is possible enters into the impossible in death, but a non-access to death is impossibility itself. Furthermore, in a very profound way, each person's death marks the end of the world. To the extent that the world is defined by a being-there for Dasein, the end of that being-there is the end of the world. We also lose the ability to understand each other because others who die enter a place that none of us can access.

Paradoxically, if death is indeed the possibility of the impossibility, then a person as Dasein never has a relation to death as such, but only to perishing and demising, and to the death of the other. We cannot have a relation to our own death, since death for Dasein is non-existence, which is an impossibility. We can only have a relation to the other's death in me. In this way it is appropriate that I can participate in another's death, for the personal connection I had with the other certainly diminishes or dies with the death of the other.

So it is clear that the concept of possibility taken from Heidegger as constitutive of Dasein preoccupies Derrida's aporetic analysis of death. As he says, "a certain thinking of the *possible* is at the heart of the existential analysis of death."¹⁴ The possible is what we ordinarily think it to be—that which *could* be, that which could happen in the future at any instant, for which we need to always be ready. This is what Derrida regularly calls the coming of the event—it is not predictable but it could happen at any moment. The possible is also that which we are capable of doing: it involves power and ability. Both of these possibles coexist in

¹⁴ Ibid., 62; 113.

Heidegger's *Möglichkeit*, which means possibility. This is relevant to the existential analysis of death because contrary to traditional understandings of death, Dasein is not something before us that we can touch with our hands, like a substance or object, like a brick or tub of jello. Rather, "the essence of *Dasein* as entity is precisely the *possibility*, the being-possible."¹⁵

What follows from the stipulation that Dasein is being-possible is that an existential analysis of death, specifically the death of Dasein, must involve this notion of possibility. However, we recognize that death is the greatest example of possibility, insofar as it is something that *could* happen at any moment. This presents a problem because death is also that which represents the point at which non-existence occurs. This leads to two sets of statements on possibility presented by Heidegger that, when taken together, form an aporetic compound. They will help illustrate the aporetic logic that persists throughout the Derrida corpus, including his ethico-political thought.

The first statements feature death as Dasein's most proper possibility. That is, death is the possibility that belongs most to Dasein, the one that Dasein owns the most: "Being-possible is proper to *Dasein* as entity, and death is the most proper possibility of this possibility."¹⁶ As Dasein is defined as possibility, as that entity that is capable of acting and also for which and to which things can happen at any moment, many things could be placed into that category of possibility. Dasein could marry, have children, and eat a sandwich for lunch. None of these are necessities, however, and it is *possible* that these things would not happen. Death has a unique

¹⁵ Ibid., 63; 113-114.

¹⁶ Ibid., 64; 115.

place as Dasein's most proper possibility because it is something that everyone experiences.

In peculiar Heideggerian fashion, Dasein awaits itself in death.

This phrase "awaits itself" or "*s'at-tendre*" in French has a variety of translations. First is the simple awaiting oneself in oneself: I await myself in myself, the most primordial self-relation. The other would be a translation that allows for the *to* to play a role, such that there is a waiting for the other. There is thus both an awaiting and an expecting—an awaiting for myself and an expecting the other. Both of these have a definite relation to death. But a third possibility in translation, and the one that Derrida thinks the most plausible, is that we can wait for each other. Assumed here is that two individuals are waiting for each other, one who has died and one who has not died—for nobody ever arrives at death at the same time as someone else. In this sense death is the impossibility of arriving at death at the same time as the other.

What is implied in this translation of *s'attendre* is the imminence of death. As the most proper possibility of Dasein, it is also absolute. This absolute imminence breeds an anxious anticipation that befalls all people at some point or another. The waiting for death is not typically a pleasant waiting, but usually breeds anxiety and, according to Heidegger, a fear that prevents the waiter from even facing her anxiety before death. This kind of fear leads to an inauthentic existence, one that attempts to avoid the proper possibility of death, and is defined by Heidegger as untruth. For Heidegger, untruth is not a lack of correspondence between statements and reality, but rather an evasion of responsibility on behalf of Dasein, especially in its relation to death. For as he says, Dasein is being-toward-death.

Now we approach the second part of the aporia, what Derrida calls the “aporetic supplement.”¹⁷ We should notice that so far in the existential analysis of the death of Dasein, we have only mentioned possibility as a feature: death is the proper, absolute possibility of Dasein. But what about impossibility? Heidegger adds as a complement an impossibility to this possibility. While death is the possibility of Dasein, Heidegger notes that it is also the possibility of impossibility. This is a very difficult set of statements, and Heidegger unfortunately does not dwell on it. How shall we think about this conjunction of possibilities and impossibilities?

Heidegger does not immediately commit himself to death as impossibility, but rather says that the imminence of death is “the possibility of being-able-no-longer-to-be-there.”¹⁸ Death remains within the order of possibility, and is by no means an impossibility of being-able-to. Death is for Dasein the most proper possibility, even if it is the possibility to not exist, to not be there. Death has the highest degree of certainty for Dasein, even if it can either await it authentically or attempt to avoid it in fear.

Wherein lies the impossibility? We approach the answer when Heidegger says that “[t]he closest closeness that one may have in being toward death as a possibility, is as far as possible from anything actual.”¹⁹ Here we find that possibility bears a relationship with closeness and proximity. Dasein is closest to death because of its imminence—it could occur at any time and we need to be ready for it. In that sense death as proximity, as absolute proximity, is Dasein’s most proper possibility and property. On the other hand, death is as far away as possible for Dasein. Its possibility is therefore deemed an impossibility because of its maximal distance from

¹⁷ Derrida, *Aporias*, 67; Derrida, *Apories*, 120.

¹⁸ Ibid., 68; 121.

¹⁹ Ibid., 70; 124.

Dasein. This is because Dasein cannot not exist, and if death just is a name for non-existence, there is nothing more impossible (if we can add a modifier to impossible) than death for Dasein. To put it in Heideggerian terms, death is ontically close for Dasein, but is ontologically as far away as possible.

But the relationship of possibility to impossibility requires further attention, for to conjoin these two terms at all is a very difficult thing to think. Heidegger puts these terms together in the way we have been thinking it—the possibility *of* the impossible. Death is the possibility *of* the impossibility—Dasein faces it as a possibility, knowing that in truth it means non-existence, which for Dasein is impossible.. But he also uses the German word “als” which in English means “as” to conjoin the terms—possible *as* impossible. According to Derrida, this “als” plays a strange role by allowing the possible to manifest itself as impossible. In other words, when we look to find the possible, we see it appearing as the impossible. We might say that while death is ontologically possible, it is phenomenologically impossible. So not only do we have the possibility *of* the impossibility, but we also have the possibility *as* impossibility. Heidegger has left us with two aporias within one aporia.

The unveiling of the possibility as impossibility occurs when there is a penetrating advance of understanding toward death. The most proper possibility of Dasein therefore becomes its most proper impossibility. This penetrating advance or gaze is extremely useful because it gives Dasein an access to death that it would not otherwise have. Derrida does wonder how a most proper possibility can appear as impossibility without immediately disappearing, since it is after all an impossibility.

Derrida concludes his discussion of Heidegger's existential analysis of death by elevating this particular aporia of death above any other aporias. Death is a unique instance of the possibility of impossibility. This is not hard to see because this particular possibility of impossibility has to do with existence itself, and not the possibility or impossibility of just anything. In fact, every other aporia should be understood in light of this governing aporia.

Still, we are left with a certain amount of ambiguity as to how Heidegger would want us to think this aporia of death. There are at least two ways left by Heidegger for us to think the aporia. The first way is that dying would be the aporia. It is the impossibility of being dead, or more precisely, to live one's own non-existence. This follows clearly from *Dasein* as being-there. But the aporia could also be the "fact that the impossibility would be possible and would appear *as such*, as impossible."²⁰ For obvious reasons, that which appears ordinarily falls within the order of possibility, so by definition the impossible cannot appear as such. But Heidegger seems to suggest that the impossible does appear, and therein lies the aporia.

By the same token, if death is the possibility of *Dasein*'s impossibility, death becomes the most *improper* possibility and the most inauthenticating one. From there the most originary inside of its possibility, the proper of *Dasein* becomes divided by the most improper. The inauthenticity therefore is not something that befalls *Dasein* from the outside, but is something that emerges from the inside. The distinctions between authentic and inauthentic, as well as those between dying, perishing, and demising, are especially crucial for Heidegger. But they are threatened at their very root and are impracticable because of the admission that an ultimate possibility is nothing more than the possibility of an impossibility.

²⁰ Derrida, *Aporias*, 73; *Apories*, 128.

What can we conclude from this complicated discussion of possibility, impossibility, and death? For one thing, death acts as the extreme limit in the discussion regarding possibility and impossibility. If the experience of the aporia is the experience of the possibility of the impossibility, then death is the ultimate aporia. Furthermore, as the impossible, death is not something we can foresee, but it will come to us whether we think about it or not. Derrida speaks regularly about the unforeseeable coming of the event, and it is true that the event ahead of us cannot be foreseen. Death acts as the final event that cannot be foreseen, both in a temporal sense and in an existential sense. Death will be the final event that will occur, and we do not know when or how it will occur. We can plan for it and think about it, but we cannot predict its exact time and place. It is an eminently possible event, for it will indeed happen. Existentially, death is an impossible event because it signifies our non-existence. The most we can do to experience it is through the death of others who are a part of us.

But Derrida says something further that is relevant to the overall discussion. He says that “[death], as the possibility of the impossible *as such*, is a figure of the aporia in which ‘death’ and death can replace...all that is possible as impossible, if there is such a thing: love, the gift, the other, testimony, and so forth.”²¹ Death therefore serves as a metaphor and substitute for all those other things which themselves are possible as impossibilities. Love, the gift, justice, and hospitality are only a few of the themes that Derrida himself explores elsewhere in his writings, but each of them are in their own way possible as impossible. Each of them has within their own proper possibilities the conditions for their impossibility. Death serves as an outer limit on what

²¹ Derrida, *Aporias*, 78-79; *Apories*, 137.

is possible, but also serves as the chief picture of what it means to be the possibility of the impossible. It is the chief aporia indeed.

The Aporia of Iterability

Also key to comprehending the aporetic logic at work in Derrida is the notion of iterability.²² Serving a similar role as death, it is an example and illumination of the aporetic. As a concept, it receives its most extended explanation in “Signature Event Context,” an essay that received a lot of attention because of the subsequent interaction with John Searle.²³ Iterability, simply put, is the capacity of language to be repeatable in different contexts. As we observe with time and death, the conditions that make meaning possible are the same conditions that make it impossible.

Derrida gets at the issue through the word “communication.”²⁴ The question arises as to whether the word and signifier “communication” can have a univocal meaning. We could say that “communication” means the delivery method of the meaning of utterances both oral and written. But right away we notice that communication as a signifier bears some equivocality. For on the one hand it designates nonsemantic movements: those movements that do not pertain to other words or symbols. On the other hand, communication designates semantic movements: those movements that do pertain to other words or symbols.

²² A helpful analysis of the iterability of language in Derrida can be found in Catherine Zuckert, “The Politics of Derridean Deconstruction,” *Polity*, vol. 23, no. 3 (1991), 335-56.

²³ Derrida, “Signature Event Context,” in *Margins of Philosophy*, 309-330; Derrida, “Signature Evenement Contexte,” in *Marges de la Philosophie*, 365-393. For a critique of Searle, see Nicole Anderson, *Derrida: Ethics Under Erasure* (New York: Continuum, 2012), 8.

²⁴ Derrida, “Signature Event Context,” in *Margins of Philosophy*, 309; “Signature Evenement Contexte,” in *Marges de la Philosophie*, 367.

Derrida makes the seemingly self-evident point that even on a traditional understanding of writing as secondary and derivative, it is indeed a means of communication. Writing carries along as a delivery mechanism the meaning intended by a communicator to a communicant. In fact it does what speech by itself could never do: retain in a semi-permanent fashion what has vanished in spoken utterance.

Examining Condillac's *Essay on the Origin of Human Knowledge*, Derrida notes that Condillac sees writing as a natural way of continuing the already operating communication that was going on in speech. Writing was a way for people who were already communicating to extend their communication. Representation was the key characteristic of all writing, whether through letters and words or especially through images and pictures. The function of representation was, as the word suggests, to make *present* again that which had been lost in speech. And this representation occurred most naturally through writing.

With this in mind, we come to understand that the key to the aporia of iterability can be found through an examination of absence. First, there is the absence of the addressee. We write in order to communicate to those who are absent, whether they are absent in life or in death. Derrida notes that Condillac ignores the absence of the sender/writer who abandons the marks and traces he leaves behind in writing. Instead Condillac focuses on absence as an extended modification of presence. Representation is not a focus on the lack of presence, but is rather a restoration of that presence. On this reading, the painter who *represents* a scene of flowers in a meadow is not deploring the lack of presence but celebrating its restoration.

Derrida has a very different understanding of writing and its relationship with both presence and absence. For Derrida, writing as representation is not simply a restoration of

presence. Instead, absence is an originary feature of all communication, including writing.

Writing is only writing if all determinable senders and addressees are presumed dead. This is not a morbid perspective but rather a thinking through the nature of writing. Writing requires iterability, the repeatability of a code that will survive even the death of the writer, and certainly the death of the reader. Iterability is simply the capacity to be repeated in different contexts.

Derrida imagines an extreme example to prove his point. Consider a writing in which only one sender and one addressee are aware of the code that constitutes it. It is only a writing insofar as that code is iterable, such that the presumed secrecy of the code was never really secret. But if that writing does indeed have a code, it is iterable. That code is available even without the *presence* of the sender or addressee. As he says, the very structure of the written is the force of the break with presence. By contrast, Condillac's commitment to representation as a restoration of presence places him in the long line of thinkers who are committed to a classical discourse on the sign and the metaphysics of presence.

Of course Derrida is not simply interested in rethinking semiotics and linguistics. According to him, this way of thinking about writing is generalizable to spoken language and all of experience. Three traits define this generalizable writing. The first, as already stated, is that a written mark is not exhausted in its inscription but has the capacity for iterability. The second is that a written mark or sign also carries with it the force to break with the presences which accompany its inscription. This second trait is the very essence of the written, its very structure. While we may not have access to the scribe's intention, the mark if written remains legible: not legible in the vulgar, ordinary sense but in the more technical sense of repeatability. If writing is indeed writing, then its meaning will carry forward beyond the life of the author, into a variety of

contexts and situations. The possibility and impossibility of writing is the code and context that cannot enclose the meaning of a written sign. Its possibility is the ability of the written sign to live on through many different contexts, and its impossibility lies in the unpredictability of how that code will be applied. This possibility and impossibility is the iterability of writing: the capacity of the written for the repetition of the same and the other. The third trait or predicate of writing is the notion that the force of rupture of presence depends on the spacing that constitutes the written sign. This spacing is the opening that the mark produces upon inscription: an opening that separates the written sign from a present referent and also other elements of the internal contextual chain in which the sign finds itself.

Derrida concludes that these three predicates—the capacity for iterability, the capacity to break with presence, and the constitutive spacing of the written sign—are not just features of written communication but also constitute spoken communication and general experience. For the spoken, it is clear that it can be both recognized and repeated. The spoken is indeed iterable; that is, it bears the possibility of repetition in the *absence* of its referent and a determined signified or the current intention of signification. The law of iterability extends therefore to all forms of communication, both written and spoken, and to all experience as well.

The absence of the referent and addressee is a possibility easily admitted. Husserl even acknowledged this possibility, in a double sense. First, statements that are possible could be understood without the referent or addressee being present. For example, I could walk out of the room and declare, “The sky is blue.” My interlocutor need not be present to understand this statement. He probably has prior experience with observing a blue sky, and he need not be with me to observe the blue sky to understand my statement. His absence does not preclude the

intelligibility of the statement. But its intelligibility does not even depend on my honesty or accuracy. I could be observing a cloudy sky with sky-blue tinted glasses or intentionally trying to deceive my interlocutor. Either way, its intelligibility still persists. Derrida concludes that without the possibility of the absence of the referent and addressee, there could be no statements.

This is in direct contrast to the tradition of metaphysics that obsesses over presence. According to Derrida, the history of metaphysics is the metaphysics of presence. The possibility of the absence of the referent is a frightening thought for those who require the presence of the referent, addressee, and author. But language and meaning are only possible if the possibility of the absence of the author, addressee, and referent is live.

Husserl also acknowledges the possibility of the absence of the signified, even if he deems this possibility inferior. Even in acknowledging its inferiority, he observes that this absence does not prevent the sign from functioning. Certain statements can have meaning even if they lack objective signification. “The square is circle” is a statement invested with meaning but without objective signification. The parts of the statement have meaning such that I can evaluate whether the statement itself is false. Its meaningfulness allows for a determination of its truth or falsity. There is also what Husserl calls agrammaticality. These are best typified by statements like “green is or” or “abracadabra.” While the words within the statements have meaning, the statements themselves do not have meaning such that they can be rendered true or false. For Husserl, this is not language because we can not intuit the objects of the statement “green is or.” It is one step removed from “the square is circle” because at least “the square is circle” has grammatical sense. However, Derrida rescues the agrammatical category by noting the possibility of “green is or” or similar agrammatical statements being used in different contexts,

and thereby gaining a meaning. This train of thought can best be summarized by Derrida's conclusion:

This is the possibility on which I wish to insist: the possibility of extraction and of citational grafting which belongs to the structure of every mark, spoken or written, and which constitutes every mark as writing even before and outside every horizon of semiolinguistic communication; as writing, that is, as a possibility of functioning cut off, at a certain point, from its "original" meaning and from its belonging to a saturable and constraining context. Every sign, linguistic or nonlinguistic, spoken or written (in the usual sense of this opposition), as a small or large unity, can be *cited*, put between quotation marks; thereby it can break with every given context, and engender infinitely new contexts in an absolutely nonsaturable fashion. This does not suppose that the mark is valid outside its context, but on the contrary that there are only contexts without any center of absolute anchoring. This citationality, duplication, or duplicity, this iterability of the mark is not an accident or an anomaly, but is that (normal/abnormal) without which a mark could no longer even have a so-called "normal" functioning.²⁵

This notion of the power of citation and the break from presence is the essence of the aporia of iterability. In a tradition fixated on presence, contexts necessarily saturate the meaning of a particular word or phrase. In other words, in the sentence, "The sky is blue," the notion would be that the word "blue" cannot function outside of the immediate context of that sentence. Of course, we know this to be a ludicrous way to understand language, not genuinely held by anyone of good faith. The reason language works is because "blue" can function meaningfully in multiple contexts. The reason language works is because "The sky is" can work absent its original context. Articles, prepositions, verbs, nouns, and many other linguistic tools function across a variety of different contexts. In order for language to be meaningful, of course, a

²⁵ Derrida, "Signature Event Context," 320-321; "Signature Evenement Contexte," 381.

uniform code must persist across all contexts—otherwise nothing would ever be intelligible.

But in order for language to be useful, that code must be able to operate in many different applications and in many different contexts. The aporia of iterability is therefore the following: on the one hand, the code of language must persist across an infinite variety of contexts, such that there is a repeatability of the same; on the other hand, that same code of language must have the ability to be applied in an infinite variety of contexts, such that there is a repeatability of the other. Iterability consists in the repeatability of the same and the repeatability of the other—without either there would never be language or communication.

Notable in this analysis is that Derrida does not set up the same and the other in firm opposition to each other. An example of this aporia from outside linguistics is when a guest from another country *crosses the border* into the host country. The conventional practice is for the host country to act as a host and to welcome the guest as guest into the country. But we all know from practical experience that in order for the guest to truly feel like a guest, that the guest must be able to perform the duties of the host, such that the host becomes the guest and the guest becomes the host. In order for a guest to feel at home in a different country, the host must perform rituals that will be familiar to the guest. The aporia therefore is that the guest is host and the host is guest at the exact same time—the difficulty is there but both are necessary.

This way of thinking about hospitality is aporetic in nature, but it is not as destructive of traditional discourse as Derrida is often thought to be. We see that he preserves the guest/host distinction but offers a different way of thinking about its relationship. And that new way of thinking is that the concepts are not as pure as we thought. Instead, the terms interplay with each other in such a way that they need each other and even that they have each other inside

themselves. To use the language of iterability, the host operates in the economy of the *same*, while the guest operates in the economy of the *other*. Hospitality consists in holding the economy of the same together with the economy of the other. The host as host needs to be ready for the guest as an entirely other, to come into her house with all of her *other* customs and practices. The host cannot fully prepare for the guest, but must anticipate the guest's arrival as a completely other entity. The host must be ready for the roles to be reversed.

The Aporia of Invention

In an essay entitled "Psyche: Inventions of the Other," Derrida explores the aporia—the possibility of the impossible—inherent in the concept of invention.²⁶ From this discussion we will see once again that in the aporia, conceptual pairs are not opposed to each other as if in isolation, but intermingle, depend on, and haunt one another interminably. More than that, we will notice again that the aporia is the experience of the impossible, indeed the invention of the other as impossible.

Derrida presents a conventional understanding of invention. According to convention, the invention must be singular and it must be something new. The invention must be unique, never before seen in language or society. One of the essential traits of invention is its finding and discovering things for the first time. It is not exactly a creation *ex nihilo*, but rather a discovery of something for the first time, whether that is the printing press or the body of a long-dead saint. It does not bring something into existence that was not there before, but rather produces a set of

²⁶ Jacques Derrida, "Psyche: Invention of the Other," in *Psyché: Inventions of the Other, Volume I*, ed. Peggy Kamuf and Elizabeth Rottenberg (Stanford, CA: Stanford University Press, 2007), 1-47; Derrida, "Psyché, Invention de l'autre," in *Psyché: Inventions de l'autre* (Paris: Éditions Galilée, 1987), 11-61.

exists for the first time—it is an issue of configuring elements that have always already been there. Still, the invention must really be a surprise, and not a fitting into a pre-conceived status.

To invent has always signified a coming to find for the first time, but until the 17th century, it was possible to speak of discovering or unveiling truths for the first time. Examples include the invention of the body of Saint Mark, which in modern language would simply be the discovery of that body. After the 17th century, invention is almost never regarded as unveiling or discovery of something that was already there. Instead, it came to be regarded and is now regarded only as the “productive discovery of an apparatus.”²⁷ This is a technical understanding of invention, one that does not discard the notion of discovery but adds to it the notion of production—something new must be added to a discovery to merit the status of invention. It is no longer enough simply to discover the body of Saint Mark or even to discover America, if one wants to merit the name of inventor.

Whether we understand invention in its pre-modern (discovery) or modern (production) forms, there is another important element of invention. While invention must always be something new, there must be a power and possibility for this invention to be legitimate for the future, according to a social consensus. Inventions always begin by opening themselves to the possibility of imitation—which is why it is so important for patent law to protect invention. The invention must be unique but also recognizable according to some public standard.

Therefore, invention is invention if it is the first time that such a thing has been either discovered or produced (in the modern sense, only production would count). Just as important,

²⁷ Ibid., 30; 42.

however, is invention's public availability and repeatability—its iterability. As he says, “To invent is to produce iterability and the machine for reproduction and simulation, in an indefinite number of copies, utilizable outside the place of invention, available to multiple subjects in various contexts.”²⁸ The implications are vast and diverse, and this is not the space to explain them all. However, it suffices to say that an inventor who keeps his idea to himself is not an inventor. Furthermore, an invention that has no repeatability is no invention. There must be a measure of generality to invention. As Theophilus says in Leibniz's *New Essays Concerning Human Understanding*, “If Pythagoras had only observed that a property of the triangle with sides of 3, 4, and 5 is to have the square of its hypotenuse equal to the sum of the squares of its sides, would he then have been the inventor of this great truth that includes all right triangles and that has become a theorem in geometry?”²⁹ To invent therefore is to go from a particular truth, a particular discovery or production, to a more general law or truth.

When we look at the status of invention as it currently stands, it presupposes the public recognition of something unique and original in the invention. It cannot be a mere imitation of something else that cannot be assigned to a particular inventor, that also cannot be made available to the public. As a production or discovery, invention is never creation in the sense of creating something out of nothing. Invention does not bring something that was not into existence into existence. It merely re-arranges the raw materials of existence and gives it a new formation.

²⁸ Ibid., 34; 47.

²⁹ Ibid., 36; 50.

To illustrate this understanding of invention, Derrida uses a text by Francis Ponge, the genre of which is indicated by its title, “Fable.” He wants to show that the invention of language—and invention in general—is the production of the same as other. Ponge’s fable is inventing *itself* as a fable. It tells a fictional story which lasts seven years. But it is also a demonstration of the thing it purports to be: it begins by stating its status as a beginning. Its inauguration announces its inaugurating status: “‘Fable,’ owing to a turn of syntax, is a sort of poetic performative that simultaneously *describes* and *carries out*, on the same line, its own generation.”³⁰ This then is the core of Derrida’s argument: that the fable becomes a fable only in the performative act of the telling of the fable. The telling and the told are hard to distinguish. The fable does not exist ahead of its telling but only becomes so by the performance of it. But within the fable it speaks self-referentially of its status as a fable. As Derrida looks closely at the fable, he notices that the performative (speech act that creates reality) and the constative (speech act that describes reality) are mixed up within it. This makes “Fable” an example and an exercise of invention, for invention is composed of both performative (creating, producing) and constative (discovering, unveiling) functions. It is not hard to observe an infinitely rapid oscillation between constative and performative utterances, but this oscillation does not produce instability. Rather, it produces an event and a work as invention.

Strangely enough, according to Derrida the public definition of invention has come to be very programmed. It is “subjected to powerful movements of authoritarian prescription and anticipation of the widest variety.”³¹ There is an enormous competition in the politics of patents

³⁰ Ibid., 11; 22.

³¹ Ibid., 27; 39.

alone. Individual countries who see the obvious economic advantage of having patents, in turn beef up their budgets to support inventions in particular areas. As a result, there is a strange confluence of financial pressure and programming with what is meant to be the free act of invention. While inventions were traditionally seen as a result of luck and chance, governments now try to force the issue by dumping money into departments of invention. But the obvious question is the following: is a programmed invention still an invention?

The modern politics of invention tries to combine the aleatory signature (the invention by chance) with the programmatic. But as Leibniz argues, there is nothing intrinsically lucky about invention, such that “the chance occurrence fosters invention only insofar as necessity is revealed in it.”³² Therefore, the role of the inventor is to learn how to be lucky, to learn how to fall into chance. To use an example from gambling, the inventor needs to learn how to throw the dice in just the right way to “by chance” get double sixes. This means that he needs to learn the techniques—to devise a methodology—in order to get lucky. If we are to avoid invention as a lucky chance finding, then we have to establish a program that will produce inventions: a methodology. We need to construct a methodology that follows an analytical order of invention: inputs lead to desired outputs.

According to Derrida, this understanding of invention is beholden to the order of possibility and the same. He notes that Friedrich Schelling was original when he said that philosophers must be original in their thinking and writing about forms. However, Derrida argues that Schelling still remains within the order of the same because invention is still supplementary for Schelling. In this sense of supplement, it adds on to something that is not yet

³² Ibid., 38; 52-53.

whole, making it whole. For Schelling, invention manifests and reveals God, even if it completes the revelation in its supplement. Man reflects God, he is the psyche of God, but in his reflection he captures God by supplying a lack. The mirror of human invention is the desire for God, taking an empty space that God's truth leaves open. Invention therefore supplies a lack that God leaves open, but it is a way of bearing God's image to do such a thing. But in doing so we simply carry out a program.

Conventional understandings of invention always return to the logic of the same because what is being invented is always an institution. Inventions receive a status which then turn into an institution—the process is inescapable. While this philosophy of invention always returns to the same, it also operates according to the order of the possible. Right from the beginning, invention comes back upon itself in repetition, unfolding according to what was already found there, a set of possibilities that come into view as a program of politics. This kind of invention is an invention of “the possible on the basis of the possible,” connecting the new to a set of current possibilities. This is exactly what governments do when they try to program invention.

For Derrida, the key problem with invention today is that governments attempt to corral the aleatory element into the order of calculation and the order of the same. In order to *program* the absolute surprise, they lose the surprise altogether. The invention of the other is the invention of an entirely other, an alterity that we cannot anticipate, that would come as an absolute surprise were it to come at all. It is like a horizon that will come but can never be anticipated. This does not mean that we do not have an obligation to get ready for this completely other, for this is the essence of deconstruction: “To invent would then be to ‘know’ how to say ‘come’ and to answer

the ‘come’ of the other.”³³ Just as the host must be ready for the guest without being ready, to be ready for the other without knowing when it will come, so an invention is only an invention if it is a complete surprise.

The fable that we observe at the beginning of the essay itself invents a performative (that is, a speech act that creates or transforms a situation). But every performative presupposes a certain set of conventions and rules, a fact that the traditional understanding of invention recognizes. What Derrida wants to add is the necessity of bending the rules out of respect for the rules “in order to allow the other to come or to announce its coming in the opening of this dehiscence.”³⁴ This is what Derrida calls deconstruction. The “Fable” is a performance that respects the rules but also defies the structure of the rules in order to allow for the coming of the other.

In order for invention to truly be invention, it must escape the order of the possible and invent nothing. Commenting on a passage from Paul de Man’s “Allegories of Persuasion,” he observes that deconstruction has never claimed to fall within the category of possibility, but rather impossibility. For to be possible would be to subject itself to a set of rules and norms. Instead the experience of deconstruction is “the experience of the other as the invention of the impossible...as the only possible invention.”³⁵ This is because when something is invented, when the possible is invented, the other does not come. An invention does not force the other to come, but rather allows it to come by preparing for its coming.

³³ Derrida, “Psyche: Invention of the Other,” 39; “Psyché: Invention de l’autre,” 53-54.

³⁴ Ibid., 44; 59.

³⁵ Ibid., 15; 27.

Conclusion and Implications

Given all of this, what are we to make of Derrida's discussion of the aporia, and how will it help us moving forward? Hopefully it is clear that death, iterability, and invention provide windows into the aporetic logic at work in Derrida's thinking. The possibility of impossibility made evident in death is the same possible impossibility at work in writing and invention. There is an element as always with Derrida of following him with a firm grip despite the treacherous logical terrain. As he explains in other books such as "Passions" and *Gift of Death*, duty must be an over-duty if it is to be true duty. The truly dutiful soldier lays down his life for his fellow mates even though rule-bound duty does not require it. In the same way, true forgiveness can only forgive the unforgivable—that which is exceedingly reprehensible and unconscionable. Otherwise, forgiveness would not cost anything of the forgiver. Despite the logical headaches—the aporias—we see the logic at work in these illustrations.

The ethico-political implications of the aporetic require us to re-think our conventional political attitudes. He mentions a few that he develops later in his writings. We have a duty, for example, to criticize the totalitarian dogmatism of anti-capitalism while not giving in to the religion of capitalism. We have a duty to assume the European idea of democracy but understand it as an idea yet to come. We have a duty to respect the difference *and* universality of formal law.

Within each of these duties is not just a commitment to a both/and logic, but a particular kind of both/and logic. This logic resists a programmed, rule-driven necessity while recognizing the inevitability of such a necessity. This is what he means by an impossible possibility. If it is just possibility, then it is just programming; if it is just impossibility, then there is no guidance. This is what allows him to say, rather enigmatically, "There, in sum, in this place of aporia, there

is no longer any problem.”³⁶ The aporia is different from an antinomy in the Kantian tradition because within the aporia there is no problem. The antinomy requires the thinker to stop thinking, while the aporia allows the thinker to accept the possible impossibility. The antinomy is only an impossibility, while the aporia is a possible impossibility.

The aporia requires the actor and thinker also to abandon all pretense of good conscience and risk aversion. Because the decision is not programmed, there is an element of uncertainty about what is to come. Good conscience is not fully protected because we do not know what the consequences of our actions will be. The urgency of the requirement to act now prohibits us from deciding according to a fully determined conscience. There simply is not the time to collect all the data necessary to make a fully informed decision, but even if there were, there is no telling what will result from a decision. The discipline of a child or the decision to go to war involve any number of possibilities that cannot be predicted. To think otherwise is to give in to totalitarian thinking. In fact, the very essence of totalitarian thinking, according to Derrida, is to assume that decisions can be fully programmed once all the knowledge for that decision has been collected. In real decisionmaking, this kind of programming is an unrealizable illusion. Responsibility is taking stock of the rules given in advance and preparing oneself for the coming of the other as an unpredictable event.

Another feature that distinguishes the antinomy from the aporia is that while an antinomy pits two elements against each other in opposition, the elements in an aporia haunt each other. While haunting becomes a major theme in *Specters of Marx*, a book we will examine later, it is important to see what he means by this in basic terms. A classic antinomy is that between nature

³⁶ Derrida, *Aporias*, 12; *Apories*, 31.

and convention, and by the rules of antinomy, the two terms are conceptually opposed and distinct from one another. This means that nature does not have any conventional elements within it, and convention does not have natural elements within it. When we analyze child-rearing, for example, we tend to break it down into those elements which are natural and those which are conventional. We tend to think that genetic features like hair color and a pre-disposition to anger are natural—they are born with the child and cannot be changed. On the other hand are the habits and practices that parents develop with their children—how much and what kind of television to watch, how much and what kind of food to eat. These we call convention because we institute them as parents and incorporate them into our child's development. They are also fluid and can be changed. But it is important to note that according to antinomy, these two categories do not overlap and actually are firmly opposed to each other. To be natural is to *not* be conventional, and vice versa. The genes that determine hair color are natural and are not in themselves affected by convention. Likewise, the rule that children must eat their vegetables for dinner is not by itself something required by nature, but is in fact the choice of the parents—a matter of convention.

Also implied in a way of thinking ordered by antinomy is that both elements of the conceptual pair are equally valid and must both be embraced despite their opposition. Taking child-rearing again as an example, we can examine a child who has developed a disease. Doctors and medical professionals will probably analyze what about that disease is due to natural causes and what has been caused by lifestyle (conventional) factors. Some children are predisposed to obesity, and some children become obese because of unhealthy eating habits. Some children are predisposed to obesity *and* have unhealthy eating habits. But whatever the state of the child, both

natural and conventional factors are at play in his health. We are not permitted to choose one over the other, and it does not make sense to weigh them to see which one has more value. To the question, does nature or convention matter more, the answer is always both. Antinomy requires us to hold them both equally, while at the same time recognize their mutual opposition and strict separation.

What I have just described is a way of thinking about conceptual elements according to antinomy. But it should be clear that a pure oppositional understanding of logic betrays a certain way of thinking that is not completely in line with common sense. Derrida argues that the antinomy fails to appreciate the extent to which these conceptual elements haunt and affect each other. While antinomy sees nature and convention as opposed to each other, aporia sees them as intermingling with each other, affecting each other from the inside. The natural has a conventional element within it, and the conventional has a natural element within it. This obviously needs further explanation.

One way of understanding the intermingling of conceptual opposites is through the example of the raw and the cooked, as opened up by Claude Levi-Strauss.³⁷ The raw (which represents the natural) and the cooked (which represents the conventional) are ordinarily seen in a cause-effect relationship. A raw egg is a natural element that becomes cooked through convention and cultivation. Without the rawness, there would never be a cooked egg: it seems straightforward that the category of cooked is derived from the category of the raw. However, Derrida would have us think differently on this score. In real, lived experience, we only come to call the egg “raw” through cultivation and convention. It is only through the cooking of the raw

³⁷ Claude Levi-Strauss, *The Raw and the Cooked: Mythologiques, Volume 1*, trans. John and Doreen Weightman (Chicago: The University of Chicago Press, 1983).

egg that we would then look back and put the label on the raw egg. In this case, the raw egg is simply the uncooked egg. So while there may be a logical dependency that has the cooked derive from the raw (and thus convention derive from the natural), in lived experience the cooked comes prior to the raw (and the conventional before the natural). Even the term natural is a conventional term.

This haunting of conceptual oppositions will be played out in a number of different ways throughout the later part of Derrida's career. The relationship between law and justice, guest and host (as already mentioned), forgiveness and repayment, duty and sacrifice, Marxism and democracy—each of these and many more operate according to the same aporetic logic discussed in this chapter. It will now be to some of these themes that we will turn for the remainder of this study.

Chapter 2

Foundations of Political Authority

One of the abiding questions in the history of political theory has to do with the origins of political authority. What is the foundation of that authority, and how is that foundation justified? This is not a question that has been settled. Aristotle is famous for arguing that political authority is derived from the household—that the polis was formed when households banded together for their mutual benefit. In this way Aristotle is arguing that political authority is derived from nature, that it develops naturally. Augustine and Aquinas argue that political authority derives ultimately from God. Thomas Hobbes argues that political authority is derived from the conventional need to maintain order in an otherwise chaotic state of nature. John Locke argues that political authority is derived from the need to protect life and property, though he has a less pessimistic view of human nature than Hobbes. Both Hobbes and Locke arguably have a theological basis that stands beneath even these other social needs. While diverse, however, what each of these theorists has in common is a search for a first principle upon which to build his political theory.

While Derrida certainly deals with this question, at first glance his approach sounds much more like Edmund Burke than any of the ones just mentioned. This is because of his commitment to what Montaigne and Pascal call “the mystical foundation of authority.”¹ This phrase by itself is strange and appears to be self-contradictory. Foundations are the types of things we are normally accustomed to touching, seeing, and upon which we build an edifice. They are typically sensible objects. Alternatively, foundations are ideas or sets of ideas upon which we build systems of thought. In this sense, they are intelligible. To be mystical, however,

¹ Blaise Pascal, *Pensées*, (Echo Library, 2008), 74.

is really to be neither sensible or intelligible. It is not something we can touch or feel, but neither is it a clear and distinct idea, as Descartes would have it.

Montaigne and Pascal associate the mystical with a people's appropriation of custom. What is it that justifies the customs of a people? Nothing but itself, it seems. There is a certain credit given to a law when it is accepted over time by a people. To use Derrida's and Austin's language, to say "Custom is the mystical foundation of its authority," is both performative and constative at the same time. In one sense, it declares that custom *should* be the essence of justice. In another sense, it merely describes that custom already *is* the essence of justice. The customs of a people have an overriding power against which bare appeals to natural justice are powerless. How do we know (how can we justify) that murder should be legally prohibited? Far better than an appeal to first principles of natural justice is the appeal to custom—to the *fact* that we have always prohibited murder.

If one is still interested in finding the origins of those customs—i.e., in finding an ultimate justification—one will need to look beyond Montaigne and Pascal. Pascal argues that the law was given to us once without reason, and since then it has become reasonable through custom and habit. It is advised, therefore, to conceal the origin from people, since the law they have is perfectly reasonable. In this chapter we will examine Derrida's view of political foundations and how they are ultimately justified. I will argue that Derrida is committed to a foundation that exceeds determination. This foundation is beyond measure, but it conditions all of life. I conclude with an analysis of Derrida's views on the apocalypse without apocalypse.

Derrida's Declarations of Independence

One way of understanding a founding or, more specifically, the American founding would be in the following way. A man named Thomas Jefferson drafted a document declaring the independence of the United States of America from the power of the British empire. A number of like-minded men then signed that same document, joining in agreement as to the meaning contained within it. As a result of these two actions—drafting and signature—a new sovereign power with the name “United States of America” was created.

According to Derrida, this ordinary interpretation of the American founding—and foundings of institutions more generally—is exactly the kind of thing that needs to be questioned. In *Deconstruction In a Nutshell*, Derrida lays out his own understanding of founding very succinctly.² He says that the founding of institutions must be understood in two seemingly contradictory ways—that is, it must be understood aporetically. On the one hand, the founding of a republic or a university is something that is absolutely new—without precedent, condition, or history. The absoluteness of this is crucial, for to truly be a founding there must be a clean break with what has come before. On the other hand, Derrida admits to a bit of conservatism when he argues for a certain fidelity to the past, that a founding always depends to some degree on tradition and custom.³ This tight knot is precisely what deconstruction is: “not the mixture but the tension between memory, fidelity, the preservation of something that has been given to us, and, at the same time, heterogeneity, something absolutely new, and a break. The condition of

² Jacques Derrida, *Deconstruction In A Nutshell*, ed. John D. Caputo (New York: Fordham University Press, 1997).

³ The emphasis on inheritance and tradition in Derrida has been noticed in recent scholarship. See Bennington, *Interrupting Derrida*; Michael Naas, *Taking on the Tradition* (Stanford, CA: Stanford University Press, 2002); Matthias Fritsch, *The Promise of Memory* (Albany, NY: State University of New York Press, 2005); Haddad, *Derrida and the Inheritance of Democracy*.

this performative success, which is never guaranteed, is the alliance of these to newness.”⁴

The aporia of this is clear: to create something *absolutely* new while maintaining a certain fidelity to the past is indeed an impossibility. But Derrida argues that this is exactly what happens when we create new institutions, or when we reform them from within: it is again the possibility of the impossible.

This is not merely a theoretical question for Derrida. Much of his life was spent working within institutions of higher learning both in France and in the United States. More importantly, in fighting to preserve the integrity of the philosophical discipline in France, he helped to found two different institutions: the Research Group for the Teaching of Philosophy in 1975 and the International College of Philosophy in 1983. This is not the place to discuss the details of either of these efforts, but they both illustrate the extent to which the founding of institutions was very much a part of his professional life, and therefore a cause for intellectual reflection. In the case of the former, the group was founded in order to struggle against the dominant institution of the day, which was trying to limit the teaching of philosophy. In this case, the founding of the Research Group was meant to be a break with the past in order to begin something new. At the same time, Derrida insisted even within this new group that the philosophical discipline have a particular delimitation. In this way, his thinking was quite conservative. In general, his association with institutions of any kind commits him to a certain kind of conservatism and commitment to tradition. Institutions are the kinds of things that change very slowly, when they do.

⁴ Derrida, *Deconstruction In A Nutshell*, 6.

With that in mind, it is important to note what Derrida here is *not* saying. He is not arguing in favor of “‘singularity,’ ‘madness,’ and the ‘mystical,’ *against* formal procedures, rules and rationality,”⁵ as Richard Wolin thinks he does. Nor is he arguing for “an opposition between law and justice [in order] to demonstrate in fact how these two realms are in so many crucial respects mutually exclusive.”⁶ As was clear from the first chapter, Derrida does not think of conceptual pairs in opposition, but rather in paradoxical and aporetic tension. The weight of tradition does not stand in opposition to what must be absolutely new in the founding, but rather stands in mutual tension. As we will see more clearly later in this study, law is not opposed to justice, but rather needs justice to avoid arbitrariness as much as justice needs law to be efficacious. Perhaps one could say that this aporetic tension is “mystical,” as Derrida himself says. But that mystical quality should not be pitted against the role of institutions and tradition. Instead, the mystical incorporates tradition *and* newness.

Derrida’s understanding of the founding has everything to do with J.L. Austin’s speech act theory and its attendant notions of performative and constative. Speech act theory generally states that language does more than just utter—indeed language actually performs functions. Performative speech acts either create or transform situations. A minister does more than simply utter the words, “You are man and wife.” He pronounces and declares, “You are man and wife.” His utterance accomplishes its intended target—the marriage of two previously unmarried people. Constative utterances, by contrast, merely describe the state of things. If I say, “That couple is now married,” I am not creating anything that was not there before. I am merely

⁵ Richard Wolin, *The Seduction of Unreason* (Princeton, NJ: Princeton University Press, 2004), 238.

⁶ Wolin, 244.

pointing out a state of affairs. Performative utterances create states of affairs; constative utterances merely describe them.

Derrida recognizes the performative nature of the founding act. Indeed a declaration is perhaps a prime example of a performative utterance: to declare something into existence is of the essence of the performative act. However, the distinction between performative and constative is made problematic in Derrida's discussion of Walter Benjamin's essay, "Critique of Violence."⁷ We can see the analogies with the aporias already mentioned. According to Benjamin, there are two kinds of violence of law: founding (performative) violence and preserving (constative) violence. As we already observed, it is easy to see how it is that a founding is inherently violent—that is, a founding has internal to itself a kind of breaking away completely from what has come before. However, Benjamin is also clear that in preservation, the original, founding violence is represented. Inasmuch as the preservation represents the founding violence, it is also violent.

What Derrida draws from this analysis is that in any kind of founding, instituting act, there is a revolutionary instant of decision that operates somewhere in the ether between a law-founding and law-preserving violence. When we understand that the moments of foundation are in themselves indecipherable, we can better understand what Derrida means by the "mystical foundation of authority." There is a "moment of suspense, this *epokhe*, this founding or revolutionary moment of law is, in law, an instance of nonlaw."⁸ It is as if there is a moment of infinitesimal length that exceeds the order of law and cannot be founded on any pre-existing

⁷ Walter Benjamin, *Selected Writings: 1913-1926, Volume I*, ed. Marcus Bullock (Cambridge: Harvard University Press, 1996), 236-252.

⁸ Jacques Derrida, "Force of Law," in *Acts of Religion*, trans. Gil Anidjar (London: Routledge, 2002), 269; Derrida, *Force de loi* (Paris: Galilée, 2005), 89.

law—and yet it is *still* law. The performative quality to a founding act implies that there is nothing upon which that founding depends. This is the madness of the decision operating in the founding act. But then that revolutionary act of founding can only be validated if it “produce[s] after the fact what it was destined *in* advance to produce.”⁹ In the case of the Declaration of Independence, the violence of the declarative act of founding only receives its confirmation when the “free and independent states” is realized. Likewise, the violence of a proletarian revolution does no good if it does not result in an actual proletarian dictatorship. Whether the revolution is liberal or Marxist, the proof is, as it were, in the pudding.

According to Derrida, what is problematic about Benjamin’s discourse is his firm grip on the opposition between law-founding and law-preserving violence. It is important for Benjamin to maintain this opposition, but in fact his own discourse deconstructs and destabilizes it. While Benjamin does not himself admit the full extent of this destabilization, he does admit that the opposition is not as pure as perhaps he first thought. In his discussion of the modern police as a degeneration of democracy, he notes that they “lack the sense that they represent a lawmaking violence.”¹⁰ The police have distorted the relationship they have with lawmaking violence by appropriating the lawmaking violence for themselves.

This example of the police can then be extended to a more general principle. Derrida argues that law-founding violence and law-preserving violence operate in a relationship of differential contamination: “the very violence of the foundation or *positing of law* must envelop

⁹ Ibid., 270; 90.

¹⁰ Benjamin, 244.

the violence of the *preservation of law* and cannot break with it.”¹¹ Preservation of the law is really a refounding of the law, “so that it can preserve what it claims to found.”¹² Moreover, within the founding law is already inscribed the possibility of repetition. This is indeed the law of iterability: within the origin lies the possibility of the repetition of the same as other. To found a law is to build in the possibility of the law’s survival, but in order for the law to survive it must change according to circumstances, all the while reclaiming what was decided at the founding. This is not a normative statement about law but merely a description of its structure.

While the law of iterability as applied to law is paradoxical or aporetic, it does not require much reflection to observe its operation in the world. The police has already been mentioned as an example, but it bears further analysis to make the point. In a democracy where legislative and executive powers are separated, it is conventionally the case that the legislative power makes the law (law-founding) and the executive branch enforces the law (law-preserving). However, the modern police tend to dissolve this separation in their taking upon themselves the power to make law. As Benjamin notes, this is usually done in the name of security. Operating outside or beyond the law, the police (or more broadly, the security apparatus) have to make decisions to ensure the security of the republic. The police create a system of rules that allows them to more easily perform their function, for the purpose of preserving the law they are meant to enforce. Inherent in the creation of these rules is a step outside the law given to them by the legislature, a going beyond the law founded by the legislative branch.

¹¹ Derrida, “Force of Law,” 272; *Force de loi*, 93-94.

¹² *Ibid.*, 272; 94.

While Benjamin insists on the perniciousness of this dynamic, it seems that this dynamic is built into the structure of political power. If a legislature enacts a law as an act of founding, it inevitably provides the executive branch with some amount of latitude as to how it will enforce it. There is no way that a popularly elected legislature can foresee every possible scenario where this law would need to be enforced. Modern bureaucracies are notorious for their systems of rules and regulations, but it is hard to imagine even in the most efficient of political systems how it could be otherwise. Legislative review is certainly crucial, and in this sense legislatures not only provide a check but also themselves play a part in re-founding. But to imagine that the executive branch will operate only according to prescriptions laid down by the legislature is to misunderstand the nature and function of law. While Benjamin and Derrida highlight the modern police as an abuser of their right to enforce the law, the police really serve as an example (a pernicious one) of the kind of thing that governments do. The law of iterability demands that the law-preserving power in a government also play a role in re-founding.

The law of iterability as applied to law leads us to the startling conclusion that law is inherently violent, either in its founding or preserving function. This implies that violence is internal to the structure of law or, as Benjamin says, there is something “rotten” in law.¹³ Therefore, an effective critique of violence must be other than an external critique. If it is to be effective, it must wrestle with law’s violence from the inside.

But it is also important to remember that the violence of law is both literally physical *and* interpretative—it has much to do with texts and documents as it does physical force and the abuse of brutality. In other words, the founding of a republic by way of declaration or

¹³ Benjamin, 242.

constitution is inherently violent because it in some way participates in that revolutionary moment of decision, that performative act of breaking with any anterior convention or law. As the republic grows in age and legislatures and executives and judges form and shape the law, they also perform violent acts. This is because the law of iterability demands that every time a government actor deals with the law, it creates something new even while it tries to preserve something old. Therefore, the undecidability of whether the Declaration of Independence is performative or constative, law-founding or law-preserving, can be applied to any decision taken by the government, from an executive order in the Oval Office to an administrative decision made by a low-level clerk. It also applies to any action taken by the people of a republic, whether indirectly through elections or directly through referenda.

The Countersignature

Within the performative act, the utterance that creates and founds the institution, there is the curious case of the signature. The key question for Derrida is the following: “who signs, and with what so-called proper name, the declarative act that founds an institution?”¹⁴ In certain texts, there is not an essential relationship between the signature and the text, such that their separation would not necessarily invalidate the text. It is merely an historical accident that Einstein’s signature is associated with the theory of relativity; if Einstein’s name were to be removed from the historical memory, or even its association with the theory, the validity of the theory would not be erased. However, with other texts the signature is absolutely vital. Contracts and agreements that bring ownership into existence, for example, are performative acts that

¹⁴ Jacques Derrida, “Declarations of Independence,” in *Negotiations: Interventions and Interviews, 1971-2001*, trans. Elizabeth Rottenberg (Stanford, CA: Stanford University Press, 2002), 47; Derrida, “Déclarations d’Indépendance,” in *Otobiographies* (Paris: Éditions Galilée, 1984), 16.

require the persistence through time of *certain* signatures. If I sign a contract on a house, that house now becomes the property of my bank and me. If I were to sell the house, the signature on the original contract would be effaced and it would then belong to the person whose signature would then occupy the line of ownership.

Derrida's analysis becomes much more detailed as he examines the Declaration of Independence. He dismisses Jefferson the draftsman as the "true signer of the Declaration."¹⁵ He did not write or produce the document, but only drew it up, as if the spirit of it was breathed into him. He then gave it to a number of representatives, who were then responsible for revising and editing the document. Because they represent, they do not sign only for themselves as they would a house contract. They also sign for the many others who would benefit from living in the established republic in their own time and in the centuries to follow. Their signatures stand in for the signatures of many they would never know—for "the people" living then and those who would survive them.

So far it would seem rather plain that the American Declaration of Independence is a performative act—a bringing into existence of a republic that was not previously there. Of course Derrida complicates this pleasant thought with the possibility that the independence uttered in the document is undecidably either a statement of fact (constative) or a force of creation (performative). For example, it is possible that the people of the document whose representatives sign in their place have already been liberated, and that the document is simply an observation that the liberation has taken place. More profoundly, no founding however violent in its break from the past can wholly do without the past. The spirit of the American founding, however one

¹⁵ Derrida, "Declarations of Independence," 48; "Déclarations d'Indépendance," 18..

wants to characterize it, is at least partially derived from the traditions of self-government available to them in British common law. The American break from British rule may have been a separation of sovereignties, but the spirit of British rule carried on in the American experiment.

A third option that Derrida does not address here is that it could be an unsuccessful performative act, such that after the fact an accurate description would be that these people were indeed not independent. After all, if I'm a prisoner, I can declare with all my might that I am liberated, but that will not change the fact of my imprisonment. Likewise, a declaration of independence does nothing if it does not take seriously the reality of British imperialism. Indeed, these kinds of speech acts occur all the time. Abraham Lincoln's Emancipation Proclamation was indeed a proclamation of freedom for southern slaves, but the actual liberation of these slaves did not happen immediately. While his proclamation eventually had its desired effect, the effect was only achieved after thousands more were killed on American battlefields. Whatever the case, the point to be taken from Derrida is the ambiguity and undecidability of a founding document like the Declaration of Independence: is it performative, constative, or something else entirely?

The analysis continues as we think about the word "people." On a performative understanding, this "people" did not exist before the signing of the document. As he says, the signatures create the signers, who then represent the people. There is a *différance* at work here, one that happens because of an intervention by the representatives. There is both a deferral and a differing at work in the relationship between the signers and the people, just as there would be in any text written. The trace left behind in the declaration and the signatures immediately is separated from the source of the trace, and it therefore has the power to mean something in a new

and different context. As he says, the signature opens up a line of credit, both for itself and for others. But the signature also receives its power from the document, from the declaration and the constitution that follows. It acts as a seal that guarantees the signatures of those original signers and for those who claim those signatures as their own.

There is also a sense in which the signers of the document had no idea what they were doing. How is it possible to sign for people you have never met and who will never meet you? Furthermore, Derrida argues in “Force of Law” that signers of a document can only speak of their own time with a view to the future. More precisely, whatever occurs in the performative act of the writing and signing of a founding document can only be validated by the future. A constitution or declaration of independence is only as good as it is lived out by those who countersign in the future. Derrida’s analysis of the countersignature in the Declaration of Independence only confirms the importance of holding together without conflating the founding and preserving acts of politics. The founding of the United States is only as good as the re-founding and preserving that must occur in its wake. The signatures on the Declaration were important for the country’s inauguration, but many more signatures will be needed to for its re-inaugurations.

But the dance of signature, performatives, and constatives is not done, as we witness in the Declaration of Independence the countersignature of another subjectivity—the subjectivity of God. An appeal is made to the “Supreme Judge of the world,” who occupies a unique place in the world of speech acts. Upon reflection, we notice that God is the only one who can truly utter performatives with ensured success. The creation of the world is perhaps the prime example of such a performative. A word was spoken, and the animals, plants, sun, and stars came into being.

No degree of uncertainty exists when the word of God is spoken. Likewise, his moral law as it came down from Mount Sinai was a declaration of how his people were to behave. Again, no degree of uncertainty persisted when the moral word of God was spoken.

Looking more closely at the Declaration again, Derrida observes the language, “these united Colonies are and of right ought to be *free and independent states*.”¹⁶ That they *are* free and independent suggests that the declaration is merely a statement of fact, a constative utterance. That they *ought* to be free and independent states suggests that if they are not already, then there exists a moral obligation that they become free and independent. The declaration in this sense therefore is more of a performative utterance, a statement of right. However, because the document gives us both the fact and the right, it would seem that the statement of right is merely a moral argument for something already there. The Declaration of Independence, it would seem, would be largely a constative utterance with a performative gloss: a description of the fact of independence and founding with a moral case to support the founding that already occurred.

But what warrants this kind of declaration? It must be God, the one who gives the ultimate signature to such a statement of right and fact. He is both creator of the world as it is (constative) and judge of right and wrong (performative). His name acts as the seal that ensures the validity of the declaration. It is possible that what Derrida has in mind is that the words of God are both performative and constative at the same time, in the same way that the Declaration of Independence was. This is perhaps most evident when we observe the giving of the moral law in the Ten Commandments. In a very real sense, God in the giving of the moral law is

¹⁶ Derrida, “Declarations of Independence,” 51; “Déclarations d’Indépendance,” 26.

performatively instituting a new regime of behavior and obedience. The prohibition against adultery is now a codified law in the land of Israel. At the same time, in a very real sense, God's declaration of the Ten Commandments was a constative utterance. This is because the moral law as expressed in the Decalogue was there from the creation of the world, and ultimately consonant with the character of the eternal God himself. To worship God above all other gods was an ordinance that did bound the people of God before the Decalogue. It was always assumed, moreover, that people were not to steal from one another.

Can it be concluded from this analysis that God is required to provide the ultimate countersignature to any founding document? The reason to be skeptical about this conclusion is, that despite the founders' language, Derrida does not think too much of God's involvement in the founding enterprise: "Precisely in the place of the last instance where God—who had nothing to do with any of this and, having represented God-knows-whom-or-what in the interest of all those nice people, no doubt could not care less—alone will have signed."¹⁷ It is not so much that Derrida denies God's existence, but that it would be strange to think that God would care. Why would the founders of the American republic presume to know that God would countersign such a document? Is he in the room with them, as the bank representative who would countersign a contract on the house? Derrida seems to suggest that this presumption is unwarranted.

What we can seem to conclude, however, is that foundings are both performative and constative events. They both create a new reality and carry forward a reality already in place. It is in this sense that Derrida concludes that a founding act is inherently undecidable—not an undecidability that stops us in our tracks, but like any *aporia*, obligates us to move forward.

¹⁷ Derrida, "Declarations of Independence," 53; "Déclarations d'Indépendance," 31.

The Mystical Foundation of Authority

If a founding is some undecidable event caught between performative and constative speech acts, without God to certify it, what then is the foundation of authority? More to Derrida's point, what is the "mystical foundation of authority"? The issue is addressed through a *pensée* from Pascal, who quotes Montaigne without naming him: "[O]ne affirms the essence of justice to be the authority of the legislator; another the interest of the sovereign; another, present custom, and this is the most sure. Nothing according to reason alone, is just in itself; all changes with time. Custom creates the whole of equity, for the simple reason that it is accepted. It is the *mystical foundation* of its *authority*. Whoever carries it back to first principles destroys it."¹⁸ If we were to read the context, we would observe that Pascal is making an argument against rationalism as the cure to political ills. Pascal tells the story of two men who live on two different sides of a mountain. One claims that it is just for him to kill the other, since it would make him a hero to do such a thing. It is the *custom* of his side of the mountain to kill people from the other side of the mountain. The other complains that such a custom is out of line with an order of unchanging justice. The two not only have a different understanding of the content of justice in this particular situation; they also disagree as to what justice is, as such. The one thinks that natural justice is common to all nations in all times; the other thinks that justice changes with a difference in climate and geography.

Pascal takes the position that rationalism, the view that justice never changes, inevitably leads to revolution, which causes much greater harm to the polity than the so-called injustices of custom. Instead, we should have much more confidence in the settled opinion of the people as it

¹⁸ Pascal, 74.

has been passed down through time—custom carries its own authority because it is simply accepted. The “whole of equity” receives its authority from custom, which is indeed mystical in its foundation. Custom is that curious feature of human society that must have had a beginning point, but of course that inaugurating point can never be identified. Custom is just what we have with us—the habits and practices that define our society and have been given to us by our ancestors. Myths are written to identify those mystical starting points because nobody really knows from whence they came. Regardless, Pascal argues that custom as codified in law is all we have and all we will ever have—to search for the first principles of justice is to search for something imaginary.

Derrida interprets Pascal and Montaigne as putting forth a distinction between law and justice—the laws are not obeyed because they are just but because they have authority. This would be similar to but not identical with Thrasymachus’ position in Plato’s *Republic*, when he argues that justice is whatever is advantageous to the stronger. Thrasymachus’ position is more cynical, since he equates justice with power. Pascal admits that the right of the strongest wins out, but that this is not the same as justice. Pascal just argues that the first principles of justice are imaginary. For all intents and purposes, then, Pascal and Thrasymachus are hard to distinguish, since they both reject any high-minded, deontological conceptions of justice. What we have is law, and law is all there is.

Does this end the discussion about foundation? Does custom ever need to justify itself, or does it carry its own justification? Is it the case that “the ultimate ground of the legal order is

ungrounded?”¹⁹ Is this not a kind of blind adherence to tradition, even what today we would call legal positivism? Montaigne as mediated through Pascal speaks of a “lawfull fiction” that founds the truth of justice. This fiction is like ivory teeth that women would place in their mouths when their natural teeth decayed. Since natural justice is not to be found, or has decayed, we supplement it with a lawful fiction. This is not an add-on, as vitamin supplements might be, but an essential replacement of the natural justice that can never be retrieved.

The concepts of the performative and the constative re-enter the discussion at this point. The emergence of law implies a performative force—not so that law would serve force, but that it would have a complex, internal relationship with force. This is because when a law is instituted, the institution of that law is both performative and violent. It is performative for reasons we have already discussed: it breaks away from what has come before and establishes something absolutely new. This performativity implies a violence, a ripping apart and a breaking away from the past. Moreover, within this performative violence is a neutrality with respect to justice: the law established is neither just or unjust. A performative act can be neither just or unjust because it has no precedent upon which to depend for its validity and justification. It falls outside the possibility of justification—it is not a justifiable discourse. A judge deciding a case typically reviews the facts of the case in light of legal precedent and the prevailing statutes: what is the legislative history and court precedent that will help me decide this case? A performative, violent institution of law does not behave in this way. It knows nothing of the past, nor could it if it were to retain its performative force. This violence of performativity therefore forestalls any

¹⁹ William Sokoloff, “Between Justice and Legality: Derrida on Decision,” *Political Research Quarterly*, vol. 58, no. 2 (2005), 343.

discourse about the law itself, either in support of it or against it. It is indeed a mystical foundation of authority.

What is strange about Derrida's analysis, however, is that *justice* requires that a judge break away from the conventions of the past, from any anterior convention that would determine his decision, all the while adhering to past conventions. This is the aporia of decisionmaking. The question is, what is the reference of this "justice"? If it is not to be found in the conventions of the past, does this mean it is transcendent? To approach an answer to this question, we must examine some of Derrida's religious writings, but first take a detour through his analysis of Franz Kafka's "Before the Law."²⁰

Before the Law

Derrida's analysis of Kafka's parable is rich, but the main point to draw from it is the relationship of the law to the people. The man from the country comes to the gate where he meets the gatekeeper, standing "before the law." The implication is that the gatekeeper himself is not the law, but that the law is somewhere on the other side of the gate. The gatekeeper is an ominous man who will not allow the visitor to enter on the first visit, but tells him that it is possible that he will have the chance in the future. Moreover, the gatekeeper does not commit to stopping the countryman from entering, should he try to enter. Additionally, the gate is not completely opaque, such that a passerby would be able to see past it. Eventually, after years of visiting and being told not to enter, the gatekeeper tells him that there are other gates, but that this one is specifically for the countryman.

²⁰ Jacques Derrida, "Before the Law," in *Acts of Literature*, ed. Derek Attridge (New York: Routledge, 1992), 181-220; Derrida, "Préjugés: devant la loi," in *La faculté de juger* (Paris: Les Éditions de Minuit, 1985), 87-140.

Much could be said about Kafka's parable as well as Derrida's treatment of it. For the purposes of this chapter, it is worth noting the law's basic inaccessibility. Granted, the inaccessibility is not absolute, as we see from the gate's translucence and the gatekeeper's passivity. Nonetheless, we learn from the parable that the gatekeepers behind the first gatekeeper are harsher and even more strict than the first. We do not know why the countryman never ventures past the gate in search of the law, but we do know that he never does, and he ends the parable in a basic despair.

The law's inaccessibility can be thought of in at least two different ways. First, there is the socio-political interpretation, which recognizes the inability of the common countryman to be served by the law. Both in traditional societies and modern democracies, it has always been difficult for equality to be achieved in the courtroom and in the legislative chambers. The financial burden of hiring a lawyer has always limited the ability of the poor to receive quality representation before a judge. In a similar fashion, legislative politics rewards substantial monetary contributions, thus lessening the influence of the ballot box and discouraging the poor from even voting. One imagines in Kafka's parable whether the poor countryman would have felt bolder had he possessed the means to pay his way into accessing the law. Indeed, he does everything within his power to bribe the gatekeeper, all to no avail.

The second interpretation, and the one that is more germane to this study, is that the law's inaccessibility has to do with its unknowability. As Derrida says, "*Vor dem Gesetz* is the story of this inaccessibility, of this inaccessibility to the story, the history of this impossible history, the map of this forbidden path: no itinerary, no method, no path to accede to the law, to what would

happen there, to the *topos* of its occurrence.”²¹ The phrase “no path” makes us think of the aporetic structure prevalent in Derrida’s thought. Like death for Dasein, there is no path that would lead us to the origin of law. The law is never made *present* in the fable—all we see are its representatives. We do not even know if the law is a person, an institution, or a document. We know that the law exists, but we only have a relationship differentially, to use Derrida’s language. On this view, the countryman’s place is the place that we all occupy in relationship to the law and to the law’s origins. We can see the enforcement of the law, as represented by the gatekeeper, but we cannot see from where that enforcement comes. We see the effects of the law, but not the cause. We are before the law, but the law is not present to us—there is a space between us.

If the law could be accessed, it would be a determinable object, subject to programs, rules, and conventions. The law must be *before* us, always out of our reach. In this sense the law’s foundation is mystical. It is not something that can be touched, seen, or observed. What could we name this? Can we name it?

Derrida argues that the law as such should never give rise to any story, because it stands outside history and narrative. “The law of the law,”²² as he puts it, is that it is not conditioned by anything, but conditions everything else. What he really means by “the law of the law” is what is put forth by Kant as pure morality, which also has no history. What we see when we hear stories told about the law are simply the forms of its revelation—we can see only the effects of this pure law, this pure morality. Narrative accounts about the law, like Kafka’s fable and like the

²¹ Derrida, “Before the Law,” 196; “Préjugés: devant la loi,” 114.

²² Derrida, “Before the Law,” 191; “Préjugés: devant la loi,” 109.

countryman, try to come close to the law and have a relationship with it, as if they were present with it. But as we see with the countryman, and as we see when we read Kafka's fable, we are no closer to the law than when we started.

The origin of the law—whether moral, judicial, political, or natural—is silent before us as we make our quest toward it. We cannot know if we are close to it or far from it. However, we still make the quest—the countryman never ceases in his yearning for the law. As Freud would have it, the origin of the moral law is something we smell. However, the law is both prohibition and prohibited. It is prohibition because it prevents us from doing certain things—it makes certain actions illegal. But we are also prohibited from having a relationship with the law—the gatekeepers all but ensure this in the story. We stand before the law as much as we stand outside the law: our stance before the law is one of prohibition, and our stance outside the law is one of being-prohibited. We are subject to the terms of the law, but we are unable to perceive its inner workings. It is significant that we are given no indication on how many gates there are or how many guards there are inside the first gate. The narrative also does not give us a complete sense of finality—the story ends, but does the life of the countryman? Does his quest end? As Derrida puts it: “Their potency is *différance*, an interminable *différance*, since it lasts for days and ‘years,’ indeed, up to the end of (the) man. *Différance* till death, and for death, without end because ended. As the doorkeeper represents it, the discourse of the law does not say ‘no’ but ‘not yet,’ indefinitely. That is why the story is both perfectly ended and yet brutally, one could say primally, cut short, interrupted.”²³ It is the “*férance*” of *différance* that cannot be presented to us. It is origin of *différance* that is impossible to experience. Like iterability, like invention, this

²³ Derrida, “Before the Law,” 204; “Préjugés: devant la loi,” 122.

is deconstruction at work: the experience of the impossible is the experience of waiting for the law to come, until death. We know that it is impossible to wait indefinitely, for death does come. But this is the experience of the countryman, and for us—and in this way it is possible.

The power of the fable is in part the existential quality of it. Kafka's fable is not an abstract philosophical treatise on the origin of law, although philosophical implications can be drawn from it. We must put ourselves in the shoes of the countryman. The experience of being both before the law and outside the law should be taken for all it can mean. An experience of injustice before the law makes one feel as though he is outside of it. More profoundly, an experience of not having a relationship with the law of law, the origin of morality, also makes one feel as though he is outside a relationship with the source. Both of these experiences produce a sense of alienation, a real psychological condition that could have serious consequences. It could perhaps produce a sense of distrust toward authority of all kinds if one is dissatisfied with merely a secondary (differential) relationship with the divine. It does not take a hardened atheist to feel the divine revelation to be inadequate.

The religious thematic is fundamentally what Derrida is after, even in this discussion of the origin of law. It may seem that the countryman is to be pitied for his poor estate, and likewise inasmuch as we find ourselves in the place of the countryman, we also ought to be pitied. He references a story from Hegel, who talks about a Jew who approaches the Holy of Holies, desiring to see God himself.²⁴ However, he ends up greatly disappointed when he enters the mystical space of the secret. He feels deceived because it turns out the space is empty. The Jew concludes that the divine was entirely superfluous to the lives of the Jewish people. But Derrida

²⁴ Derrida, "Before the Law," 208; "Préjugés: devant la loi," 126.

does not mean to send us into an abyss of despair, even if the relationship of the countryman to the origin of the law is itself abyssal. The figure of the abyss can be misleading if only because it connotes meaninglessness and nihilism. However, Derrida simply is describing human experience—that human existence could not be otherwise than this.

One of the conclusions we could draw from this is Derrida's commitment to the historicity of law. Does he maintain that there is a source of law, an origin of morality? Language that Derrida often employs is the phrase "if there is." If there is such a thing as the origin of morality, he would say, it is a secret to us. It occupies no place, and it certainly cannot be made present to our consciousness. All we have are the historical effects of legal rules, norms, and conventions, all of which emanate from the source, if there is such a thing. "If there is such a thing" allows Derrida to posit as a condition the impossible, justice, the gift, and a host of other terms, all the while never allowing those to become present. This two-step is the aporia with which Derrida is very comfortable, as the present study has shown. But it is all important to observe that the relationship between the law and its origin—between law and justice—is an aporetic relationship, one that is not simply an opposition but allows for intermingling and interplay.

Khora

As we search for Derrida's own understanding of political and legal foundations, we inevitably follow him to a place where he deals with the question of the origin of the cosmos. In his essay "Faith and Knowledge," Derrida speaks of the "khora," the place or receptacle that acts

as the source for religion and reason.²⁵ Drawing from Plato's *Timaeus*, the khora belongs to a different order of logic, beyond the typical conceptual oppositions that characterize philosophy.²⁶ In fact, it seems that the khora belongs to the order of the mystical, or even something that is beyond either reason or mysticism. The khora is the place of "absolute exteriority...the thought of that which is beyond being,"²⁷ the space about which the philosopher cannot speak in Plato's *Republic*. Of course the perennial question is how we can speak about something that we cannot speak about—therein lies the aporia of the khora. Khora's absolute exteriority extends to any religious or philosophical expression, any of the Abrahamic religions or Greek philosophies. It stands as the source of these expressions, without itself being determinable or identifiable. Variant as they are, the water springs of religion and philosophy all lead back to the same source of khora. However, the search for the source of the springs is infinite, since the source itself remains a secret. Like the law of Kafka, the law of the law, khora never presents itself as such. It is not Being or God, but rather "an utterly faceless other."²⁸

Khora does not just represent an oscillation between two poles, like the poles of sensible and intelligible. It is rather an oscillation between two kinds of oscillation: that between an exclusion (neither/nor) and participation (both/and). It stands outside any polarity, the category of polarity in general. Moreover, through the long history of interpretation given to the khora by way of the *Timaeus*, all attempts to give meaning to the khora fall short. This is because in

²⁵ Jacques Derrida, "Faith and Knowledge: The Two Sources of 'Religion' at the Limits of Reason Alone," in *Acts of Religion*, trans. Gil Anidjar (London: Routledge, 2002), 42-101; Derrida, *Foi et Savoir: suivi de Le Siècle et le Pardon* (Éditions du Seuil: Paris, 2000), 9-100.

²⁶ For an examination of khora and its political implications for Derrida, see Catherine Zuckert, "Derrida's New [Hi]story," *Postmodern Platos* (Chicago: The University of Chicago Press, 1996), 226-253.

²⁷ Derrida, "Faith and Knowledge," 57; *Foi et savoir*, 33.

²⁸ Derrida, "Faith and Knowledge," 59; *Foi et savoir*, 35.

occupying a space outside these polarities, outside of polarity itself, it neither gives or receives meaning.

Contrary to Plato, Derrida insists that khora should not even be given the name of receptacle. What there is in khora, is not there. Its existence is not an existence. We cannot think of it as “the khora,” since the definite article presumes the existence of a thing, of an existent. We also cannot think of it as a word, a name, or a concept, for these also lead us to think in terms of determined existents. Clearly we must be very careful in our speaking about khora, that we not ontologize it, make it into a thing that can give or receive. The use of metaphors like receptacle or mother lends itself to this kind of thinking. The properties that are given to khora by the history of interpretations of khora are not properties as such. This is because khora cannot own properties for itself—it can only have these properties inscribed upon it. The khora is neither a subject or a support of some ontological determination. It defies all these categories, ontological and otherwise.

The dialogue of the *Timaeus* bears out these themes. The opening of it presents the guardians of the city, who themselves are not to have for themselves any gold or silver. Similarly, it is to be made certain that nobody can know from where the children of the guardians came, thus doing away with families and lineage. There appear to be two interwoven and seemingly contradictory themes at work in the *Timaeus*. On the one hand, there is the view that myths are inferior to philosophy. Myths are derived from play, and as Plato told Aristotle, they should be viewed with guarded suspicion. Hegel repeats this view when he says that philosophy becomes serious when it enters the realm of logic, leaving the mythical behind in sublation. On the other hand, myths are highly praised because they are exactly what we need when there is no

logical explanation for something. When philosophy is inadequate to the task, the probable myth is sufficient. Myths use sensible imagery because we are relegated to the world of the simulacrum when philosophy is not there to deliver.

The question that haunts Derrida and the *Timaeus* is whether the myth is the appropriate discourse for the discourse on khora. It certainly is not appropriate if we understand myth as a bastardized reasoning who seeks out its philosophical telos. The discourse on khora also seems to exceed the probable and the true, the sensible and the intelligible, the mytho-logical opposition. The khora's most insistent metaphor is the receptacle. What Derrida demonstrates is that the *Timaeus* itself receives as a receptacle an endless number of narratives, but that none of these narratives is about khora as such. As a receptacle, khora is able to receive these narratives, but properly speaking it can never be the object of any one of these tales.

The conclusion to Derrida's meditation on khora is that it belongs not to the genus of the father or the genus of the mother, but to a third genus altogether. On the one hand, khora would be the receptacle or the nurse of birth. On the other hand, khora would be the mother, while the paradigm is the father, and their child would be an intermediary nature. But in following the figure of the mother, it seems that khora does not couple with the father, but belongs to an entirely separate gender or genus altogether. It does not belong to the oppositional couple of the father and mother, of the intelligible paradigm and the sensible becoming. Khora in this sense is not really part of a species or gender or group, for it occupies a unique place, a place apart. There is a dissymmetrical spacing marked by khora, a spacing between khora and all these things that appear to make a couple with her, but really do not. Khora is a mother who gives birth to nobody, and therefore can no longer be considered an origin of anything. The quest for the origin

that occupies the countryman in Kafka's fable seems to be ultimately futile. If anything, khora is preoriginary, before and outside all generation. We can no longer even think of her in terms of time, for she has no past, present, or future. Khora is the origin that is no origin, an origin that is different from itself.

While khora may not give us what is either true or probable, according to Derrida it has given us what is necessary. Behind and below the origin and the birth is this necessity that "seems so virginal that it does not even have the figure of a virgin any longer."²⁹ In order to think khora, we must return to a beginning that is older than the beginning, to the generation of the cosmos itself. This of course is impossible, but like all aporetic experiences, it is a possibility that we endure.

This raises the question of what actually occupies this place of the secret, unrevealed source. We know that it is something about which we cannot speak, which sounds quite a bit like negative theology, something Derrida consistently denies doing.³⁰ Still, his description of negative theology is quite similar to his own approach. Derrida argues that when speaking about the effects of God, we assume the existence of God—or at least "a proof of God by his effects."³¹ He escapes a commitment to God's existence by saying that the effects of God prove the existence of what we call God—the name of God. It is the name of God that haunts everything. According to a negative theology approach, we know that the name of God is *not* disease, evil, and suffering—the name of God therefore haunts everything that is not the name of God. These

²⁹ Jacques Derrida, "Khora," in *On the Name*, ed. Thomas Dutoit (Stanford, CA: Stanford University Press, 1995), 126; Derrida, *Khôra* (Paris: Éditions Galilée, 1993), 95.

³⁰ Jacques Derrida, "How to Avoid Speaking: Denials," in *Derrida and Negative Theology*, ed. Harold Coward and Toby Foshay (Albany, NY: State University of New York, 1992), 77; Derrida, "Comment ne pas parler: *Dénégations*," in *Psyché: Invention de l'autre*, 540.

³¹ *Ibid.*, 76; 538.

negative determinations about which we can speak offer testimony and witness to the name of God. This all falls short of a description of God, or a proof of his existence.

The first and most important reason Derrida avoids the language of negative theology is the “hyperessentiality” associated with it.³² As he quotes from Meister Eckhart, negative theology does not deny God being, but rather “[exalts] Being in Him.”³³ Negative theology has the unfortunate tendency of saying that God is beyond Being, but then saying that somehow Being is exalted in him.³⁴ This ontologizes God and treats him as if he were a being. Derrida follows Jean-Luc Marion’s basic approach, which is to “bring out the absolute freedom of God with regard to all determinations, including, first of all, the basic condition that renders all other conditions possible and even necessary—for us, humans—the fact of Being.”³⁵ For this, Derrida uses language like “trace” and “*différance*” because they are nothing, literally no thing.

In “Faith and Knowledge,” Derrida engages in a similar kind of analysis as he searches for a third place that is neither reason or religion, a place that is more ancient than either of these two sources, a place that could be the source for the two of them and thus be the “mystical foundation of authority” so enigmatically stipulated by Montaigne and Pascal. This place would be a desert, an abstraction that could never be determinable as an object but would condition and make possible any religious or rational expression. It would precede all determinable communities, either of the philosophical or religious kind. At the same time it both threatens and makes possible these communities. It is easier to see how it makes them possible than how it

³² Ibid., 78; 541.

³³ Ibid.

³⁴ For an important study on Derrida as an atheist, see Martin Hägglund, *Radical Atheism: Derrida and the Time of Life* (Stanford, CA: Stanford University Press, 2008).

³⁵ Jean-Luc Marion, *God Without Being*, trans. Thomas Carlson (Chicago: Chicago University Press, 1995), xx.

threatens them. Derrida probably means that the risk and the threat of the desert is in its abstraction, its lack of specificity. How could something abstract make possible something specific and determinable? An abstract desert sounds like a place of emptiness and death. Derrida sees this as a necessary move to make in order to provide some kind of universalizable basis upon which to build society. The threat of the abstract desert is also the safest place because it opens the way to every historical, empirical expression without giving preference to any one in particular.

Derrida's movement to de-commit himself from any particular religious or philosophical expression is understandable. In an increasingly globalized and diverse world, the efforts to provide some kind of unity are paramount. How do we live in a world characterized by difference? The basic Kantian move to circumscribe religion within the order of reason is one common strategy, and this is the one appropriated by all liberals since him. But Derrida does not make reason the reigning standard, since even reason is downstream from a more primordial source. The question is, what is this primordial, ancient source, this source that is not a source?

While Derrida searches for an alternative to Kant's reason/revelation dichotomy, he depends heavily on a Heideggerian aporia—that between revelation and revealability. Revelation refers to specific, determinable religions that are historically situated. Christianity, Islam, and Judaism are the obvious examples of this. At a certain point in history, a transcendent word was revealed to the immanent world in which we live. That word was revealed to a specific person or people. Revealability is the order that makes revelation possible, that conditions revelation. By itself it offers nothing of specific substance, and without specific revelations, revealability would be an empty concept. Revealability would seem to be the order that surrounds us, and revelations

would seem to be the order that provide content to that order. To use terms that would make Derrida uncomfortable, revealability would be the form, and revelation would be the content.

While it would seem that revealability may have the upper hand in this aporia because of its unconditionality, it should be clear that revealability does not have much value if not for specific revelations. However, while recognizing the dependence of revealability upon revelations, Derrida still seems to give the upper hand to revealability in the interests of universalization. The example of tolerance serves this purpose. He notes that tolerance is originally a Christian idea, borne out of the Christian revelation. Voltaire himself thought that the Christian religion taught the virtue of tolerance better than and before any other religion. This is despite the deformation of Christianity in the Catholic and Romanist expression, who betrayed the originary teachings of Jesus, which supposedly were those of tolerance and acceptance. So while Christianity has taught tolerance in its most original and pure expression, making it the most “moral” of religions according to Voltaire, it suffers from the problem of historical deformation. By the time of the Enlightenment, Voltaire targets Christianity as the chief offender of intolerance.

The reason to bring up Derrida’s treatment of khora, negative theology, and the desert—some of his key religious themes—is to highlight the lengths he will go to speak about the effects of the origin of the cosmos, law, or morality, without speaking about the origin itself. This is a theme that persists throughout Derrida’s thought. To speak of a specific origin is to speak about something that is impossible to experience. Nobody was *present* for the creation of the cosmos, so to speak about it is as if we were can only be done in bad faith. The best we can do is see the light of truth as it emanates from the source—these are the traces that constitute our existence.

Derrida and Apocalypse

The claim of many to know the origin of morality, the secret of the universe, or the mind of God is one that is at least in the background of much of Derrida's thought. However, the direction it drives him in his later writings has less to do with looking back to foundations and more to do with thinking about the future. In short, the problem that preoccupies Derrida's religious and political thought is the idea that we can somehow know in advance what will happen in the future. This is the essence of the apocalyptic mindset.

In *Specters of Marx*, Derrida takes up the issue of the apocalyptic mind as constitutive of the 20th century.³⁶ In response to the inevitable question of "whither Marxism" following the fall of global communism, he observes that these kinds of questions are not new but have been around for decades. The liberal triumphalism of Francis Fukuyama is of a piece with the Marxist triumphalism of the 1950's even if the content of their ideologies could not be more different. The point is that calls for an end to history are less interesting than we might at first think if only because of their lack of originality. He also observes that he himself dealt with the question of the apocalypse in an essay entitled, "On A Newly Arisen Apocalyptic Tone In Philosophy," a play on the Kantian essay, "On A Newly Arisen Superior Tone In Philosophy."³⁷ It is to this essay that we will now turn.

Leave it to Derrida to concoct an interesting, unorthodox take on the question of the apocalypse. A typically conservative response to apocalyptic thinking would be of the "Stop

³⁶ Jacques Derrida, *Specters of Marx*, trans. Peggy Kamuf (New York: Routledge, 1994); Derrida, *Specters de Marx* (Paris: Éditions Galilée, 1993).

³⁷ Jacques Derrida, "On A Newly Arisen Apocalyptic Tone in Philosophy," in *Raising the Tone of Philosophy*, ed. Peter Fenves (Baltimore, MD: The Johns Hopkins University Press, 1999); Derrida, *D'un ton apocalyptique adopté naguère en philosophie* (Paris: Éditions Galilée, 1983).

History” variety—let us gird up our loins and do our level-best to resist it. This has its merits insofar as it identifies the folly of the apocalyptic mind, but it does little to identify the truth in its appeal. To identify a problem is not to solve it, even if the diagnosis is mostly correct. A solid diagnosis always needs a promising prognosis, and mere resistance to the apocalypse is simply inadequate as a way forward.

Derrida’s approach is typically historical and genealogical, examining the meaning of the word “*apokalupto*,” which connotes an unveiling of a thing, typically a part of the body that is meant to be kept secret. Throughout the Hebrew Scriptures in which hundreds of apocalyptic references are found, the unveiling is followed by a sexual copulation. However, what is most scandalous is not the copulation but the unveiling. The giving up of a secret is deemed more disgraceful than the following act because it shows something that was never meant to be seen. There is a domain of the world that is appropriately kept away from the eyes and ears of others.

In Derrida’s commentary on Kant’s essay, he observes that it is a certain kind of tone that angers Kant: not just any tone, but a kind of arrogant attitude that pretends to have a secret knowledge of reality. They are arrogant loudspeakers who speak loftily and loudly about what they know. What they know is the end of philosophy—they are professional speculators on the end of philosophy. These mystagogues have a privileged relationship to a mystery, outside of the common. Like the sophists before them, their goal is to seduce the common people with sweet words and moving speeches. Protective of their secret, theirs is a demagogic aristocracy, not a rational democracy. Like the millennial leaders to follow, they can manipulate crowds with rituals and secret languages. They rile up a crowd like a motivational speaker, and use their mystical powers to lead people.

But what bothers Kant the most is not the aristocratic preference of these mystagogues. It is the pretense that accompanies it. They are often upstarts who are putting on airs, who have no idea what they are talking about. They pretend to have the voice of the oracle, a private voice that allows them to say anything they want. It produces delirium, thus derailing the voice of reason within the common person. The overlord mystagogues deceive themselves and those they mean to influence, to the point where the voice of the oracle is confused with the voice of reason. Delirium takes the place of rationality, and one is taken for the other.

The modern mystagogues do not simply tell people what they see, touch, or feel—their source of knowledge is not merely empirical. What sets them apart is their keen ability to see into the future, to have premonitions and anticipations of what is to come. They replace evidence and proof with analogies and probabilities, philosophy with poetry. They misuse metaphors and poetic devices to further their agenda. They use these devices in order to give themselves a credibility they would not otherwise have: “The new preachers need to pervert philosophy into poetry in order to give themselves grand airs, to occupy through simulacrum and mimicry the place of the great, to usurp thus an essentially symbolic power.”³⁸ These pretenders are prophets who use the language of poetry as if it were the language of reason and philosophy, in order to persuade the mob to follow them based on a secret knowledge never to be revealed to the people.

While the mystagogues of his day saw philosophy as having come to an end, Kant’s progressivism compels him to believe in “philosophy’s finally open and unveiled future.”³⁹ He also does this in a spirit of democracy, over against the obscurantist monarchism, whose king

³⁸ Derrida, “On a Newly Arisen Apocalyptic Tone in Philosophy,” 140; *D’un ton apocalyptique adopté naguère en philosophie*, 49.

³⁹ *Ibid.*, 141; 51.

is either Plato or Aristotle. These greats are seen to be the last to do philosophy, for there is nothing to say after these have apparently thought all there is to be thought. But Kant wants to find a middle ground between his egalitarianism and the mystagogic monarchism. Derrida has a special concern for this: “What can deeply bind the two opposing parties and procure for them a neutral ground of reconciliation for speaking together again in a fitting tone?”⁴⁰ Derrida follows Kant in wondering if there can be some kind of rapprochement between the two sides.

Kant’s first demand is for both sides to cease their personification of the moral law for which they claim to speak. It is one thing to speak as if one had access to the moral law—it is quite another to claim to embody it. It is the private voice of the oracle that must be eschewed—the law must be placed beyond this so-called private voice that no one else can hear.

But what Derrida notes is that Kant and his interlocutors share something in common that cannot be ignored as we think about the apocalypse. Apocalyptic writing is characterized by the following: prediction, eschatological preaching, and telling the end or limit. Apocalyptic writing is an unveiling of the end of things. Both parties are involved in eschatological discourses because they comment on the end of a particular kind of discourse. The mystagogues have called for an end to philosophy, or rather that philosophy ended with the ancient Greeks. But Kant also calls for an end to a particular kind of apocalyptic discourse—by calling for an *end* to endist speculation, he himself is caught up in the very kind of discourse he is denouncing: “His progressivism, his belief in the future of a certain philosophy, indeed of another metaphysics, is not contradictory to his proclamation of ends and the end.”⁴¹

⁴⁰ Ibid., 142; 52.

⁴¹ Ibid., 144-145; 58.

But despite Kant's apocalyptic call for an end to mystagogic speculation, his warning has gone largely unheeded in the two centuries hence. The West has been controlled "by a powerful program that was also an untransgressible contract among discourses of the end."⁴² This program has had many representative voices: eschatologies of a Hegelian, Marxist, or Nietzschean variety: the last man, higher man, and overman. They each attempt to go one better than the one before, with increased vigilance, lucidity, and dramatic effect: end of history, end of class struggle, end of philosophy, end of God!

The apocalyptic tone is always done in the name of light and illuminating vision. John's apocalypse is lit by the light of Christ, and Judgment Day is destined to be a time when all will be revealed, when even those who have rejected Christ will be compelled to bow a knee. All sin will be brought to light, and the truth will finally be made clear. Even Kant's denunciation of the mystagogues is done in the name of *Aufklärung* (enlightenment). This Kantian legacy remains with us today in the spirit of critique. Though Kant would probably not admit it, beneath his critical attitude is a desire for clarity and revelation—indeed for apocalypse. The diversity of procedures among the Hegels and Nietzsches and Kants of the world should not conceal the deep ambition for illumination and unveiling—for apocalypse.

The implications of this are striking. No longer is the apocalyptic mind simply relegated to madmen and dictators, political messiahs and millenarian prognosticators. The mystagogic aristocrats are easy targets, but it turns out that a critique leveled at these deceivers is also a self-critique. It can no longer be kept at a safe distance. The admission that the apocalyptic desire lives within each of us should stop us from a simplistic resistance of the desire, and instead

⁴² Ibid., 145; 58.

should push us to recognize its truth. Now that we know the apocalypse's ubiquity, we can better understand those who have been derailed by it, since we are caught within its truth ourselves.

An abiding question for those who have studied Derrida emerges at this point. It is not a surprise to anyone familiar with Derrida that he would analyze a particular cast of mind and show that the truth about it is more complicated than we first believed. That the apocalyptic mind is something we all share is an astonishing insight that should not be taken lightly. However, how are we to evaluate the variety of apocalyptic strategies? Do we see it as an all-you-can-eat smorgasbord buffet where the only limit is our own appetite? Or is there a set of criteria that guides us in picking one over the other? Marxist eschatology is to be seen for more than a madman's illusions, but certainly it is not to be accepted in full. But how are we to decide? At this point Derrida gives us the truth of apocalypse without telling us which apocalypse is indeed true. Perhaps this is all he means to give us.

While Derrida does not delve into this until *Specters*, it is worth considering the implications for the liberal mindset. Liberalism has always occupied a peculiar place in the history of political theory because it says very little about its own foundations. In fact, much of its appeal is in its minimalism. Setting aside the big questions, politics is to concern itself with maintaining order and protecting life and property, broadly speaking. Even its more progressive version never strays far from the ideals of basic equality and liberty. So if there is a political outlook free from the apocalyptic desire, liberalism would seem to be a top-level candidate.

Derrida finally turns to the most famous of all apocalyptic writings: the Apocalypse of John. This apocalypse is about the coming which is always to come. The Alpha and the Omega,

the beginning and the end: this is the one who has been coming, is coming, and will be coming. Whenever the Lamb in the Book of Revelation—John’s Apocalypse—opens one of the seven seals, one of the four living says, “Come.” The call to “come” is throughout the revelation, but most especially at the end of the book, when “Come” launches into calls and responses which is no longer an exchange.

What is interesting about this particular apocalypse according to Derrida is its open-endedness. It is an “apocalypse without apocalypse, an apocalypse without vision, without truth, without revelation...addresses without message and without destination, without sender or decidable addressee, without last judgment, without any other eschatology than the tone of the ‘Come,’ its very differance, an apocalypse beyond good and evil...it is in itself the apocalypse of apocalypse; *Come* is apocalyptic.”⁴³ Derrida’s interpretation of John seems to be that the “Come” is a contentless announcement of the apocalypse. It reveals without revealing. John is the one who tells us that there is never going to be an apocalypse, which is the essence of the apocalypse without apocalypse. Like Kant who calls for an end to mystagogic speculation, John represents those who call for an end to apocalyptic discourse, both in announcement and in content. This is what Derrida calls the double bind of apocalypse, the aporia of apocalypse. For this is truly the catastrophe of the apocalypse itself, a closure without end, an end without end. As Simon Critchley notes, “Derrida claims that what is excluded from this apocalyptic discourse upon the

⁴³ Derrida, “On a Newly Arisen Apocalyptic Tone in Philosophy,” 167; *D’un ton apocalyptique adopté naguère en philosophie*, 95.

end is the discourse on *the end of the end*...and it is precisely for this reason that ‘it is still necessary to distinguish between closure and end.’”⁴⁴

Derrida draws out the insight that the apocalypse is an inescapable feature of human existence. In the same way that the earlier Derrida notes the inescapable textuality of existence, we now find ourselves caught within the apocalypse of existence. It is not so much that we write about apocalypse, but more that the apocalypse writes us. Even those who call for the end of apocalyptic discourse find themselves within apocalyptic discourse by calling for such an end. Those who try to escape the apocalypse are only deceiving themselves.

But this brief examination of John’s Apocalypse is significant for another reason. The theme of “the coming” that arises from John is a theme that would stay with Derrida for the rest of his career, especially when his writings take a more explicitly political turn. In addition to “khora” and “desert,” another significant religious term for Derrida is the “messianic.” The political expression of the “messianic” is the phrase “democracy to come.” There is something about this phrase “to come” that resonates with him, this undefined and normative call that transcends the event. Its open-endedness prevents him from closing history, but he would have to admit to its apocalyptic nature because it stands against the totalizing schemes that have derailed the apocalyptic genre. This is Derrida’s way of deconstructing the apocalyptic genre, and in so doing somehow rescuing it from itself. As he says, “There would not be any truth of the apocalypse that is not the truth of truth.”⁴⁵ In the coming chapter, we will examine more closely

⁴⁴ Simon Critchley, *The Ethics of Deconstruction: Derrida and Levinas* (Edinburgh: Edinburgh University Press, 1999), 82.

⁴⁵ Derrida, “On a Newly Arisen Apocalyptic Tone in Philosophy,” 151; *D’un ton apocalyptique adopté naguère en philosophie*, 69.

the meaning of the coming of the event and the messianic as he unfolds it in “Force of Law” and *Specters of Marx*.

Chapter 3

The Event to Come

In the introduction to a collection of essays entitled *Parages*, Derrida quotes the following from Maurice Blanchot's *The One Who Was Standing Apart From Me*:

I could recall, as an intoxicating navigation, the motion that had more than once driven me toward a goal, toward a land that I did not know and was not trying to reach, and I did not complain that in the end there was neither land nor goal, because, in the meantime, by this very motion, I had lost my memory of the land; I had lost it, but I had also gained the possibility of going forward at random, even though, in fact, consigned to this randomness, I had to renounce the hope of ever stopping. The consolation could have been to say to myself: You have renounced foreseeing, not the unforeseeable. But the consolation turned around like a barb: the unforeseeable was none other than the renouncement itself, as though each event, in order to reach me, in that region where we were navigating together, had demanded of me the promise that I would slip out of my story.¹

The themes that emerge from this passage remain with Derrida for much of the rest of his career.

The phrase, “You have renounced foreseeing, not the unforeseeable,” encapsulates what he means by the impossible possibility, the calculable incalculability, and democracy to come. To renounce foresight does not mean we eradicate the unforeseeable. The notion that we are at sea without a goal does not efface the journey itself—the journey continues despite the lack of a defined horizon.

What we observed in the last chapter is that the search for political foundations in Derrida's thought leads us to *khora*, to a desert-like place that is not really a place. We know that something certifies political foundations, but this something is not a determinable object, so to speak of “something” is really a misnomer in itself. But what he mentions in “Faith and

¹ Maurice Blanchot, *The One Who Was Standing Apart From Me*, trans. Lydia Davis (Barrytown, NY: Station Hill Press, 1993), 7.

Knowledge” and hints at in “Force of Law” but is not developed in either is the figure of the messianic. Almost without preparation Derrida becomes obsessed with the future—or more technically, what is to come--and this obsession would carry him through the rest of his career. Instead of thinking about a foundation as a determinable, presentable object, he would rather us think of a figure not yet arrived—like khora, a figure beyond measure and determination. His chief formulation is what he calls “messianicity without messianism”:

What I call messianicity without messianism is a call, a promise of an independent future for what is to come, and which comes like every messiah in the shape of peace and justice, a promise independent of religion, that is to say universal. A promise independent of the three religions when they oppose each other, since in fact it is a war between three Abrahamic religions. A promise beyond the Abrahamic religions, universal, without relation to revelations or to the history of religions. My intent here is not anti-religious, it is not a matter of waging war on the religious messianisms properly speaking, that is to say Judaic, Christian, Islamic. But it is a matter of marking a place where these messianisms are exceeded by messianicity, that is to say by that waiting without waiting, without horizon for the event to come, the democracy to come with all its contradictions. And I believe we must seek today, very cautiously, to give force and form to this messianicity, without giving in to the old concepts of politics (sovereignism, territorialised nation-state), without giving in to the Churches or to the religious powers, theologico-political or theocratic of all orders, whether they be the theocracies of the Middle East, or whether they be, disguised, the theocracies of the West...Messianicity without messianism, that is: independence in respect of religion in general. In a sense, a faith without religion of some sort.²

This theme of the messianic without messianism emerges in a pronounced way in the publication of *Acts of Religion*. Along with the figures of khora and the desert, the messianic proves to be an even more central figure in Derrida’s later writings. It shares with both these

² Jacques Derrida, “For a Justice To Come,” in *The Derrida-Habermas Reader*, ed. Lasse Thomassen (Chicago: Chicago University Press, 2006), 268-269.

figures an abstractness that defies specificity and an ancientness that is older than ancientness itself. It therefore involves a looking back toward something in the past. In Judeo-Christian terms, the invocation of a messianic figure often involved a call to remember the ways in which God had rescued them in the past.

But this is not typically the way we think about the messianic, since we tend to think in terms of looking forward to a promised deliverer. It is important however that for Derrida and for the Judeo-Christian tradition, the messianic involves an entire historical structure within which there is both a looking back and a looking forward, a memory of God's salvific work in the past and a looking forward to a greater salvation to come. A look forward to God's saving work in the Old Testament often involved an invocation of the great exodus from Egyptian slavery. This call to remembrance was not merely a form of nostalgia, but rather was a way to constitute the people of God. When the Israelites were going astray in their worship of other idols, the God of Israel would remind them that it was not gods made of wood and stone who performed these great feats of salvation, but was rather the only living God, the true God of Israel. It helped define the Israelite people over against the peoples of other nations.

But the appeal of a phrase like "messianicity without messianism," like the khora and the desert in the desert, is not in the particularity of a chosen people. Rather, its appeal lies in its supposed universality. In its own way, this way of thinking is a direct heir to Enlightenment tolerance. Although Derrida has well-documented problems with Enlightenment rationality, what binds Derrida to that heritage is the desire for universal peace. The dream has always been to find some mechanism by which the people of the world could live together in harmony. In this way, Kant's perpetual peace and Derrida's messianicity without messianism are merely

variations on a theme. The ambition is always the same: to find some way for the rights of all global citizens to be honored and protected, regardless of religion or status.

Derrida hints at the possibility of a universal messianicity without messianism in *Adieu to Emmanuel Levinas*.³ In a wider discussion of hospitality and the Other in Levinas' thought, Derrida identifies "a structural or *a priori* messianicity...[n]ot an ahistorical messianicity, but one that belongs to a historicity without a particular and empirically determinable incarnation."⁴ What he tries to demonstrate is an experience of the messianic outside of the giving of the Decalogue on Mount Sinai, an experience that if found, could provide a basis for this longed-for universal peace. Levinas points to Psalm 117 and Deuteronomy 23:8 to illustrate that the law of hospitality, the welcoming of the other regardless of citizenship, has been mandated long before the Torah was revealed to the Israelites. The basis for this universal solidarity is the fact that the Israelites were once strangers in the land of Egypt and that Edomites are fundamentally their brothers. Levinas suggests that the "Word of God" enjoins the people of God to an ethic of fraternity and hospitality that is stronger than the horror one feels for the other in his alterity.⁵ What Derrida concludes is that there is a memory of the word of God which is older than the revealed word of God, older and more fundamental than the revelation at Sinai. This older memory that participates in a larger messianic structure is what binds all people together in universal fraternity.

It is fascinating that Derrida would abstract the broader messianic structure from the specific revelation of the Hebrew Scriptures. As we saw in the last chapter, he sees an aporetic relationship between revelation and revealability, such that revealability depends on revelation as

³ Jacques Derrida, *Adieu to Emmanuel Levinas*, trans. Pascale-Anne Brault and Michael Naas (Stanford, CA: Stanford University Press, 1999); Derrida, *Adieu à Emmanuel Lévinas* (Paris: Éditions Galilée, 1997).

⁴ Ibid., 67; 121.

⁵ Ibid., 69; 126.

much as it is its source. The same can be said for the messianic and particular messianisms. It is strange, however, that he does not at least note the long-standing tradition to which his analysis points: the tradition of natural law. In both the Old and New Testaments, the notion that “the law is written on their hearts” is revealed. In Jeremiah 31, the force of the statement is that the law given to Moses will not be restricted to stone tablets but will live within the hearts and minds of God’s people as an animating force. The love relationship that will be instituted as a result of the covenant will be defined in part by the outworking of that law in the lives of God’s people. In Romans 2, the statement is then broadened to include all people. Now it is clear that everyone is beholden to the law, since it is written on the hearts of everyone made in God’s image. Within that framework, it is not hard to see how any number of religious traditions would have some kind of law of fraternity and hospitality written within it. If the law of nature is available to all, then it is no surprise that there would be common themes in all religious expressions.

However, despite its obvious appeal, the problem with Derrida’s approach is that “messianicity without messianism” has little grounding. There is no messianicity apart from particular messianisms, so what sense does it make to deal in abstractions like that? The particular messianisms themselves do not claim to depend on a more abstract and general structure of messianicity. Moreover, messianicity connotes notions of an anointed savior, but can one have that without a specific, historically determined messiah? Particular messiahs are revealed to specific people in specific times and places, while the messianicity without messianism is merely an abstract structure. The exclusivity of particular messianic traditions prohibits a more abstract structure of messianicity because each of those traditions claims to be universal.

For Derrida, this is precisely the point. The exclusivity of particular messianic traditions is a major reason religious wars take place. A repoliticization can only occur if there is some kind of bracketing of these traditions in favor of a recognition of the structure within which each tradition takes part. It just needs to be made clear, however, that such a move on Derrida's part effectively commits him to the falsity of Christianity, Judaism, and Islam. As he is well aware, by definition each of these traditions claims that their tradition represents the truth about the universe—indeed, none of them is content to occupy a space of partial truth but rather claim that their truth is universal. When Jesus Christ claims to have all authority in heaven and earth, he is making a universal claim that if true has consequences for *everyone* within the universe—there is no space in that claim for other claims to coexist. Therefore, while particular messianic claims cannot tolerate other messianic claims, they also cannot tolerate a more abstract messianicity that trivializes their own truth claims. A messianicity without messianism is just as threatening to the truths of Islam as are the truth claims of Christianity and Judaism.

This then calls into question the relationship between revealability and revelation, messianicity and messianism, upon which Derrida builds his case. If messianicity and revealability provide for a universal structure, then it is less clear what value specific revelatory traditions have for that messianic structure. Unless one wants to pick and choose what one wants from each tradition, in the service of the universal messianic structure, it seems that the specific traditions would militate against this messianic structure. Again, this is certainly why he would insist on the “messianic without messianism” slogan. However, it does injustice to the traditions as a whole to accept the universalizing bits of each without recognizing the particular truths that define them.

Furthermore, Derrida elides the distinction between law and gospel, between law and the messianic. At least within the specific revelations of Judaism and Christianity, there is a law that is revealed, and as we have already noticed, this law is universally available. However, the messianic structure of both religions involves a salvation that belongs only to a particular people, even if the call to salvation is available to all. Therefore, while it makes sense to say that the natural law is available to all people regardless of religious tradition, it makes less sense to say that the messianic can be applied to everyone. The salvation that comes through the Christian messiah is available to all even if only claimed by some. Whatever the case, although there may be some value in positing an abstract messianicity, there is no reason to confuse that messianicity with the category of law, which can only work to condemn people in their failure to keep it.

The Aporia of the Decision and the Event

Despite any problems that can be associated with Derrida's formulation of the messianic, its appeal for the purposes of this study can be found in its application in the aporia of decisionmaking.⁶ The invocation of the messianic does not arise amid a high-minded discussion of religion, but rather the mundane work of a courtroom judge. While the judge must always begin by examining the conventions of legal precedent, she cannot be limited to anterior convention alone. To do so would turn the judge into a pre-programmed machine. True freedom obtains for the judge when she becomes open to the coming of something else entirely and wholly other. This opening to the other is what he refers to as justice. While justice expresses itself in law, it cannot be reduced to law. The other is not only to come—it is also a singular, absolute surprise. If it were not a singularity, it would merely be in lockstep with convention. In its singularity, it is also infinite; for if it were not infinite, it would be confined to the *finite* world

⁶ Derrida, "Force of Law," 251-258; *Force de loi*, 50-63.

of precedent and convention. In a comparison of Jan Patocka and Derrida on this issue, Rodolphe Gasché argues that for Derrida, responsibility assumes “the challenge posed by the aporetic nature of inheritance itself, that is, by the constitutive lack of handed-down rules or norms to negotiate contradiction.”⁷ This is not a recipe for irresponsibility and passivity, where “there are no alternatives, no ‘either-or’s’ between which to choose.”⁸ Instead, responsibility begins within the undecidability that haunts every decision, as we open ourselves to the other as an infinite, absolutely singular surprise. This coming of the other is justice, the messianic, and the experience of the impossible.⁹

The notion of radical alterity is at least partly consonant with how Derrida understands religion. In a wandering, complex discussion of the “return of the religious,” he notes that what we do know is that religion is about response and responsibility:

[H]owever little may be known of religion *in the singular*, we do know that it is always a response and responsibility that is prescribed, not chosen freely in an act of pure and abstractly autonomous will. There is no doubt that it implies freedom, will and responsibility, but let us try to think this; will and freedom *without autonomy*. Whether it is a question of sacredness, sacrificality or of faith, the other makes the law, the law is other: to give ourselves back, and up, to the other. To every other and to the utterly other.¹⁰

Religion in the abstract, apart from any specific, singular expression of it, at least involves remaining open to the other, to the law of the other. It cannot mean that the subject acts in a manner of absolute autonomy. On the contrary, here again is the suggestion that human

⁷ Rodolphe Gasché, “Patocka and Derrida on Responsibility,” in *Derrida and the Time of the Political*, ed. Pheng Cheah and Suzanne Guerlac (Durham, NC: Duke University Press, 2009), 154.

⁸ Zuckert, *Postmodern Platos*, 354.

⁹ For a sympathetic discussion of Derrida’s views on the decision, see William Sokoloff, “Between Justice and Legality: Derrida on Decision,” *Political Research Quarterly*, vol. 58, no. 2 (2005), 341-353.

¹⁰ Jacques Derrida, “Faith and Knowledge,” in *Acts of Religion*, trans. Gil Anidjar (London: Routledge, 2002), 71; Derrida, *Foi et Savoir* (Paris: Éditions du Seuil, 2000), 53-54.

experience involves a sizable amount of passivity, a yielding to the other, even to the other that is in me. Responsibility therefore does not imply, as a particular form of modernity may imply, that the subject stands over against the world in a position of unyielding autonomy, mastery, and control. In this regard, the movement to decenter the subject in contemporary philosophy is undoubtedly carried forward by Derrida.

The experience of the coming of the other as messianic justice does require us to think the radically other. But in this thinking of the radical other, Derrida would have us think something very difficult, even aporetic—a thinking of justice as gift. A conventional understanding of both justice and gift would not lead us to think of these two terms as equivalent. Justice is widely understood as a giving of due: restitution, reparation, and a righting of wrongs in the negative sense; or reward for good behavior in the positive sense. Justice involves either a rendering of reward or punishment, depending on the behavior in question. By contrast, gift is widely understood as that which is not deserved or required. Gift exceeds the economy of rights, wrongs, restitution, and rewards. This is why it is characteristically puzzling when Derrida says the following: “[T]his ‘idea of justice’ seems indestructible in its affirmative character, in its demand of gift without exchange, without circulation, without recognition or gratitude, without economic circularity, without calculation and without rules, without reason and without theoretical rationality, in the sense of regulating mastery.”¹¹ Derrida would have us think that justice, what we would ordinarily think of as the world of fair exchange and restitution, is actually more akin to gift, beyond fair exchange and restitution. How are we to think through this aporia?

¹¹ Derrida, “Force of Law,” 254; *Force de loi*, 55-56.

There are a number of possible interpretations of thinking this justice-gift. First, given what he has says elsewhere in “Force of Law,” it could very well be that the contrast Derrida has in mind is more like what we would consider the contrast to be between justice and law. Justice is of the order of violent affirmation, that moment of madness that breaks away from past legal conventions. Indeed, after the passage just quoted, he likens the “idea of justice” to “madness” and “mysticism,” the same language he uses to describe the performative act of founding that defines all political activity. The performative act is that act that always exceeds, at least for a moment, that order of restitution and reparation. In this excess, it is then appropriate to equate justice with gift.

Not necessarily in contradiction with this interpretation, there is also the possibility that the gift occupies the place of the radically other and that justice can only be justice if it participates in the gift of the radically other. Respect for laws and conventions is absolutely necessary, but unless the judge or legislator welcomes with open arms the coming of the radically other, justice is not served. If the judge or legislator closes herself off to the coming of the radically other, she is limiting herself to an economy of exchange that knows nothing of the radical gift.

To be open to the radical other seems like a drastic requirement for a legislator or judge, but it is actually well in accord with common sense. To be open to the other is simply to understand that what comes in the future must be different than the present and the past. The nature of an event is that it cannot be realized in advance or anticipated with any certainty. There may be a horizon to the future but that horizon can never be known. The self is therefore radically decentered with regard to time—time conditions the self, rather than the self conditioning time. The event must be an absolute surprise if it is to be an event at all—otherwise

it is just a development in a pre-packaged program. It is when those who reject this common sense approach and close themselves to the opening of the other that real danger emerges. Instead of being open to the other, these thinkers believe they have come to know the end in advance. They can both see and know the horizon.

Derrida provides a more extended treatment of the relationship between the event and the decision in *The Politics of Friendship*. In this discussion he insists that our thinking of the decision be governed by the event. In a classical theory of decision, the decision is what counts as primary. On this view, the will is the most important part of the human person, driving performative decisionmaking, leading to events. Derrida wants to flip this understanding on its head. Instead of the event coming from the decision, the decision is in a sense “unconscious,” opening itself up to the coming of the event.¹² The limit of this is in the extreme example of exceptional decisionmaking. When a governor makes the decision to pardon a great criminal, he does not rely upon past convention at all, but in a moment of madness, makes an *exception* for the criminal. There is no conscious rationale, no good conscience, that would lead the governor to make such a decision. It would seem that this way of governing and deciding is true of all decisions, not just those in the extremes. The openness to the coming of the other is what separates human decisionmakers from mere programmed machines.

The obvious effect of this approach is to reduce the role of the subject in our discourses on decisionmaking. According to Derrida, the dominant discourse of decisionism distorts the way we think about responsibility in our legal system. Decisionism is the view that the subject is fully in charge of her decision, to the point that she can performatively transform reality with it. But if undecidability truly haunts the decision of anyone, what does that say about such a view?

¹² Jacques Derrida, *The Politics of Friendship*, trans. George Collins (London: Verso, 2005), 69; Derrida, *Politiques de l'amitié* (Paris: Éditions Galilée, 1994), 88.

And furthermore, what does such haunting say about our discourses on premeditation and insanity in criminal cases? It could be that it is impossible to know for sure the decision of anyone, whether we deem them insane or not.

We receive a hint of this discussion in Derrida's treatment of undecidability in "Force of Law."¹³ Here he helps us distinguish his own thought from that of Hegelian dialectics. In Hegelian dialectics, the notion of undecidability would involve an enduring of a contradiction, only to resolve through a process of sublation: "That is why the test and ordeal of the undecidable, of which I have just said it must be gone through by any decision worthy of this name, is never past or passed, it is not a surmounted or sublated moment in the decision. The undecidable remains caught, lodged, as a ghost at least, but an essential ghost, in every decision, in every event of decision."¹⁴ The ghost of undecidability will always haunt the decision, eliminating any certainty on the part of the subject that any given decision is fully just.

That Derrida insists on the performative act of institution should not lead us therefore to think of him as a voluntarist. Instead, the performative act of institution participates in the coming of the radically other, in an alterity that is not part of the identity of the subject. Indeed, the decision as a performative is haunted by undecidability *because* it is not identical with itself—its *différance*. In a later, short reply to concerns raised by Simon Critchley, Derrida clarifies his position on performativity. While it is true that performative acts produce events—after all, that is what distinguishes them from constative acts—it is the performative act that neutralizes the event: "[P]erformativity for me is...that which produces events, all institutions and acts in which responsibility is to be assumed; but it is also that which neutralizes the

¹³ Derrida, "Force of Law," 252-255; *Force de loi*, 52-57.

¹⁴ *Ibid.*, 253; 54.

event.”¹⁵ The problem with performativity is that it necessarily closes off the possibility of something outside the subject *coming*, for the eventness of the event to take place. Performativity implies that the decisionmaker does not wait upon the other, in its wholly otherness. There is a necessary asymmetry between the infinite nature of the responsibility toward the other and the finitude of the subject. Because of this, the subject must be open to the infinity of the other, for the other to make the decision in the subject. Derrida has no problem when Jürgen Habermas calls this kind of thinking “ethical overload,” since that is precisely the point—the finite subject is necessarily overloaded by the infinity of the other’s decision in the subject. The normativity of Habermas necessarily closes off any openness to the other, and for Derrida that is not only the end of responsibility, but also the end of ethics. Ethics and responsibility only persist when the subject is in a state of “performative powerlessness.”¹⁶

That the other can make a decision in me is not a transparent way of thinking. Derrida clarifies by saying that “[t]he decision of the other in me means that the other arrives to me in some sense before me. It does not mean that I have someone in me, like a sort of little machine, a ventriloquist, who takes action in my place. It means that the decision itself corresponds to the other, and that I am myself only from this infinite responsibility which the other places in me.”¹⁷ We therefore live within an aporia, that the decision belongs properly to the subject but that there is an infinite responsibility before the subject in the face of the other. The borderline between subject and other is blurred while remaining distinct. Derrida does not collapse the distinction such that there is someone or something other making decisions within the subject. But the distinction cannot be as firm as we might like to think—the call of the other is inescapable as it

¹⁵ Jacques Derrida, “A Response to Simon Critchley” in *The Derrida-Habermas Reader*, ed. Lasse Thomassen (Chicago: Chicago University Press, 2006), 112.

¹⁶ Ibid., 113.

¹⁷ Ibid., 114.

stands in front of the one making the decision. Derrida goes as far as to say that one cannot even be oneself unless he recognizes the decision of the other within him. Ethics therefore is taking responsibility for one's decision while remaining passively open to the call of the infinite other.

In the background of this entire discussion is Derrida's belief that any notion of self-contained decisionism relies on a bias toward presence. To close oneself off to the coming of the other is to assume that the only relevant information is what I have now in the present moment, contained within my own framework of understanding. This rigidity necessarily ends any discussion of what might occur as an event in the future, as an absolute surprise. To be responsible in decisionmaking, one must not only be open to the other but must also be open to what would be absolutely new. An event is not an event unless there is something singular, new, and unique. When a judge makes a decision, he creates new law not in the sense that it comes from nowhere, but that each passing moment is unique from the one just past.

These same motifs are taken up in his discussion of Nietzsche's "dangerous perhaps."¹⁸ What he adds to the discussion is that possibility must not just be possibility, but must be the possibility of impossibility. This is of course the thread that has run throughout this study: the contention that the aporia of possibility of impossibility is not only the logic by which Derrida operates in his work, but is also the very experience that constitutes our existence in the world. The "dangerous perhaps" of Nietzsche is precisely this, that to think the event is to think this perhaps: "Without the opening of an absolutely undetermined possible, without the radical abeyance and suspense marking a *perhaps*, there would never be either event or decision."¹⁹ The thrust of Derrida's argument lies in a rejection of bare possibility as adequate for understanding

¹⁸ Derrida, *The Politics of Friendship*, 28; *Politiques de l'amitié*, 46.

¹⁹ Ibid., 67; 86.

the event. If possibility is only that which we can predict, then we literally have no future. This is because the future is inherently unpredictable—or, to put it in Levinasian terms which Derrida appropriates—the future is absolutely other. We need to understand this for all it means. The future is not just a future present, for then it would be knowable. The future is absolutely and utterly different from us as such. By definition, the only way for the future to occur is if it is absolutely different from what it is not—the present and the past. Otherwise we are simply caught up in a cycle of ever-recurring presents, always repeating the exact same thing, like a machine. Therefore, we need to understand the event as possibility happening as impossibility—that the impossible is actually happening, since that is the only way events *happen*. Possibility and impossibility therefore do not live in an irreconcilable antinomy, but rather must be understood as intermingling with each other—such is the nature of their aporia.

Now we understand what Derrida means in his discussion of the relationship between the event and the machine, which receives explicit treatment in “Typewriter Ribbon: Limited Ink (2).”²⁰ The event and machine are typically thought to be in a relationship of opposition. Naturally Derrida wants to think of them as indissociably aporetic. The machine is characterized by repetition—it receives inputs, makes a computation, and produces outputs. The event is unforeseeable, aleatory, and even arbitrary. In the performative act of the decision, the eventness of the event will prevail only if it is not programmed. However, as rational decisionmakers we inevitably rely on logic and evidence to make our decisions. Thus we have the event-machine as the difficult, aporetic figure that characterizes our decisionmaking. This obviously recalls the first chapter of this study, where the possible and the impossible were thought in aporetic

²⁰ Jacques Derrida, “Typewriter Ribbon: Limited Ink (2),” in *Without Alibi*, trans. Peggy Kamuf (Stanford, CA: Stanford University Press, 2002), 71-160; Derrida, “Le ruban de machine à écrire (*Limited Ink II*),” in *Papier Machine* (Paris: Éditions Galilée, 2001), 33-150.

conjunction. In this case, the eventness refers to the impossible, and the machine refers to the possible—for the decision to happen, both of these must happen, and both must be endured. When a decision is made, it is always traumatic because of its absolute newness.²¹ But that decision is always made in the context of machine-like rationality.

The implications of this philosophy are widely significant, but especially so for the social sciences. The sciences more generally are always tempted toward a hubris that would have them think they have arrived at a complete knowledge of a particular field. Even the use of phrases like “this question has been settled by scholar X” exposes this particular cast of mind. But the sciences know full well that their very survival depends on the discovery of unpredictable data. Indeed one of the cornerstones of scientific theories is falsifiability—that theories are only as good as the most recent evidence that supports them, and that new ones could come along tomorrow with new evidence in tow. Derrida’s philosophy to come is not a call to stop thinking, but rather to keep thinking, to keep working for justice now, with a sense of urgency that is always conditioned by a knowledge that justice will never be fully realized.

To return to our discussion to the thinking of the messianic, therefore, we must ask why it is that Derrida would use the language of the messianic to describe his politics. In the most brutal of totalitarian regimes, it is precisely the expectation of an apocalyptic messiah that has wreaked such devastation. Not only were these expectations specific but they were realized in the minds of the ones who created them. Whether or not one wants to separate the humanist from the scientific Marx, there is no doubt that he has a highly determined account of how history would develop. It is within the logic of history that the relationship of oppression in bourgeois society would yield a proletariat revolution. Inside the logic of capitalist expansion is the concomitant

²¹ Ibid., 159; 145-146.

expansion of the proletariat class, which given its increased power will come to eventually revolt against the propertied class and rule society without a state or private property. The logic of the argument is compelling if we take his premises for granted, but what is missing is the possibility that the impossible could happen. What is ultimately absent in Marxian thought is an openness to the radically other, to that experience of the impossible. For Marx, the messianic figure is the proletariat class, but unlike Derrida, this messianic figure does not come as an absolute surprise but only as a determined certainty of historical progress. Like the messiahs of the major religions, Marx's messiah is highly determined. While it is hard to know when the Christian messiah is to make his second coming, we have very specific revelations regarding the nature of the kingdom that he is bringing in even now. The messianicity without messianism of Derrida would never commit itself to such specificity, which is why it is indeed *without* messianism that this messianicity reveals itself.

Derrida is well aware that he runs a risk in using the language of the messianic. However, while he is vigilant in defining the messianic as that which is always to come (and thus never arriving), he also maintains that the obligation to act is always urgent. Herein lies the aporia, and once again the aporias of iterability and invention come into play. During a discussion of the coming, he says that there is "no to-come without heritage and the possibility of *repeating*. No to-come without some sort of *iterability*, at least in the form of a covenant with oneself and *confirmation* of the originary *yes*. No to-come without some sort of messianic memory and promise, of a messianicity older than all religion, more originary than all messianism."²² The messianicity is therefore another name for iterability. Within the structure of the messianic, there

²² Derrida, "Faith and Knowledge," 83; *Foi et savoir*, 72.

is always an urgent affirmation of an elementary truth, with an openness to the coming of the radical other.

It is not just that laws and conventions that come from the past *should* not determine the decision in full; it is also that they *cannot* determine it in full. But this does not mean the decision is held in reserve. The urgency of justice in the form of a decision cannot wait the unrepresentability of justice. As he says, “[J]ustice, however unrepresentable it remains, does not wait...a just decision is always required *immediately*, right away, as quickly as possible.”²³ This is because no amount of information is sufficient to fully determine whether or not a decision will be just. Justice is infinite, the information at a decisionmaker’s disposal will always be finite, and the capacity and ability of a decisionmaker is likewise finite—the finite and the infinite meet in a moment of madness. Amid the mountain of information the decisionmaker appropriately consumes, it is as if she enters a moment of passivity whereby the decision imposes itself upon her as much as she makes the decision. This is what Derrida would later call a “passive decision”: “What must be thought here, then, is this inconceivable and unknowable thing, a freedom that would no longer be the power of a subject, a freedom without autonomy, a heteronomy without servitude, in short, something like a passive decision.”²⁴ A new axiomatics of decisionmaking must be thought, for Derrida is sure that the conventional approach of decisionism is not the right one.

It is difficult not to think that Derrida is painting a picture of a particular type of person—one who is well-versed in the legal conventions of the past while being open to the heterogeneity of the future-to-come. It is also difficult not to compare this person to Aristotle’s man of

²³ Derrida, “Force of Law,” 255; *Force de loi*, 57.

²⁴ Jacques Derrida, *Rogues: Two Essays on Reason*, trans. Pascale-Anne Brault and Michael Naas (Stanford, CA: Stanford University Press, 2005), 152; Derrida, *Voyous* (Paris: Éditions Galilée, 2003), 210.

practical wisdom, or *phronesis*. For the man of practical wisdom is also one who bears within himself a number of different injunctions. On the one hand, he must be well versed in metaphysics and universals—those first principles that undergird the nature of reality. On the other hand, however, he must be concerned with practical affairs, especially those affairs for which opinions are formed, opinions that could be otherwise. While any number of differences could be traced between Aristotle's and Derrida's decisionmaking theory, what unites them is the focus on what could be otherwise. For Aristotle, it is the process of deliberation that typifies the man of *phronesis*. Not only does this man contemplate the universals, but he also considers the implications of a particular decision in particular circumstances. Like Derrida, he knows that in the world of human affairs, there is no one *right* decision that can be determined from contemplation of the universals. Instead, through experience the man of practical wisdom weighs all of the different options in concert with his conception of justice, knowing that reasonable people could disagree with his decision. In their own ways, both thinkers recognize the finitude of human beings, their limited knowledge and lack of comprehensive knowledge with respect to the world. It is with this in mind that this openness to the other makes more sense.

It is not a fixation on difference for its own sake that drives Aristotle and Derrida, but a recognition that as finite creatures we cannot know all that there is to know to make a decision with complete confidence. This helps us understand better what Derrida means by the "experience of the impossible" as the "experience of the other." In a certain sense, it is *impossible* that there be more than one just decision in any given situation, especially if that decision is conversant with past conventions and universals. However, if we are to believe Aristotle, these decisions about practical affairs could be otherwise, and yet remain just. Who is to say that a president in a crisis situation has only one decision to make, and that if only he

would gather all the evidence or contemplate further on the universals, he would come to make that decision? To be open to the coming of the event is not to throw up one's hands in defeatism, but to recognize the multiplicity of possibilities that the future holds.²⁵

As Geoffrey Bennington argues, the “moment at which the legislator always might be a charlatan (and to that extent always in a sense is, can never be shown not to be), just is the moment of the political, and it is irreducible because it is undecidable.”²⁶ When we do open to the coming of the other, we open ourselves to the possibility and the risk that evil will ensue. One of the appeals of a totalitarian, dogmatic mindset is that we can program and orchestrate thought and society so that evil will not have the chance to occur. But Derrida sees the opening to the other as necessarily taking this risk: “To be ‘out of joint,’ whether it be present Being or present time, can do harm and do evil, it is no doubt the very possibility of evil. But without the opening of this possibility, there remains, perhaps, beyond good and evil, only the necessity of the worst.”²⁷ The law of iterability does not ensure a pristine, univocal meaning emerging from every text (like Husserl), but in the repeatability of the same as other it opens itself to any number of meanings. Likewise, to be originally “out of joint” implies that a risk to do either good or evil emerges. Dogmatisms and totalitarian regimes alike do their best to ensure the “peace of a ‘good ending,’” an assurance that none of us can enjoy, and is further belied by the horrors that emerge from such regimes.²⁸ What this leads us to conclude is that justice belongs to the order of the “perhaps.”²⁹ If we can never know for certain whether a decision is just, then all

²⁵ Whether this commits Derrida to pragmatism is the subject of *Deconstruction and Pragmatism*, ed. Chantal Mouffe (New York: Routledge, 1996).

²⁶ Geoffrey Bennington, *Legislations: Politics of Deconstruction* (New York: Verso, 1994), 3.

²⁷ Jacques Derrida, *Specters of Marx*, trans. Peggy Kamuf (New York: Routledge, 1994, 34; Derrida, *Spectres de Marx* (Paris: Éditions Galilée, 1993), 57.

²⁸ Ibid.

²⁹ Derrida, “Force of Law,” 257; Derrida, *Force de loi*, 61.

we are left with is possibility. As Martin Hägglund writes in his commentary on Derrida, “the chance necessarily is haunted by the threat,”³⁰ as we live moment by moment in the battle for “survival.”³¹

The End of Marxism?

We receive a close look at the way Derrida applies the coming of the event, as he examines the figure of spectrality in *Specters of Marx*. In the opening pages of *Specters of Marx*, it is clear that many of the themes that have been previously discussed in this study are also true of spectrality. For Derrida, the specter is like a ghost (although not exactly a ghost) who has both a helmet and a visor. The helmet gives the specter authority, and both the visor and the helmet allow the specter to see without being seen or heard. Therefore, like God or the “law of law,” the specter is not identifiable. It is difficult to identify in part because it is neither a soul or body, but also both at the same time. We do not even know if it is living or dead, visible or invisible—yet it seems to be a living death and a visible invisibility. However, it is also clear that those who cannot either see or hear the specter know that the specter is watching them. In *Hamlet*, there is a desire to know the specter, but the specter is not to be identified. We do know that the specter is returning to the scene from whence he once came, but we cannot locate his comings and goings. We hardly know if the specter is a thing or a person. Both in *Hamlet* and in *The Communist Manifesto*, the characters await the coming of the specter, but the specter never fully arrives; and even if he/it did arrive, would we be able to identify him/it?

Is this not the problem with messianic and apocalyptic conceptions? How do we know when the apocalypse arrives? How do we know when the messiah will return? This is the

³⁰ Hägglund, *Radical Atheism*, 234.

³¹ Ibid., 228.

problem the Jews had when Jesus claimed to be the messiah. There were prophecies available that would have helped them identify the coming messiah, but they were not able to apply those prophecies to Jesus Christ. If it is the case, as Derrida suggests, that the specter and messiah are not to be identified and that their presence is never known, how do we expect that anyone could know the nature of the specter or messiah—unless, of course, that messiah revealed itself to us?

But to deal with specters appropriately does not belong to just anyone. One must accept the inheritance of the specters and recognize in that inheritance a multiplicity and diversity of spectral lessons. What becomes clear for Derrida in his treatment of Marx is that Marx himself and we today must deal not simply with a single specter, but with a host of specters that may contradict each other. Moreover, the way we deal with these specters is paramount. He notes the way Horatio addresses the specter: “By charging or conjuring him to speak, Horatio wants to inspect, stabilize, *arrest* the specter in its speech.”³² Horatio wants Marcellus to treat the specter as an object—to investigate, control, and master the specter. But instead of trying to control the specter, Derrida thinks Marcellus may have been anticipating another kind of scholar, and a better way to address the specter: “The latter would finally be capable, beyond the opposition between presence and non-presence, actuality and inactuality, life and non-life, of thinking the possibility of the specter, the specter as possibility.”³³ Of course the scholar that Marcellus anticipates is Marx himself. Marx is the one who himself both addresses the multiplicity of specters as well as engenders the specters we inherit today. Marx is the one who can think the spectral possibility as constitutive of experience, while leaving us to think the same. It is the spectral that Derrida finally realizes is the central motif of Marxist thought.

³² Derrida, *Specters of Marx*, 13; *Spectres de Marx*, 34.

³³ Ibid.

The specter belongs to an in-between world that can never be identified with either of the poles between which it oscillates. It therefore inhabits the aporetic structure that has animated the present study. Scholarship in particular has a difficult time with specters, because traditional scholars—like Horatio—maintain a firm grip on the opposition between the living and the dead, the actual and virtual, the effective and the ineffective. What Derrida calls for is a different kind of observer, an observer who himself can talk to specters, even when he cannot see or hear them. This kind of observer and scholar is one who participates in the world of the specter, rather than keeping distance from it as it would in a subject-object relationship.

The specter is another word for possibility, and thereby the formulation of possibility as impossibility returns. The specter as a present/absent compound is by definition not possible, and yet its possibility persists. For a traditional scholar, the possibility of a specter is not believable—it defies our modern sensibilities of science, proof, and objectivity. But the specter persists, and more than that, one's engagement with specters conditions all other forms of address and discourse.

A certain Marxist specter haunted the gathering for which Derrida delivered the lectures that would comprise *Specters*: the specter of failure.³⁴ The empirical end of global communism was not disputed, so the only question remaining had to do with the specter of Marxism: whither Marxism? The failure of communist regimes has never fully eliminated the feeling that Marxism would continue to live, that the communist regimes of the 20th century were distortions of a more genuine Marxism. This kind of posturing allowed Marxists of various stripes from ignoring or whitewashing the increasingly obvious brutalities that occurred within communist borders, from Lenin to Stalin to Khrushchev to Mao. Bernard Henri-Levy and others were exceptions that

³⁴ For a response to *Specters of Marx*, see Michael Sprinker, ed., *Ghostly Demarcations* (New York: Verso, 1999).

proved the rule, as they decried the totalitarianism made evident by Solzhenitsyn's *Gulag Archipelago* in 1974. Most French Communists reshaped Marxism along Althusserian lines, stripping away the historical and humanist elements in favor of the scientific, thus absolving themselves from the revolutionary side of Marx. In general, the spirit of Marxism was always held to transcend the poor instantiations made in historical time.

By contrast, Derrida claims to rise above the "end of Marxism" by noting its anachronism. In response to those who sound not just "end of Marxism" but "end of history" bells, he says the following: "[T]he eschatological themes of the 'end of history,' of the 'end of Marxism,' of the 'end of philosophy,' of the 'ends of man,' of the 'last man' and so forth were, in the '50s, that is, forty years ago, our daily bread."³⁵ It was the so-called "classics of the end" as well as the Stalinism of the past and present that comprised these apocalyptic times. In other words, Derrida and his Marxist friends had already lived through both the calls for the end of history as well as the obvious failures of communist regimes to pull it off. The only difference now is that the end of history is almost exclusively being called for by Fukuyama-like liberals, who think the world has come to an end by way of political and economic freedoms. According to political liberals, Marxism has come to an *end* as a matter of fact, while thinking about the best political regime has come to an *end* with the ascendancy of liberalism.

What is notable about Derrida's commentary on the anachronism of end of history talk is that he distances himself from a particular brand of Marxism. It is clear that he is sitting in disapprobation toward the terrors of Soviet communism, but what is less clear is how he identifies the cause of these terrors. It would seem natural to join those like Fukuyama who were calling for an end to Marxism, or like Leszek Kolakowski who deigned to speak for everyone

³⁵ Derrida, *Specters of Marx*, 16; *Spectres de Marx*, 37.

when announcing its death.³⁶ Indeed it would seem to be a rather convenient time to claim no allegiance toward Marxism at all, having never written anything of substance on it before and never having been a member of the French Communist Party himself. Certainly from the perspective of global opinion in the early 1990's, he would not have had a difficult time making the case that Marxism as such had died a well-deserved death.

Instead of pronouncing the death of Marxism, or calling for an end to history, Derrida calls for a new understanding of the Marxist inheritance. Like any inheritance, the spirits that come back from the dead are multiple and diverse, carrying with them contradictory impulses and lessons. We know from the laws of iterability and invention that a text reproduces itself by way of dissemination—that the origin of a text can only be sustained as it takes on new meanings in new contexts. The same could be said for the Marxist text. Indeed one key responsibility of the Marxist heir is the obligation to “reaffirm by choosing”³⁷ which of the Marxist spirits he will welcome. It will do no good for the Marxist heir to blindly accept all that Marx or his heirs have offered—the heir must responsibly decide which of the inheritances he will take and mold for his own purposes.

Derrida applies the disjunction of the injunction of the Marxist inheritance to justice. Taking the Hamlet phrase, “The time is out of joint,” he examines just a few possible translations to illustrate that such a phrase, when translated, can all justifiably mean something different at the same time. In a typically clever way, he then takes the last of his translations which has more of a political connotation, to suggest that perhaps injustice is the condition of justice, rather than the other way around. He wonders how it is possible that something as primordial as time could

³⁶ Leszek Kolakowski, *Main Currents of Marxism*, trans. P.S. Falla (New York: W.W. Norton & Company, 2005), vi.

³⁷ Derrida, *Specters of Marx*, 18; *Spectres de Marx*, 40.

be “out of joint,” unless injustice itself is originary. Hamlet himself wonders this when he complains that he is the one who has to correct a wrong that he never committed—that the crimes he is obligated to solve were made before he was born. Hamlet’s outcry is less against the crime itself than the fact of his mission to correct the crime or, even more profoundly, against himself.

What Derrida concludes from this is that Hamlet’s “the time is out of joint,” rather than some technical phrase of disjointedness, actually prefigures the coming of the event. Rather than the Heideggerian contention that justice is accord—the conjoining of the disjointed—Derrida prefers the Levinasian formula, justice as the “relation to others.”³⁸ The difference between Heidegger and Levinas cannot be overstated. Rather than giving in to the metaphysics of presence in a definition of justice that privileges gathering and accord, we now see justice as a relationship to alterity and to the other:

[J]ustice risks being reduced once again to juridical-moral rules, norms, or representations, within an inevitable totalizing horizon (movement of adequate restitution, expiation, or reappropriation). Heidegger runs this risk, despite so many necessary precautions, when he gives priority, as he always does, to gathering and to the same (*Versammlung*, *Fuge*, *legein*, and so forth) over the disjunction implied by my address to the other, over the interruption commanded by respect which commands it in turn, over a difference whose uniqueness, disseminated in the innumerable charred fragments of the absolute mixed in with the cinders, will never be assured in the One.³⁹

This now helps us understand how justice can be constitutive of democracy *to come*, rather than democracy right now. As a primordial relationship to others, justice is always already constituted by difference and anachrony. Just as the specter looks at us in a relationship of anachrony and

³⁸ Derrida, *Specters of Marx*, 26; *Spectres de Marx*, 48.

³⁹ *Ibid.*, 34; 56-57.

“absolute anteriority,”⁴⁰ so does the originary crime look at Hamlet: “There is tragedy, there is essence of the tragic only on the condition of this originarity, more precisely of this pre-originary and properly spectral anteriority of the crime—the crime of the other, a misdeed whose event and reality, whose truth can never *present themselves* in flesh and blood, but can only allow themselves to be presumed, reconstructed, fantasized.”⁴¹ For Derrida, original sin is very much at work in Hamlet and Marx, but his view departs from the Christian one since sin did not spoil a pristine creation but rather exists primordially.

The upshot of Derrida’s analysis is that what he wants to avoid above all else is the closing off that happens with a “totalizing horizon.” Gathering, collecting, calculation, the same—these watchwords and more signal what happens when we do not show unconditional hospitality to the coming of the other. What is true about the “permanent revolution” that we inherit from Marx is that every moment is a moment of revolution, a moment of rupture and violence that remains open to the spectral other. What prevents us from having an actual revolution is the view that we must wait for the other who is to come (the messianic), even while urgently acting on behalf of a justice which does not wait! Many voices at the time of the writing of *Specters* wanted to disavow the transformational, revolutionary specter of Marx, retaining only the scientific specter. While this is tempting, Derrida sees one of the key specters of Marx to be the need to act urgently in the name of the justice that is to come. The problem is that Marx lacks the patience required to actually pull off a permanent revolution, to live within the aporia that is the experience of the impossible. As he says, “wherever deconstruction is at stake, it

⁴⁰ Ibid., 6; 27.

⁴¹ Ibid., 24; 46.

would be a matter of linking an *affirmation* (in particular a political one), *if there is any*, to the experience of the impossible, which can only be a radical experience of the *perhaps*.⁴²

In the end, what we have is an experience of the inheritance of Marx that either is coming from the past or looks forward to a future-to-come. The undecidability of this haunts us: “*One does not know* if the expectation prepares the coming of the future-to-come or if it recalls the repetition of the same, of the same thing as ghost.”⁴³ Derrida insists that this ought not to bother us, since no advance in knowledge could ever exhaust the opening of the future. What we are left with is the abiding sense that we live not in a teleological universe where the ends are given in advance, but that what constitutes our existence is more like an eschatology. But to think eschatology requires us also to think that the future-to-come exceeds even the last things of which eschatology concerns itself. Our living within the last times is only made possible by our living beyond them, beyond the final extremity. We live within the end of history, but the end of history will never arrive—for to do so would cause our existence to collapse in upon us. Marx himself lived within this tension: “Marx thought, to be sure, on his side, from the other side, that the dividing line between the ghost and actuality ought to be crossed, like utopia itself, by a realization, that is, by a revolution; but *he too* will have continued to believe, to try to believe in the existence of this dividing line as real limit and conceptual distinction.”⁴⁴ The tension for Marx and for all of us is to bear the weight of the injunction toward justice without allowing it to crush us to the point of revolution. The Marxist call to work and transformation should always be set within a context of the impossibility of achieving true transformation by human agents. There is a good reason Marx needed to invoke faith in his theory of revolution—a specter within him

⁴² Ibid., 42; 65.

⁴³ Ibid., 44-45; 68.

⁴⁴ Ibid., 47; 70-71.

realized that only a power outside the system could transform life within it. It is the fault of the heirs of Marxism not to realize the multiplicity of the specters that inhabited Marx and the Marxist inheritance—to think that revolution by human hands was the way to bring an end to history.

The Specter of Liberalism

Before Derrida can offer a positive contribution to the Marxist inheritance, to live out what he claims to believe is the responsibility of Marxist heirs, he must clear away the triumphalism of political and economic liberalism. As a kind of Marxist, this is a natural opponent, since what he has in mind is the modern day version of the capitalism Marx himself critiqued. Certainly a book with the title *The End of History and the Last Man* is too easy a target to miss.⁴⁵ But Derrida is quick to point out that Fukuyama is only the latest in a long line of end of history schemers, with Hegel and Kojève⁴⁶ as his chief ancestors. It is worth examining briefly the import of Fukuyama's thesis, Derrida's engagement with it, and what it means for the aporia of liberal democracy.

Derrida is all too willing to admit that the political and economic liberalism espoused by Fukuyama and others has gotten the upper hand. The downfall of communism opened up borders and markets, allowing for a massive flood of people, ideas, and capital to flow around the world. Globalization as a contemporary phenomenon could not have occurred without the opening made possible by communism's demise and liberalism's ascension. Living in a globalized world at least means that we live within an increasingly liberalized global economy and political order, something made possible by the end of communism.

⁴⁵ Francis Fukuyama, *The End of History and the Last Man* (New York: The Free Press, 2006).

⁴⁶ Alexandre Kojève, *Introduction to the Reading of Hegel*, ed. Allan Bloom (Ithaca, NY: Cornell University Press, 1980).

This empirical fact of liberalism's triumph goes hand in hand with a euphoria on the part of liberal cheerleaders. For these voices, what was only a suspicion about communism's problems was now confirmed by its historical destruction. The rivalry between liberal capitalism and communism is no longer a rivalry. Even stronger still is the contention that history itself has always pointed in the direction of free markets and free societies—that the internal force of history inevitably leads us in that direction. Progress demands that the shackles of tyranny be removed, even the shackles of communism. The ideal and the empirical kiss in perfect union as the world witnesses the widespread realization of the truth of liberalism.

Part of Derrida's critique of Fukuyama's thesis involves Fukuyama's convoluted understanding of the ideal and the empirical. For Fukuyama, the twin pillars of mutual recognition and economic freedom represent the *ideal* of human progress. Indeed, the economism of Marx is completed by the mutual recognition of Hegel in a dialectical movement that produces the truth of liberal capitalism. In this sense political and economic liberalism as we know it today has always been the ideal, for what constitutes an ideal is its transhistorical status. Long before capitalism fell from the lips of Adam Smith or limited government was argued by John Locke, both forms were still the ideals. In truth, on Fukuyama's reading it does not even make sense to speak of an ideal that existed before any historical development, since it transcends time and place. But while this has always been the ideal, liberalism has not been empirically recognized for its superiority. The shackles of political and economic tyranny have been preferred to these freedoms for most of human history, even in the face of its supposed superiority. Indeed, no compilation of illiberal regimes and societies could ever act as a defeater to his faith in this ideal: "Their accumulation would in no way refute the ideal orientation of the greater part of humanity toward liberal democracy. *As such*, as *telos* of a progress, this

orientation would have the form of an ideal finality. Everything that appears to contradict it would belong to historical empiricity, however massive and catastrophic and global and multiple and recurrent it might.”⁴⁷ Derrida is clearly pushing the point that even if we accept the blithe distinction between the ideal and the empirical, do the empirical facts on the ground stack up to warrant the declaration of the gospel of liberalism finally arrived? Even if it has not, Fukuyama can maintain that the ideal of human liberty remains untouched by any accidents of history that do not match it. Empiricity and ideality need not touch for the ideality to maintain its legitimacy.

However, Derrida observes an equivocation on the part of Fukuyama as it pertains to the ideal/empirical pair: “Fukuyama wants to find grist for the mill of his argument everywhere: in the good news as empirical and supposedly observable event (this is the ‘important truth’ of the ‘embodiment of Hegel’s state of universal recognition’) *and/or* in the ‘good news’ as simple sign of an *as yet inaccessible* regulating ideal that cannot be measured against any historical event and especially against any so-called ‘empirical’ failure.”⁴⁸ Whether consciously or not, Fukuyama wants to have it both ways. At certain points in his narrative, the good news of liberal democracy is confirmed by the empirical examples of liberal democracy in the world today. At other points, the good news of liberal democracy acts as a regulating ideal against which the accidents of history are measured. To put it in the language of speech act theory, at certain points he wants to announce the good news as a constative, merely describing the events of liberation that have already taken place. At other points he wants to announce the good news as a performative, declaring the truth of liberal democracy as a regulating ideal in order to effect change in the world. On the one hand, Fukuyama wants to declare victory; on the other hand, he

⁴⁷ Derrida, *Specters of Marx*, 71; *Spectres de Marx*, 99.

⁴⁸ Ibid., 78; 107.

wants a call to action. Derrida's reservations about the performative/constative distinction aside, it is clear that Fukuyama seems to not be of one mind on this subject himself. Derrida certainly sees the inability to be clear on the "event" as problematic in Fukuyama's discourse.

One can question along with Derrida whether a lack of empirical evidence could call into question the legitimacy of an ideal. This is not simply the case for liberal democracy but all kinds of social institutions. For instance, in current debates over marriage and sexuality, it is often argued that gay marriage is acceptable in part because of empirical evidence that gay people are as capable parents as their heterosexual counterparts. For those who want to argue that the marriage ideal belongs to a man-woman union and no other arrangement, what are we to make of this apparently countervailing evidence? It is said that the truths of reality should have an existential fit—that morality should have beneficial effects on society. If these effects are not felt, does this call into question the alleged truths? These are vexing questions that cannot be answered here, but it is worth raising with respect to this discussion because Fukuyama himself depends on the orientation of history toward a certain goal. And if we are not headed toward that goal, perhaps we need to devise a different understanding of time, progress, and history.

Regardless, according to Fukuyama, what has changed for liberalism is not the legitimacy of the ideal but its recognition in history. The empirical has finally caught up with the ideal. No longer do the peoples of the world have patience with tyranny, authoritarianism, and oppression. *Finally* there is a universal recognition that the rights of human persons act as inexhaustible ballasts against the actions of governments. The progress toward this empirical actualization began in earnest with Napoleon and the French Revolution and has reached its zenith in the fall of communism. The argument between liberal democracy and its other has reached its stopping point.

But Fukuyama's thesis is far stronger than just an ideal realized—the force of his argument is nothing short of apocalyptic. The language he uses is messianic and religious. The gospel of liberal democracy has been announced in our day and has been received in full. We have crossed the River Jordan (fall of communism) into the blessed promised land (liberal democracy). The messiah figure is less a person than it is an idea made real in actual societies—liberal societies. We can now rest and rejoice in the coming of this messiah who has saved us from the evils of tyranny. Furthermore, what was true during the time of Marx is also true of the time of Fukuyama in that the ultimate goal is to realize not just a liberal democratic state, but a liberal-democratic-*Christian* state. Hegel the Christian wins out over the atheist Marx.

The question of whether liberal democracy has arrived in all its perfection is one worth considering. While Fukuyama has announced on the one hand that it has arrived, it is clear even from his own book that the empirical record cannot confirm such an arrival. All we need is to observe the massive injustices, poverty, war, and dissension that plague even those societies who recognize the superiority of liberal democracy, in addition to those who do not have such a full recognition. Fukuyama is closest to the truth when he recognizes that societies who have embraced the materialist economism of capitalism do not necessarily embrace the political liberalism that ought to attend it. Still, the euphoric triumphalism of Fukuyama and the throng of his liberal friends seriously bothers Derrida, precisely for the inability to see the massive gap between their own ideal and the empirical evidence.

To this end, Derrida plays on a Marxist trope from *Communist Manifesto*, but instead of putting forth ten planks for the party, he notes ten plagues that ensue from liberal capitalism, in an effort to promote what he calls “The New International.” Unemployment, immigration, interstate economic wars, protectionism, foreign debt, conventional and nuclear arms

proliferation, inter-ethnic wars, the power of the mafia and drug cartels, and most importantly the failure of international institutions to exercise justice—these all are ills resulting from the forces of liberal capitalism in the world. Each is a way in which the realities of the world do not match the ideals set forth by liberal capitalism.

There are a few items worth observing with regard to this list. First, it is not clear whether liberal capitalism is the cause of these plagues or merely a bystander. We can make presumptions as readers, but Derrida does not make it clear. It seems clear that unemployment could be a direct cause of the forces of liberal capitalism, that a liberalized trade system would benefit those countries who have a comparative advantage while disadvantaging the workers in other countries. However, Derrida does not make this argument. It is less clear what liberal capitalism as such has to do with the plight of the homeless and the paperless citizens among us—it could very well be that this would be a problem regardless of the political and economic systems at work. More generally, Derrida lists the plagues without explanation of cause, and by extension, has no clear program for solution. If international institutions really are unable to deal equitably with the problems of an increasingly globalized world, how exactly would he aim to reform them? This lack of a practical ear to the ground would not be such a problem if he did not delve into the issues at all.

Also missing from his empirical analysis is any serious engagement with any of the successes of liberal capitalism. There is first the obvious issue already mentioned of the collapse of global communism at the hand of its great other, liberal capitalism. Perhaps the end of communism was a knell sounded long ago, but some coming to terms with its actual demise seems worthy of his time. This is like a political party that continues to lose elections, becoming smaller and smaller in the process, all the while proclaiming the rightness of their ideas. At some

point one must deal with one's own collapse, regardless of how reprehensible the alternative may be. Further, there should be at least some treatment of the arguments made in favor of liberal capitalism, however wrong he thinks they are. For example, there is not a serious engagement with the claim that free-market capitalism has liberated more people from poverty than any other system in world history—a claim commonly made by the neoliberals he attacks. Instead we get statements like this:

Instead of singing the advent of the ideal of liberal democracy and of the capitalist market in the euphoria of the end of history, instead of celebrating the “end of ideologies” and the end of the great emancipatory discourses, let us never neglect this obvious macroscopic fact, made of up innumerable singular sites of suffering: no degree of progress allows one to ignore that never before, in absolute figures, never have so many men, women, and children been subjugated, starved, or exterminated on the earth.⁴⁹

While this statement may be true enough, there is no examination of whether liberal capitalism is the cause of these problems, or even if it has anything to do with them. It may, for that matter, be its solution. But from Derrida we will never know.

In fairness to Derrida, it is clear that empirical political analysis is outside of his sphere of expertise. A life of philosophy does not necessarily prepare one for a firm grip of actual political issues. However, this issue gets at the heart of my larger project. If it is indeed the case that human experience is the experience of the possibility of the impossible, or to put it another way, that it is a welcoming of the absolutely other, then Derrida's hesitation on these issues makes much more sense. Democracy to come and The New International are gestures toward a future that can never be realized in advance, but toward which we have some intimation as to its content. The aporia here is very difficult. While Derrida is sure to never anticipate the horizon,

⁴⁹ Derrida, *Specters of Marx*, 106; *Spectres de Marx*, 141.

he has some strong convictions as to what it should look like: a world where paperless citizens are given full hospitality, where international institutions equitably share power, where foreign debt is forgiven, and where nuclear arms are held in check. Is this a betrayal of the radical otherness of the democracy to come? Or are these norms, as vague and impractical as they may be, the reference for the “democracy” piece of “democracy to come”?⁵⁰

However, to focus on the empirical shortcomings of liberal capitalism would be to miss the larger argument that Derrida makes in *Specters*. The larger argument is that Fukuyama fails to understand the relationship between the event and the decision, and the aporetic relationship between possibility and impossibility. The disputes surrounding the available empirical evidence regarding the virtues of liberal capitalism aside—what he has not thought clearly enough is the openness to the event. Fukuyama has not conceived of the possibility of impossibility, that what happens in the future is radically other, that perhaps there is something beyond liberal capitalism that would constitute the best regime. The specter of Marx that needs to haunt Fukuyama, and all those who would embrace liberal capitalism, is the specter itself. If the specter is indeed the visible invisibility, the incarnate disincarnation—if spectrality is what constitutes our existence—then Fukuyama’s great error is not primarily in favoring liberal capitalism over Marxism, but in believing too much in liberal democratic capitalism as the incarnation of the messiah. What we all need to gain as part of our political thinking is a thinking of the possibility of impossibility, a thinking of the specter.

It therefore falls to Derrida to propose two injunctions from the Marxist inheritance as it relates to Fukuyama. The first is to maintain the idealist logic of Fukuyama but observe the immense gap that exists between ideal and reality. No longer can we ignore the great injustices

⁵⁰ For an argument that Derrida’s philosophy is indeed normative, see Haddad, *Derrida and the Inheritance of Democracy*, 73-99.

that currently exist while we live within the liberal hegemony. If one is to announce the good news of liberal capitalism, at least own up to the inadequacies represented by the facts on the ground. The second injunction is to re-think the content of the ideals themselves. A new thinking of the state, the market, sovereignty, hospitality, and forgiveness—just to name a few—are beholden to us as we move forward. Perhaps with a new set of ideals we can measure the nature of the gap that exists between them and the reality on the ground. This will require a new set of theoretical endeavors and programs, much of which Derrida attempts to lay out in the decade following *Specters*. *Specters* represents a gesture to honor both of these injunctions, even if the logic of each contradicts the other.

The great injunction from *Specters* is therefore not primarily in the lessons we may reap from the latest application of Marxist economic theory. A reconsideration of Marxist doctrine for our age is perhaps well worth the effort, but that is neither where Derrida is strongest or where he is most clear. It was a wrestling with specters that defined the Marxist moment: the specters that we inherit from previous generations, that we now have to deal with ourselves. The specters that haunted Marx continue to haunt us now—it is now our responsibility to move forward in the aporetic tension of event and machine, decision and the other—taking what we have inherited from Marx and others and appropriating it for ourselves.

We must appropriate for ourselves the fulness of what Derrida means by “democracy to come,”⁵¹ which receives its best description in *Specters*.⁵² Democracy to come is an injunction to call on the event that will never present itself fully. It is the opening of the space between an unending, limitless promise and the determined forms of what forever needs to be measured

⁵¹ For an examination of “democracy to come,” see Jacques Rancière, “Should Democracy Come? Ethics and Politics in Derrida,” in *Derrida and the Time of the Political*, 274-288.

⁵² Derrida, *Specters of Marx*, 81-82; *Spectres de Marx*, 111.

against this promise. The instantiation of the democratic promise will always have buried within it a hope for salvation, a hope for something that is totally other and totally unique. It will involve an absolute hospitality, not only for the immigrants who come to our shores, but for a future that can never be determined in advance. It will require a patience that also exposes itself to the absolute surprise of that which does come and will come. This, in short, is what Derrida means by a “messianic without messianism,” an absolute hospitality that is the impossible itself, conditioning the possible events that compose the historical world we passively create.

Chapter 4

Sovereignty and its Other

For Derrida, the idea of sovereignty has a long history that is connected to what he calls the onto-theological. For much of his career, he limited his talk about sovereignty to gestures about the need for further deconstruction of the concept. It is not until the posthumous publication of *The Beast and the Sovereign* that we receive a more extended treatment of the topic. This chapter will use *Beast* as an anchor, with references to his essays in *Without Alibi* and others. What we will find is a rich description of sovereignty and the sovereign ruler, with the conclusion that sovereignty can only be sovereignty when it is shared. As he says in the foreword to *Without Alibi*, “The division of the indivisible, the sharing of what cannot be shared: that is the possibility of the impossible.”¹ The deconstruction of sovereignty is in its own way a chief expression of the “democracy to come.”

In one very important sense, the topic of sovereignty is of first importance in Derrida’s religious and political thought. With it we understand his notions of power, force, selfhood, knowledge, subjectivity, and hospitality. If we do not grasp that sovereignty is indivisible and divisible at the very same time, then we cannot really understand his views on hospitality or democracy. Without a notion of sovereignty as sharing, for example, we would see hospitality merely as two selfsame subjects operating in a simple subject-object relationship. But as soon as we do glimpse sovereignty as sharing—as difficult as that notion is—we better understand hospitality as a reciprocal relationship between host and guest.

¹ Jacques Derrida, *Without Alibi*, ed. Peggy Kamuf (Stanford, CA: Stanford University Press, 2002), xx.

Sovereignty as Selfsame Ipseity

In “Psychoanalysis Searches The States Of Its Soul,” Derrida shows his hand when he admits concern over “archaic institutions, concepts, and practices of the ethical, the juridical, and the political that seem to be still dominated by a certain logic, that is, by a certain onto-theological metaphysics of *sovereignty* (autonomy and omnipotence of the subject—individual or state—freedom, egological will, conscious intentionality, or if you will, the ego, the ego ideal, and the super ego, etc.).”² What does he mean by this onto-theological metaphysics of sovereignty? While we typically think of sovereignty in terms of its theological and political meanings, Derrida argues that in its “broadest sense,” the sovereign is “he who has the right and the strength to be and be recognized as *himself, the same, properly the same as himself*.”³ This means that the sovereign is one who has power over something. In a primordial sense, he first has power over himself, not allowing anyone else to hold sway over his person. He is master of himself, in complete control of his actions and properties.

Derrida elsewhere likens sovereignty to nostalgia, a definition that Heidegger presents. Nostalgia is a “drive to be everywhere at home...a drive that pushes one to find oneself everywhere, in every place, at home, to find oneself in every place.”⁴ Heidegger will link the “everywhere” and the “world as totality of places and therefore beings.” But what does it mean to be everywhere at home? Everywhere is not only here or there but in every place at every time. This is what we call the world. It is a nostalgia, a compulsive drive that pushes it to be

² Derrida, “Psychoanalysis Searches The States Of Its Soul,” in *Without Alibi*, 243-244; Derrida, *États d’âme de la psychanalyse* (Paris: Éditions Galilée, 2000), 19.

³ Jacques Derrida, *The Beast and the Sovereign, Volume I*, ed. Geoffrey Bennington and Peggy Kamuf (Chicago: Chicago University Press, 2010), 66; Derrida, *Séminaire La bête et le souverain, Volume I (2001-2002)* (Paris: Éditions Galilée, 2008), 101.

⁴ Jacques Derrida, *The Beast and the Sovereign, Volume II*, ed. Geoffrey Bennington and Peggy Kamuf (Chicago: Chicago University Press, 2011), 97; Derrida, *Séminaire La bête et le souverain, Volume II (2002-2003)* (Paris: Éditions Galilée, 2010), 150.

everywhere at home, directed and awakened by questions such as that have been just posed: “In other words, *Dasein* is defined by the drive to questioning, and by a questioning that goes to the heart of the whole of beings as such, to the heart of the whole, of the totality of what is, and therefore of the world.”⁵ This is because *Dasein* is a questioning being, as close as can be to the question. Force is here the force of bearing and enduring. It is a finite force, which is inseparable from the question of world and solitude. “One is alone as the one who ought to carry, ought to support the question about the world. And it is this finite force that defines existence.”⁶

In Derrida’s discussion of Daniel Defoe’s *Robinson Crusoe*, we learn that sovereignty is also defined by solitude. “I am alone” means “I am sovereign,” free from any bond, absolved from any responsibility to the outside world, to the other.⁷ Not only is Crusoe on an island, but he is all alone on that island—at least that is his great fear. He finds footprints on the island, and he finds that it is undecidable whether or not those are his footprints or those of someone he is not yet encountered. But his experience so far limits him to thinking that he is indeed the only one on the island, and that he is indeed sovereign over it. This is the essence of what Derrida calls “the ontological definition of sovereignty”:

[N]amely that it’s better—since we’re trying to live well...--to live in autarchy, i.e. having in our selves our principle, having in ourselves our commencement and our commandment, is better than the contrary: “the final cause and the end is what is best; now to be self-sufficient...is both an end and what is best.” From which will follow the definition, which is basically essential and necessary, of sovereignty: the sovereign is one who has his end in himself or is the end of everything.⁸

⁵ Ibid., 107; 162.

⁶ Ibid., 107; 163.

⁷ Ibid., 1; 21.

⁸ Derrida, *Beast*, Volume I, 345-346.

Derrida links up this reading of *Robinson Crusoe* with the problematic of sovereignty by quoting a text from Rousseau, one that cites *Crusoe* “not as the experience of an exceptional insular originarity that is freed from all prejudices, but rather as sovereign mastery, as the monarchy of a Robinson who commands everything on his island, on an island during the time he lives on it alone, the sole inhabitant of his world.”⁹ This is found in Chapter II of the first book of the *Social Contract*. He notes that Adam, Noah and Robinson Crusoe are like absolute sovereigns by virtue of their being the world’s only inhabitants. This is a “sovereignty without obstacle and therefore without enemy—and therefore, Schmitt would say, without politics—this sovereignty which is absolute because it is pre-political.”¹⁰ The structure described by Rousseau is like what we call the “absolute freedom of the citizen, who decides sovereignly, for example in a voting booth...as to his political choice, a freedom and a sovereignty held to be inalienable in democracy...”¹¹

Rousseau longs to be like Robinson Crusoe, and he longs for the Island of St. Pierre on Lake Bienne. He does not just want to be alone; he also “really is ‘alone’ in this situation, and therefore the one and only, the singular, as singular moreover as the Island of St. Pierre itself, as alone and exceptional as the *situation*, the site.”¹² He is the unique, irreplaceable, the chosen one, for whom this solitude has been imposed like a law, both by nature and by law. This solitude “defines me in my absolute ipseity or in the unique destiny of my ipseity.”¹³ Here solitude and singularity come together in the same adjective: “alone.”¹⁴

⁹ Derrida, *Beast*, Volume II, 20; 46.

¹⁰ Ibid., 21; 47.

¹¹ Ibid.

¹² Ibid., 65; 107.

¹³ Ibid., 65; 108.

¹⁴ Ibid.

In the seventh of the *Reveries*, Rousseau even takes pride in his situation as a refugee who becomes the discoverer in his flight. His exile becomes an empire. He is “another Columbus.”¹⁵ In the *Confessions*, Book XII, he names Robinson and calls himself “another Robinson.”¹⁶ This is another “other Robinson,” one “imaginary Robinson who builds his dwelling.”¹⁷ Rousseau says that Jean-Jacques is more Robinsonian than Robinson in this respect “because he loves solitude and living alone so much that he would not even have suffered as did Robinson from his insularity.”¹⁸ This kind of solitary figure is so wrapped in his singular ipseity that he is bored in society, if not persecuted by that society. Both he and his persecutors are complicit in this perversion of insularity—sadistic for them and masochistic for him. He delivers himself, in himself, by himself, to his enemies or his persecutors, attacking his own selfsameness, his ipseity: “Rousseau appropriates the supposed perversion of the other: he internalizes it and outflanks it in advance to ensure his sovereign mastery over it at the very spot where this perversion threatens to destroy his sovereign ipseity.”¹⁹

Sovereignty as First

From this notion of capability and mastery, we gain the notion of the political sovereign as the first and most important person in society, the one after whom all others follow in secondary importance. Derrida defines sovereignty as the quality of being the first, the highest, and the most majestic: “the sovereign, if there is such a thing, is the one who manages to get people to believe, at least for a while, that he is the first to know who came first, when there is

¹⁵ Ibid., 67.; 109.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid., 67; 109.

¹⁹ Ibid., 68; 111.

every chance that it is almost always false, even if, in certain cases, no one ever suspects so.”²⁰ In La Fontaine’s *The Wolf and the Lamb*, the lamb addresses the wolf as “Sire,” and bids the wolf not to grow angry, as a ravenous beast would do.²¹ The notion of the sovereign as first is made more vivid by the image of the erect phallus, which rises above everything else in its highness and grandeur.²² Aristotle was worried about the possible misfortune of an erection becoming permanent, which would be funny but also an “unnatural hindrance.”²³ It would have no generative power, only pain without enjoyment.

Jean Bodin, the first great theorist of sovereignty, recalls that the Latin meaning word for sovereignty is *majestatem*.²⁴ Like Louis the Great, majestic grandeur and height is not just a sensory image, but an essential feature of sovereign power. Sovereignty is to be without weakness, and must be unique, stiff, rigid, solitary, and absolute. From this we receive the image of a state that can see everything, and has the right to inspect all that occurs within its borders.²⁵ Derrida notes that the relative power of a nation-state is in proportion to its power to observe and surveil, both in terms of market and military strategy. The sovereign must have command over those things that are weaker, or at least have the perception that he is stronger than the rest.

The notion of sovereignty as autopsy enters the fray at this point. According to a traditional understanding, knowledge is a theoretical gaze upon an object. To have absolute knowledge would be to have a comprehensive knowledge of the universe. On this reading, the sovereign is to aspire to this kind of knowledge. Derrida puts before us the fable of Louis the Great performing an autopsy on a dead elephant. Here we have an absolute monarch, standing

²⁰ Derrida, *Beast, Volume I*, 92; Derrida, *La bête, Volume I*, 135.

²¹ Ibid., 207; 278.

²² Ibid., 212; 285.

²³ Ibid., 224; 299.

²⁴ Ibid., 214; 287.

²⁵ Ibid., 215; 287-288.

high above and over a dead beast-object, with the goal of gaining a comprehensive knowledge of that beast-object. The height of the king is matched only by his desire to know everything there is to know about this enormous, dead beast of an elephant. Knowledge in this sense is a wanting-to-be-able and wanting-to-see and wanting-to-have.²⁶ It is a desire to see and have everything there is to see and have. This is akin to Cartesian physics, where “the portrait of the king is, by itself, the resplendent and privileged moment of the narrative scene, and like Cartesian light, it is also what brings to light and allows the spectator-reader to see all the subjects who are actors in the story by striking them with its radiance.”²⁷

This picture of the sovereign king standing over the dead beast is a picture of dissymmetry, a feature that is constitutive of the sovereign. The king or the king’s specter sees without his gaze, the origin of his seeing, without his eyes being seen. Autopsy is “the experience that consists in seeing with one’s own eyes, and thus of being able to bear witness.”²⁸ Autopsia later acquired two meanings in Greek: either a participation in the all-powerfulness of the gods and intimate commerce with them; or the more common, the ceremony of dissection. Derrida is amused that in the scene of the king and the elephant, we have the gaze of the greatest of kings that directly and indirectly sees the cadaver of the greatest of beasts, that also represents the mortal animal that is one of the bodies of the king. The dead elephant, because he is dead, is also the denied, averted representation of the dead king, the death of the king that everyone fears and hopes for, and that every subject projects into the autopsy of sovereignty.

²⁶ Ibid., 280; 376.

²⁷ Ibid., 292; 391.

²⁸ Ibid., 293; 392.

Derrida cites Louis Marin's book *Le portrait du roi*,²⁹ and within it "The Narrative of the king or How to Write History," an account from the point of view of absolute knowledge, which is the perspective of the king. As soon as there is absolute knowledge, everything happens as though it were known in advance and therefore all but programmed, providentially and mechanically prescribed. This gives the impression that the Sun King is moving the strings of the players, the marionettes. Marin suggests that the narrative and representation do not come after the event, but that the narrative is a "structural part of this sovereignty...its force, its dynamis, or even its dynasty."³⁰ Sovereignty draws all its power from this simulacrum-effect. The paradox is "by giving the reading or watching subject of the narrative representation the illusion of himself pulling sovereignly the strings of history or of the marionette, the mystification of representation is constituted by this simulacrum of a true transfer of sovereignty."³¹ The reader has the illusion of knowing everything in advance, sharing absolute knowledge with the king, participating in sovereignty. This is the "trap of sovereignty, of shared sovereignty, and it will later be the trap of the transfer of sovereignty of the monarch to that of the nation or the people."³²

The sovereign power of the theoretical gaze upon one's subject entails the power of the sovereign to create reality. According to Derrida, when the sovereign succeeds in a performative act, it produces a truth whose power sometimes imposes itself forever: the location of a boundary, the installation of a state border. Colonialism can be seen through this lens: a creation of state borders without any thought given to historic ethnic ties or rational political separation. They are not natural realities in themselves, but depend on performative interpretations. These are acts of performative violence that are neither legal or illegal, but become accepted when the

²⁹ Louis Marin, *Le portrait du roi* (Paris: Editions de Minuit, 1981).

³⁰ Derrida, *Beast, Volume I*, 289; Derrida, *La bête, Volume I*, 387.

³¹ Ibid., 289; 387.

³² Ibid., 290; 387.

international community accepts them. Where is the truth concerning boundaries in ex-Yugoslavia, Chechnya, Israel, and Zaire? Who tells the truth and who lies in these areas?³³

Derrida says the following:

The point is that the essence of political force and power, where that power makes the law, where it gives itself right, where it appropriates legitimate violence and legitimates its own arbitrary violence—this unchaining and enchainment of power passes via the fable, i.e. speech that is both fictional and performative, speech that consists in saying: well, I’m right because yes, I’m right because, yes, I’m called Lion and, you’ll listen to me, I’m talking to you, be afraid, I am the most valiant and I’ll strangle you if you object.³⁴

The media is first in line for being responsible for this becoming-fabulous of the political. Even those things that are not fabular, like death and suffering, somehow belong to the fabulous. The examples of this phenomenon are legion. For one, the technical reproduction of the collapse of the twin towers had a profound effect on how we think of “international terrorism.”³⁵ If we had only seen it one time, certainly the effect upon the collective psyche would have been quite different. Both perpetrator and victim had a crucial stake in the “making-known”³⁶ of this event, each seeking to gain sympathy from the world viewership. Archiving is not just an after-the-fact production, but actually is involved in active interpretation of events as they occur—they help create the event.

For Derrida, the notion of sovereignty as selfsame ipseity and sovereignty as mastery over an object are one and the same. To be in control over oneself is well and good, but the sovereign as political ruler must have control over everything else as well—his power must be

³³ Jacques Derrida, “History of the Lie: Prolegomena,” in *Without Alibi*, 51; Derrida, *Histoire du mensonge: Prolégomènes*, 59.

³⁴ Derrida, *Beast, Volume I*, 217; *La bête, Volume I*, 291.

³⁵ *Ibid.*, 36; 64.

³⁶ *Ibid.*

absolute and uncontested. Even if it means a vicious fight to the death with whatever rogue beasts that may present themselves, the sovereign must and will win. In the end, the desire to have sovereign mastery over the beast is of the essence of oikonomia and ipseity—it is a being at home in one’s selfsameness.³⁷

Sovereignty as the Exception

If selfsame ipseity, solitude, and mastery are at the heart of sovereignty, it follows that the exception would be at the heart of it as well. Perhaps the most famous theorist of sovereignty, Thomas Hobbes, is clear that after the sovereign is established by virtue of the social contract or covenant, he is then free to create order as he sees fit, liberated from any constitutional constraints. It is not so much that he is liberated from such constitutional constraints, but that they by definition have no purchase on him. To be a sovereign that is shackled in any way by external constraints is not to be a sovereign at all. The sovereign must be able to transcend any conditions that could be placed upon him: to be sovereign is to have unconditional, absolute power. He must be able to claim an *exception* from the law.

In the first volume of *The Beast and the Sovereign*, Derrida recalls the famous quotation from La Fontaine, “The reason of the strongest is always the best; as we will shall shortly show.”³⁸ This line has received plenty of attention in the centuries since its writing, but what Derrida focuses on is the silence of the sovereign. One of the marks of an open, democratic society is the requirement of the phenomenality of discourse. Discussion about the best way to order society must be freely and openly aired. But with the sovereign it is not so. In order for the strongest to always be the best, it must be allowed the exception to not give reasons for its action. Derrida admits that it is undecidable in this phrase whether the word “reason” is the best reason

³⁷ Ibid., 283; 379.

³⁸ Ibid., 7; 26.

because it is the most excellent or because it is the strongest. For the sovereign to truly be the sovereign, it would seem that it not matter whether it is the best or not. The sovereign may very well have the best reason for his actions, but that will always be cloaked by his silence.

Along these lines, Derrida likens the sovereign to a wolf who walks stealthily in the night—*pas de loup*. The phrase *pas de loup* refers to stealth, and *loup* refers to a “black velvet mask,”³⁹ which recalls the visor effect and helmet effect that characterizes the specter in *Specters of Marx*.⁴⁰ In *Specters* the visor effect refers to the inheritance of the law, while in *Beast* the black velvet mask refers to the sovereign. In both cases, it allows the one wearing the mask and the visor to see without being seen, or at least not be recognized. In the case of the sovereign, the mask allows him to move around in silence, to move around and devour its prey without warning. The figure of the wolf allows Derrida to at once render the sovereign as stealthily quiet and ferocious.

Of course this view of the sovereign is exactly the same as Hobbes’. On Hobbes’ formulation, the social contract is born out of an experience of internecine war and fear. Out of this fear the sovereign is established, and he is granted the right, by virtue of the social contract, to do *whatever it takes* to ensure peace and order. The fear that inspired the creation of the sovereign is then transferred to the fear that fills a populace governed by a sovereign court of justice. He is not limited by anything except the requirement to maintain peace and order. He needs no reason to act--ferociously if necessary--in the interests of the populace.

Therefore, at the heart of Leviathan’s task is the properly political task of striking fear in people to compel obedience. This is the simple task of the sovereign. Terrorism is not distinguished from this political action in the fundamental task of the state to create fear. Political

³⁹ Ibid., 6; 24-25.

⁴⁰ Derrida, *Specters*, 6; *Spectres*, 26.

subjectivity would have to be re-thought along these lines, that states use the same tools as terrorists to create order. “Sovereignty causes fear, and fear makes the sovereign.”⁴¹ Crime is therefore only a thing if sovereignty exists, since if there is no institution of sovereignty, then everyone may do what they will according to their own power. Fear plays an interesting role by creating the need for sovereignty, but also creating the need to commit crime. In both cases there is something non-present about the fear; they both anticipate a future threat.

The sovereign will last as an historical entity only as long as it fulfills the task it was granted in the first place: to protect a fearful public from itself and outside enemies. If it can no longer do that, there is no reason for its continued existence. But conversely, the subjects have no choice but to obey what protects them—otherwise they will feel the wrath of the sovereign who uses terrorism to inspire obedience. The relationship between sovereign and subject is therefore somewhat fluid and reciprocal. It means that sovereignty is actually a “mortal immortality.”⁴² Either way, fear is at the heart of the positing of sovereignty and the obedience of that same sovereignty.

Attached to this discussion is the relationship between sovereignty (or force) and justice. La Fontaine’s quotation reminds us that force and justice are not opposed to each other but rather operate in mutual interdependence. Justice needs force to be effectual, and force needs justice to avoid arbitrariness. However, this non-oppositional, aporetic relationship between justice and force is made problematic when we recognize that it is quite difficult, simply put, to make what is just strong. On this view, it is far easier in the short run to simply make a law with brute force rather than argue for the rightness of it. Swift executive action is much easier than deliberation

⁴¹ Derrida, *Beast, Volume I*, 40; *La bête, Volume I*, 68-69.

⁴² Ibid., 43; 73.

and slow persuasion for the justice of one's cause. In the end, sovereignty becomes its own justification.

Derrida notes in his discussion of La Fontaine's maxim regarding the reason of the strongest, that he will shortly demonstrate its truth. But Derrida cleverly says that this phrase, "as I shall shortly show," is a performative phrase that forcefully shows the excellence of the phrase, "The reason of the strongest is always the best." It is in the deferral of this demonstration that he is proving his point, without any rational or philosophical demonstration. We are at the mercy of Derrida's demonstration (or deferral of demonstration), and in that power relationship we bow to his strength. In his forcing us to wait, he wins the argument before making it. The same is true of the sovereign. The sovereign can always defer the explanation of his actions until a later time, infinitely if necessary. This is the prerogative of the sovereign.

This becomes the inevitable conclusion if we follow the fierce logic of the tradition of sovereignty Derrida means to deconstruct. For if it is true that the sovereign is one who has absolute, unconditional power, then by definition nothing can question that power. Derrida cites a legend in which a terrifying, giant wolf named Fenrir escapes a trap laid by the gods.⁴³ After escaping, he bites the wrist of the god Tyr, who then becomes the god of justice. The effect of the legend is to realize that it is only after the sovereign wolf in his ferocity bites the hand of the god that justice is born. In short, the sovereign is likened to a beast, a beast that cannot be reasoned with, and that devours those who would question his legitimacy and threaten the peace of the state.

This view of the sovereign is further buttressed by the onto-theological conception of sovereignty that undergirds it. God is the one who is the ultimate exception, the one who needs

⁴³ Derrida, *Beast*, Volume I, 10; *La bête*, Volume I, 30.

no reason to act and can act in silence. The political sovereign is modeled after the divine sovereign insofar as he rules without regard to a rational tribunal or first principle. The political sovereign is the first principle, just as God is the first cause of all things. The sovereign becomes its own rational tribunal, accountable to a court made up of only one person: the sovereign himself. Derrida says the following:

[Sovereignty is] a certain power to give, to make, but also to suspend the law; it is the exceptional right to place oneself above right, the right to non-right, if I can say this, which both runs the risk of carrying the human sovereign above the human, toward divine omnipotence (which will moreover most often have grounded the principle of sovereignty in its sacred and theological origin) and, because of this arbitrary suspension or rupture of right, runs the risk of making the sovereign look like the most brutal beast who respects nothing, scorns the law, immediately situates himself above the law, at a distance from the law.⁴⁴

In making the law, the sovereign is able to except himself from the law. Just like God, the sovereign recognizes that “he is absolutely sovereign who recognizes nothing, after God, that is greater than himself,” and again that the sovereign Prince “is answerable only to God.”⁴⁵ What is therefore unclear in the positing of political sovereignty as being modeled upon divine sovereignty is whether that binds the political sovereign to divine law, or whether it unbinds it from the need to explain oneself.

It would seem however that what Derrida wants to emphasize is the silence allowed by the political sovereign’s being modeled after the divine. He says that we cannot count on God or the sovereign to respond to us, that the “most profound definition of absolute sovereignty, of the absolute sovereignty, of that absoluteness that absolves it, unbinds it from all duty of

⁴⁴ Ibid., 16-17; 37-38.

⁴⁵ Jean Bodin, *On Sovereignty*, ed. Julian Franklin (Cambridge: Cambridge University Press, 1992), 4.

reciprocity.”⁴⁶ We also notice that sovereigns, like beasts, lack the ability to respond. Derrida uses the analogy of God and beast to prove his point. God cannot enter into an immediate covenant with man because of his inability to respond to us. Likewise, beasts cannot covenant with man because they do not use the same language. In both cases, there is a lack of response and responsibility. Without language it is impossible to enter into covenant. Derrida immediately questions the idea that animals are completely without language or that humans used discursive reasoning to found states—in other words the human/animal problematic is far blurrier. What is clear from the tradition, however, is not that animals cannot *communicate*, but rather that they cannot *respond*. But what is most important is that this helps define sovereignty for the Hobbesian tradition—that absolute sovereignty is absolute in that it does not *respond*, nor is it required to do so.

Derrida observes a double oscillation. The first is of the sexual difference of the *la* and the *le*, whereby the sovereign is characterized by the masculine and the beast by the feminine, like a woman who is meant to be a subject. Related to this is the power of the masculine sovereign to participate in his own ipseity, to be himself as himself. And we observe that the concept of sovereignty will always be closely tied to the concept of ipseity, to the self-sameness of ipseity. By this reasoning dictatorship is of the very essence of sovereignty, even in a democratic sovereignty, for dictatorship is nothing but the ability to *dictate* to oneself and answer only to oneself.

Sovereign as Outside the Law and Violent

All of these components—that the sovereign is exceptional, silent, solitary, and master—lead to the clear conclusion that sovereigns necessarily operate outside the law. It is clear from

⁴⁶ Derrida, *Beast*, Volume I, 57; *La bête*, Volume I, 91.

the beginning of *Beast* that the beast and the sovereign are not to be pitted against each other in opposition, but should rather be held in aporetic tension. The beast is more like the sovereign than we might at first think. The two figures, like all pairs of concepts, share a relationship of identity and difference at the same time:

I believe that this resemblance explains and engenders a sort of hypnotic fascination or irresistible hallucination, which makes us see, project, perceive, as in a X-ray, the face of the beast under the features of the sovereign; or conversely, if you prefer, it is as though, through the maw of the untamable beast, a figure of the sovereign were to appear. As in those games where one figure has to be identified through another. In the vertigo of this *unheimlich*, uncanny hallucination, one would be as though prey to a haunting, or rather the spectacle of a spectrality: haunting of the sovereign by the beast and the beast by the sovereign, the one inhabiting or housing the other, the one becoming the intimate host of the other, the animal becoming the *hôte*.⁴⁷

The main expression of this comes from Aristotle's famous definition of the political community, as that which belongs only to human beings. For Aristotle, political communities were formed because human beings by themselves are not autarchic, or self-sufficient. They needed communities beyond the household and village to achieve lives of happiness. This necessarily excluded all those beings who did not fit this definition: either ones who were unable to live in a mutually beneficial society (animals) or were sufficient unto themselves (gods).

On this definition of the political community, beasts and gods share the trait of being apolitical and outside the law. Beasts are outside the law because they have no rationality and therefore cannot participate in a rational, political community. Gods are outside the law because they have no need for political community. The sovereign occupies a unique place within this schema, since it is a human but has been given the sanction to transcend the political-legal community. And as we have witnessed, the sovereign consistently is referred to as a beast for its

⁴⁷ Ibid., 18; 39.

unlawlike activities. The sovereign man exhibits animal cruelty just as much as animals exhibit “human” organizational skill. How far removed, really, is the ruthless dictator from the queen bee? Both exhibit qualities that are ordinarily thought to belong to the other, yet we would never confuse a bee with a man. As Derrida says, “there is between sovereign, criminal, and beast a sort of obscure and fascinating complicity.”⁴⁸ Derrida notes the relationship between the beast and the lexicon of “devourment,” wondering if sovereignty’s “absolute potency [is] in essence and always in the last instance, a power of devourment,”⁴⁹ giving credence to the common representation of state sovereignty as “the formless form of animal monstrosity.”⁵⁰

We perhaps see this most clearly in Derrida’s discussion of rogue states. A rogue is a dishonest or unprincipled man, one who chooses to live beyond the pale of acceptable behavior in society. A rogue state therefore is a state that chooses to behave outside the acceptable norms of the international order. The term “rogue state” originated in the 1990s when the United States labeled Iraq a rogue state for failing to abide by international norms. Derrida argues, however, along with Noam Chomsky, that the United States is itself a rogue state. Chomsky makes the case in *Rogue States* that the United States and its allies have systematically deviated from the very international laws they mean to uphold.⁵¹ This is in part an empirical argument, and the United States and its allies should be held to the standards they helped create and claim to uphold. But the more interesting argument, and the one more germane to this study, is the theoretical one that states in their sovereignty are inherently roguish. He says the following;

It is not a criticism of these courageous works to wish for a more fully developed political thought within them, especially with regard to the history, structure, and ‘logic’ of the concept of

⁴⁸ Ibid., 17; 38.

⁴⁹ Ibid., 23; 46.

⁵⁰ Ibid., 25; 49.

⁵¹ Derrida, *Rogues*, 102; *Voyous*, 145.

sovereignty. This 'logic' would make it clear that, a priori, the states that are able or are in a state to make war on rogue states are themselves, in their most legitimate sovereignty, rogue states abusing their power. As soon as there is sovereignty, there is abuse of power and a rogue state.⁵²

This striking statement would be less persuasive if we did not already follow the deconstruction of sovereignty under way in Derrida's analysis. For if it is true that the sovereign is sovereign by virtue of its placement beyond the law, then it does seem to follow that a sovereign is necessarily roguish. Indeed, on this reading rogue is synonymous with sovereign.

It would be helpful if Derrida gave us a little sharper analysis in the forum for sovereignty under discussion. In other words, there is a difference between the sovereign ruler as sovereign and the sovereign state within the international order. It is one thing for a sovereign ruler in a dictatorship to assert his absolute control over the state, and it is quite another for a sovereign state to assert its sovereignty within a world of other sovereign states. Sovereignty is in play in both cases, but the dynamics are different.

It is easier to see his point when we think about a sovereign ruler within a particular state. The sovereign always assumes the exceptional ability to rule over the populace, apart from any laws that are created. By contrast, in the international order, sovereign states are roguish in part because the international order is not efficacious enough to control it. It may be roguish in its actions, but that is because there is no greater sovereign power that can control them. Derrida is more clear when he blames the United States and other great powers for co-opting the international system for their own benefit, using the veto power on the Security Council to sovereignly override the majority will of the United Nations, as well as the right of self-defense as cover for unilateral activity. According to Derrida, the international system is rigged by a

⁵² Ibid., 102; 145-146.

select number of sovereign states, the United States in particular, who impose their own sovereignty on the majority of states.

But another element of the undecidable relationship between beast and sovereign must not be missed. This is the issue of the relationship between sovereignty and rationality. If it is true, as the tradition suggests, that sovereigns necessarily operate outside the law, then they are not too different from beasts. If it is also true, as the tradition suggests, that animals and beasts are subrational creatures at best, then could we also say the same about the sovereign? Indeed, many of the myths that tell the story of sovereign origins depict the sovereign as some kind of irrational beast. Rousseau introduces the idea of “brutishness,”⁵³ a notion that is usually associated with animals, not humans. It suggests that animals are animals because they devour their prey, not based on any rational principle, but purely based on wild instinct. If animals are either subrational or irrational, and if they share their outlaw nature with the sovereign, then it would follow that sovereigns themselves are subrational or irrational.

Of course this is the problematic that has remained with us throughout the history of political philosophy. In Plato’s *Republic*, the key element is to marry philosophy with power, to bind together reason with sovereignty. This is why it is so important to train children to become philosopher kings, because the impulses of irrationality threaten to overtake them. But if we accept Derrida’s analysis, the marriage of reason and sovereignty can never happen as a matter of definition. Sovereignty is irrational by definition.

The subrationality or irrationality of the sovereign takes on a finer point when he comes to the wolf of Machiavelli. He directs us to the chapter in the *Prince* on the faith that is to be kept by princes. He notes the commonly known contention by Machiavelli that princes are

⁵³ Derrida, *Beast*, Volume I, 21; *La bête*, Volume I, 43.

constrained not to keep their commitments, all for the purpose of maintaining power and security for his people. The discussion has to do with what is “proper to man.” Combat with laws is proper to man. To tell the truth is proper to man. But there is another way to combat, and that is with force, or with beasts. Force is not what is proper to man, but what is proper to the beast. The prince must therefore combat with both laws and force, as he sees fit, and therefore must act as proper to man and beast. When the law is not powerful enough to achieve the desired end, then it is necessary to act as a beast. We learn from this the necessity of being double. He insists on the animal part of the figure itself to be hybrid: a composite of a lion and a fox. Machiavelli’s emphasis is on the cunning of the fox rather than the strength of the lion.

Derrida learns at least two lessons from Machiavelli’s analysis. The first is that wolves are the enemy and need to be hunted down. The prince is to be both the fox and the lion: the fox sets the snares while the lion frightens. Derrida notes that Stratcom employs this as a strategy, that in order to weaken one’s enemy the sovereign prince must make it seem as if he could go off the rails at any moment, with the possibility of a military attack: “one must show oneself to be blind and stupid in the choice of targets, just so as to be frightening and have the enemy believe that one is acting at random, that one goes crazy when vital interests are affected.”⁵⁴ Along with this is the lesson that the privilege of the fox is evident from the union of the fox and the lion against the wolves. The appeal of the fox is that his force is more than physical force, that his cunning adds a force that can never be felt simply by the brute strength of the lion. The prince must be foxlike in dissimulating as a lion, to pretend to be a lion.

But while it is the case that the sovereign is great in stature, vicious, and cunning, it is also the case that the sovereign exceeds all of these essential qualities. For it is not just that the

⁵⁴ Derrida, *Beast*, Volume I, 89; Derrida, *La bête*, Volume I, 130.

sovereign is great in stature, but that he is higher than high, greater than great, and more majestic than majesty: “What is essential and proper to sovereignty is thus not grandeur or height as geometrically measurable, sensible, or intelligible, but excess, hyperbole, an excess insatiable for the passing of every determinable limit: higher than height, grander than grandeur.”⁵⁵ Within the drive for sovereignty is the concomitant pursuit to outgain and outlast all competitors. In this sense the drive is endless, for there will always be enemies (both internal and external) to be extinguished. The sovereign drive will always be increasing in size, as competitors pursue the proverbial arms race in like fashion. There will never be enough weapons to add, never enough surveillance, and never enough territory to acquire. The pursuit of sovereignty is at once fully rational and fully insane, since no sovereign power can afford to pursue power endlessly without self-destruction or fail to pursue power without being extinguished by an outside enemy. The same is true of domestic control of the populace. Surveillance of ordinary and roguish citizens increases as the sophistication of those who would seek the state’s harm increases apace. All actions by the sovereign are done with “no tribunal, not even an exceptional or military tribunal and who, in the name of his self-defense, his self-protection, his supposed ‘legitimate defense,’ annihilates the defenseless enemy.”⁵⁶

But Derrida adds another dimension to the “hyperbolic desire” to pursue power: the complete absence of thought in the pursuit of it. He says, “It is this void that nonetheless pushes it, pulses it, compulses it, it is what promises, promotes, and makes one think of a drive that is absolutely *bête*, *entêté*, that never gives anything up, that is an absolute stranger to all thought.”⁵⁷ This is the *ithyphallus*, the penis that remains erect permanently, pulsing and growing without

⁵⁵ Ibid., 257; 345.

⁵⁶ Ibid., 211; 283.

⁵⁷ Ibid., 224; 299.

prospect of receding. It is a mindless pursuit of pleasure and power for its own sake without any plan for deference or surrender.

In “Psychoanalysis Searches The States Of Its Soul,” Derrida discusses a series of letters between Freud and Einstein in 1931-1932. In these letters are discussed questions of war and peace among the nations. Einstein sees that the only way to limit international war is to establish an international “legislative and judicial body to settle every conflict arising among nationals.”⁵⁸ International security requires “unconditional surrender by every nation, in a certain measure, of its liberty of action, that is to say, its sovereignty.”⁵⁹ Force and right go hand in hand; no right without coercion. Einstein understands that strong psychological factors paralyze efforts toward this international justice, namely a drive for power, characterizing the governing class of every nation: “This class is spontaneously sovereignist; it opposes a restriction on the sovereign rights of the State. This drive for power yields to the activities and demands of another group whose aspirations are purely, Einstein charges, mercenary and economic.”⁶⁰ Freud agrees with Einstein, arguing that if the drive for power or cruelty drive is irreducible, and more ancient than the pleasure or reality principle, then no politics will be able to eradicate it. Politics can only domesticate and negotiate it. He notes that the League of Nations did not have power because the separate states were not ready to renounce the sovereignty of their own power. He denounces the illusion that we can eradicate the cruelty and sovereignty drives. What is necessary to cultivate is a “differential transaction” of “indirect progress: an indirect, always indirect way of combating the cruelty drive.”⁶¹ So there are only differences within a “same cruelty.” He therefore

⁵⁸ Albert Einstein and Sigmund Freud, “Why War,” in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, vol. 22 (London: Hogarth Press, 1964), 199-200.

⁵⁹ Einstein and Freud, 200.

⁶⁰ Derrida, “Psychoanalysis,” 251-252; *États*, 35.

⁶¹ *Ibid.*, 271; 72..

recommends a “politics of indirect diversion,” such that cruelty and sovereignty are diverted in order to limit their damage.⁶²

But what Derrida wants us to learn from Einstein, Freud, and the history of sovereignty, is the inevitable connection between sovereignty, animalistic cruelty, and stupidity. The problem with international legislative tribunals is not necessarily a weakness of procedures or bureaucratic ineptitude. The problem is that sovereign states necessarily live for their own survival, and will act in cruel fashion against their neighbors (and subjects) if it is necessary, and even if their actions appear entirely irrational and stupid. The sovereign and cruelty drives are innate in people and the states that represent them. The fight to the death will not end until one beast has devoured the other beast(s).

Sovereignty as Divisible

While painting a stark picture of the history of sovereignty--the history of the ontotheological conception of sovereignty--Derrida's larger argument is that sovereignty deconstructs itself, both in concept and practice. This begins with a notion of the self as divided against itself. He says the following in *Specters of Marx*:

[The] living ego is auto-immune, which is what they do not want to know. To protect its life, to constitute itself as unique living ego, to relate, as the same, to itself, it is necessarily led to welcome the other within...it must therefore take the immune defenses apparently meant for the non-ego, the enemy, the opposite, the adversary and direct them at once *for itself and against itself*.⁶³

The end result of the deconstruction of sovereignty is that sovereignty must learn to think its other—the other that lives within. We begin to sense this when he follows Heidegger who suggests that what is proper to man is not what is familiar to him, but rather that which is

⁶² Ibid., 271; 73.

⁶³ Derrida, *Specters*, 177; *Spectres*, 224.

unheimlich or unfamiliar: “[T]he essence of man, what is proper to man (his fundamental feature, his Grundzug), is this being foreign to everything that one can identify as familiar, recognizable, etc. What is proper to man would be, basically, this way of not being secure at home (heimlich), even with oneself as with one’s proper essence.”⁶⁴ Man is a stranger to himself. Therefore, the notion of sovereignty as ipseity falls apart since there is nobody and no state that is fully master of its own person. Moreover, what Deleuze calls a “Robinsonade” is a “world without others,” which he describes as the “world of the pervert...a world without other, and thereby a world without possibility.”⁶⁵ For Deleuze, “the other is what possibilizes...all perversion is *autruicide*, *altricide*, a murder of possibilities.”⁶⁶

Derrida expands on this notion of Dasein as *unheimlich*. What is it that Dasein or man does in a most excellent way, in a sovereign fashion? In an ironic way, Dasein is the entity which is the most *unheimlich*—the most unfamiliar—with itself. What Celan calls the “majesty of the absurd”⁶⁷ is really the majesty of the human, since the absurd is nothing other than the unfamiliar and strange. For Celan, the nature of poetry is less an essence than a movement, a path, and a direction toward the other. The “punctual now-present of the poem...of a punctual *I*, my now-present must *allow* the now-present of the other, the time of the other, *to speak*.”⁶⁸ This is not a political statement as such, an opening of democratic debate and a granting of equal time to all participants. Instead, the strangeness of what is proper to man in his punctual now-present compels the other to have its own time. The familiar is unfamiliar. The at-home is foreign. The punctual present opens itself up to the other in time.

⁶⁴ Derrida, *Beast, Volume I*, 265; *La bête, Volume I*, 356-357.

⁶⁵ Derrida, *Beast, Volume II*, 27; *La bête, Volume II*, 55.

⁶⁶ *Ibid.*, 27; 55.

⁶⁷ Derrida, *Beast, Volume I*, 220; *La bête, Volume I*, 294.

⁶⁸ *Ibid.*, 232; 309.

We can now understand how it is that a thinking of the other is cruelty's antidote.

Understanding that cruelty and state sovereignty have an "indissociable tie,"⁶⁹ Derrida longs for an economy of sovereignty that exceeds the economy of the possible, without eradicating the unconditionality of sovereignty itself: "What I am going to name defies the *economy* of the possible and of power...a beyond of economy, thus of the appropriable and the possible."⁷⁰

While many may argue that the death drive is itself "an aneconomic appearance," it is necessary to dream of some "unconditional without sovereignty, and thus without cruelty."⁷¹ This beyond is the order of the impossible, the impossible other. If idealized sovereignty on the order of Robinson and Rousseau is a "world without others," then the call for an "unconditional without sovereignty" is a call for a world with others. When put all together, Derrida longs for a paradise where unconditional sovereignty is itself conditioned by an order of unconditionality that is beyond it. We need to be "attached to a life...other than that of the economy of the possible, an im-possible life...the only one that is worthy of being lived...for a possible thinking of life."⁷² For Derrida, "there is something more majestic" than the majesty of the king, something "more sovereign or differently sovereign," something that "exceeds classical sovereignty...mastery, lordship, absolute power."⁷³ This something beyond sovereignty "introduces into the now-present a divisibility or an alterity that changes everything. It gives over to a total rereading of the predominant authority, even of the majesty of the present, that becomes that of the other or that of a dissymmetrical division with other, turned toward the other or come from the other."⁷⁴

⁶⁹ Derrida, "Psychoanalysis," 268; *États*, 66.

⁷⁰ Ibid., 275; 81.

⁷¹ Ibid., 276; 82.

⁷² Ibid., 276; 82.

⁷³ Derrida, *Beast, Volume I*, 230-231; *La bête, Volume I*, 307.

⁷⁴ Ibid., 232; 309.

Derrida therefore is not trying to eliminate sovereignty, but wants to think it anew. Instead of thinking purely in terms of nation-state sovereignty, we must think of sovereignty as multiple, competing, and even collaborating. This is not just something that is happening in theory, but rather is happening all the time in the world. For example, it is in the name of the sovereignty of man that nation-state sovereignty has come into question. Whenever one calls for the abolition of the death penalty, the questioning of state terrorism, or the indiscriminate violation of human rights, then one is in the territory of questioning state sovereignty itself. Throughout the world today, through international terrorism and criminal activities of nonstate actors, the once sacrosanct sovereignty of nation states is being dismantled. But as Derrida says over and over, sovereignty does not have a contrary. While in one sense sovereignty is not sovereignty if it is not indivisible, what we observe today is the sharing of sovereignty. This means that sovereignty is no longer unconditional and pure. Instead, “the choice is not between sovereignty and nonsovereignty, but among several forms of partings, partitions, divisions, conditions that come along to broach a sovereignty that is always supposed to be indivisible and unconditional. Whence the difficulty, awkwardness, aporia even, and the slowness, the always unequal development of such a deconstruction.”⁷⁵

Carl Schmitt finds this invocation of the sovereignty of man (and other sovereignties) invidious and deceptive, cloaking actual nation-state interests. Whenever one nation-state determines that humanitarian interests are violated in another nation-state, it is always really for the sake of its own imperialist expansion. By claiming that another nation-state is a roguish outlaw, it diminishes that state’s humanity and thus opens the door for the most inhumane war to take place. For Schmitt, humanity is not a political concept, but rather an Enlightenment social

⁷⁵ Ibid., 76; 114-115.

construction meant to disguise the ambitions of *realpolitik*. What is most frightening about the concept of humanity as a tool is the treatment of rogue states as outside of humanity, thus allowing the hegemonic states to treat the rogues as beasts. From the point of view of Schmitt, two things are terrifying: the treatment of rogue states as non-men (werewolves) and the hypocritical humanitarianism. What Schmitt decries is a dishonest fiction—states and sovereigns should be honest about their warmaking, and not hide behind some depoliticized phantasm.

What Derrida wants to foster is a deconstruction of nation-state sovereignty that does not lead to a depoliticization of the kind Schmitt fears, but rather a repoliticization that would be another concept of the political.⁷⁶ This is not easy to determine, but it is also something that is not just a matter of conceptualization. Schmitt's great error is to absolutize nation-state sovereignty, when it is clear that other actors have legitimate claims to share sovereignty. The possibility of sharing sovereignty would make no sense to Schmitt. For Schmitt the most political of concepts is sovereignty; sovereignty's best manifestation is in the state structure; and sovereignties are political because they have enemies, which are other sovereign states. These sovereignties can be monarchies, oligarchies, or democracies, but in order for them to be sovereign, they require absolute obedience and submission, and enemies that oppose their sovereign existence as sovereigns.⁷⁷

Ultimately, what Schmitt cannot abide and what Derrida wants us to re-think is the possibility that the sovereign self and the sovereign state could be divided against itself, all the while maintaining hegemony over its territory. It is this aporia that Derrida would have us think, and not look for a resolution. Perhaps the greatest difference is the admonition from Derrida for us to think of the self as welcoming the other, even if the other is the enemy itself. For Schmitt,

⁷⁶ Ibid., 75; 113.

⁷⁷ Ibid., 77; 115.

the elimination of the enemy is the extinction of politics; for Derrida, the enemy's assumption into the sovereign state is just the beginning.

Sovereignty as Sharing

The notion of sovereignty as sharing receives greater clarity in a discussion of liberty, which itself is couched within a larger discussion of democracy in *Rogues*.⁷⁸ Derrida does so by way of a brief analysis of Jean-Luc Nancy's *The Experience of Freedom*, where Nancy ambitiously challenges the centuries-long description of freedom as self-mastery, the view that the self is sovereign master over himself. After all, if democracy is sovereignty as ipseity—that is, the people are the cause and end of all things—then it only follows on this logic that democracy be composed of sovereign selves. A truly *democratic* political philosophy would seem to presuppose a voluntarist, conscious, intentional, and decisionistic theory of the person. He follows Nancy in his questioning of this dubious tradition, by analyzing Nancy's premise of “sharing as spacing.”⁷⁹

In question throughout is the validity of thinking about freedom in terms of ipseity, mastery, and the “I can.” Derrida follows Levinas in collapsing the distinction between subject and object, that the person as host makes room for the guest in a primordial, pre-originary fashion. Freedom does not therefore belong to me as such, but rather a person can only be free insofar as she shares it with another. Nancy uses the metaphor of intervals and spacing as a better way to think about freedom: “freedom is relation, or at least in the relation, or like the relation.”⁸⁰ Instead of the *autos* (self) as sufficient unto itself, the *autos* actually destroys itself and removes protections from itself. But even more profound, autoimmunity actually destabilizes the self,

⁷⁸ Derrida, *Rogues*, 42-55; Derrida, *Voyous*, 67-83.

⁷⁹ Ibid., 44; 70.

⁸⁰ Jean-Luc Nancy, *The Experience of Freedom*, trans. Bridget McDonald (Stanford, CA: Stanford University Press, 1993), 69.

removing even the possibility of pure suicide as destruction of the self. Self-referentiality itself is called into question.⁸¹ Autoimmunity is first and foremost a destabilization of the security of the self. If ipseity is a circle, whereby the self comes back onto itself in complete mastery and control, then sharing interrupts that circle.

What is revealed in Nancy's analysis is not a rejection of ipseity as such, but rather thinking of ipseity as sharing, such that sharing is the "general form of existence."⁸² Singularity is therefore characterized not in terms of isolation and indivisibility, but rather essentially as sharing. The "sharing of freedom is spacing," such that the self is thrown into an open space with other selves, since the self can only be free if it is able to go outside of itself into space.⁸³ The self as a singular being is not eradicated, but its freedom is experienced only when it can share in space with other singular selves. While Derrida does not draw it out explicitly in *Rogues*, it is fair to draw the same conclusions about sovereignty as he does about freedom. If sovereignty is equivalent to freedom, then it follows that sovereignty properly understood—at least according to Derrida's new formulation—must be more than absolute and unconditional sovereignty. Sovereignty must be shared, even as it remains unconditional.

The University and Sovereignty

In a discussion of sovereignty and the university, Derrida reveals this same conception of sovereignty that would hold to its unconditionality and its divisibility at the same time. This is indeed the aporia of sovereignty. The value in this discussion is that it gives some practical meat to the theoretical elaboration of such an aporia. As he says, "it would be necessary to dissociate a

⁸¹ Michael Naas argues that "autoimmunity was to have been the last iteration of what more than forty years Derrida called deconstruction." See Michael Naas, "'One Nation...Indivisible': Jacques Derrida on the Autoimmunity of Democracy and the Sovereignty of God," *Research in Phenomenology*, vol. 36, no. 1 (2003), 15-44. Martin Hägglund argues that autoimmunity is the central motif of Derrida's later thought. See Hägglund, *Radical Atheism*.

⁸² Nancy, 145.

⁸³ Derrida, *Rogues*, 46; *Voyous*, 71.

certain unconditional independence of thought, of deconstruction, of justice, of the Humanities, of the university, and so forth from any phantasm of indivisible sovereignty and of sovereign mastery.”⁸⁴ On the one hand, sovereignty must be indivisible in order to be sovereign—it must be absolute, perpetual, singular, and exceptional. On the other hand, sovereignty must be shared, such that instead of sovereignty being limited to state power, it belongs to many different institutions, the university being chief among them. The university is a special instance for what is true of all institutions more generally—that they all have an unconditional right to independence but are always conditioned by other institutions. The unconditionality of the university is unconditional only to the point where it meets the unconditionality of the family, of business, and of the state. Unconditional, indivisible sovereignty is shared among all these institutions, and no one institution has absolute power.

This difficult way of thinking is precisely the aporia that has preoccupied our study from the beginning. In each case it has always been a problem of threshold:

Not only do we risk remaining eternally on the threshold, but what we are really doing is doubting the existence of a threshold worthy of the name. The threshold not only supposes this indivisible limit that every deconstruction begins by deconstructing (to deconstruct is to hold that no indivisibility, no atomicity, is secure), the classical figure of the threshold (to be deconstructed) not only supposes this indivisibility that is not to be found anywhere; it also supposes the solidity of a ground or a foundation, they too being deconstructible.⁸⁵

Derrida’s mode of philosophizing oscillates between a teetering on a threshold and the dissolution of the threshold itself. As he says, he is more inclined toward the latter as he doubts the existence of the threshold as a firm, fixed entity. We observed this with the aporia of death,

⁸⁴ Jacques Derrida, “The University Without Condition,” in *Without Alibi*, 235; Derrida, *L’Université sans condition* (Éditions Galilée, 2001), 76.

⁸⁵ Derrida, *Beast, Volume I*, 309-310; *La bête, Volume I*, 412.

in which Dasein can have no relationship with it as such, but which he must nonetheless experience. Such an analysis calls into question the threshold as such, which assumes indivisibility and firmness. It is this questioning—this deconstruction—that has us re-think the indivisibility of sovereignty.

Perhaps a way to make sense of this aporia is to think of each institution as having an unconditional, indivisible sovereignty within its own sphere. The state does have absolute power, but it does so only in political matters. It remains to be elucidated what we mean by the “political,” but at least we know that the state’s power is not absolute when it pertains to matters belonging to other spheres: those of the university, family, and business, to name a few. We may rightly say that the parents have absolute power (sovereignty) in the family, and that the state may intrude only when parents break public laws. In this sense every institution has an unconditional right to its own domain, while being conditioned by the reach of the state only when public laws are broken. This may be one way to “deconstruct the history...of the principle of indivisible sovereignty even as one claims the unconditional right to say everything, or not to say anything.”⁸⁶

This is perhaps the only way for us to make sense of apparently contradictory statements made by Derrida with reference to sovereignty. Especially throughout his later writings, Derrida insists on his commitment to deconstruct an ontotheological conception of sovereignty, a conception that privileges the silence of an unconditional, absolute sovereign, especially as it finds its expression in the nation-state. At other times, he lauds the power of the nation-state to limit the power of global capitalism. He recognizes the legitimacy of public law to protect the human person from the excess of capitalism and free markets. Derrida also insists on the

⁸⁶ Derrida, “The University Without Condition,” 207; *L’Université sans condition*, 20.

deconstruction of the subject as ego, the selfsame ipseity that is cut off from the other. The concept of hospitality is the way in which this deconstruction happens, as the self opens itself up to the infinity of the other person. At the very same time, he recognizes that the self must maintain some stability of identity, since law and morality depend on human subjects who can be held accountable for their actions. To add another example, one of his consistent bromides is against the exception taken by the sovereign to perform capital punishment, but he makes his argument based on the sovereignty of the individual human person. In general, these apparently contradictory propositions that are held by Derrida at various times, can only make sense if we accept the idea that sovereignty can be indivisible and divisible at the same time—an aporia of the first order.

This is why Derrida can say the following regarding the economy of sovereignty:

Economy is a distributive division not merely because of the *oikos* of which it is the law, but because the law also means division. Rather than on sovereignty itself, which at bottom perhaps never exists as such, as purely and simply itself, since it is only a hyperbolic excess beyond everything—and so it is nothing...it is on these properly mediate words and concepts, impure like middles or mixtures...that we must bring the charge of the question and of decisions that are always median, medial transactions, negotiations in a relation of force between drives to power that are essentially divisible.⁸⁷

Instead of thinking of the purity of sovereignty, we should first think of “drive, transference, transition, translation, passage, and division.”⁸⁸ As Martin Hägglund argues, “the traditional notion of the unconditional as a sovereign instance (which is the foundation of Schmitt’s decisionism) is therefore quite incompatible with Derrida’s thinking of the unconditional. For

⁸⁷ Derrida, *Beast*, Volume I, 290-291; *La bête*, Volume I, 388-389.

⁸⁸ Ibid., 290; 388.

Derrida, what is unconditional is the exposure to the undecidable coming of time, which compromises the sovereignty of every instance a priori.”⁸⁹

Conclusion - The Sovereign as Snake

The sovereign’s opening to the other reaches its peak when he discusses the nature of morality and D.H. Lawrence’s poem “Snake.”⁹⁰ The question that undergirds Derrida’s analysis is the following: what is the nature of morality and what happens if a snake comes into our home? The poem depicts a snake that comes to drink in the narrator’s water-trough, waiting for him to come. The narrator is a “second comer,” one who comes after the snake arrives. Derrida wonders if this is what Levinas considers to be the beginning of ethics and morality: this “after you.”⁹¹ Responsibility does not begin with a decision by the subject as ego, but comes first from the other, the other who is before me, and who I am after. We have no time to decide on the dignity and price of this first comer, since it is he who dictates the relationship. But the “voice of [the poet’s] education said [that] he must be killed,”⁹² since it is a golden, poisonous snake—a beast that surely would harm the poet. The ante is upped, and the moral question presents itself: “must I respect and leave the first comer to do as he will, even if I see that he is dangerous?”⁹³ It is clear from the poem that the scene is a fight to the death, but it is also a scene of hospitality, since the snake is near a source of water. The poet ends up feeling honored that such a guest would come, as first comer, to his water trough. The poet is internally confused, at once compelled to strike the beast and to serve him, to kill him and to show mercy on him.

⁸⁹ Hägglund, *Radical Atheism*, 183.

⁹⁰ Derrida, *Beast, Volume I*, 238; *La bête, Volume I*, 317-318.

⁹¹ *Ibid.*, 238; 318.

⁹² *Ibid.*, 240; 320.

⁹³ *Ibid.*, 240; 320.

Such is the aporetic trial of sovereignty and of the sovereign state. Sovereign states are perpetually found in a position of a fight to the death, where they are given a choice of battle for survival or acquiescence toward submission. Derrida calls for a world where sovereign states do not simply fight to the death, but recognize the other that is within them. The word he employs for this is hospitality, a theme that runs through all of his late political and religious thought. Hospitality is not immune to the aporetic trial, but bears it within its concept. For it is in hospitality that we observe the sovereign host make way for the sovereign guest, even if that guest is a venomous, dangerous snake. It is to this theme that we will turn in the next chapter.

Chapter 5

Hospitality

There has been significant, recent discussion on the relationship between ethics and politics in the thought of Jacques Derrida. There is common agreement that for Derrida, politics depends in some way on ethics. There is more variation of perspective on how successful he is at articulating that relationship. Simon Critchley is notable for having evolved in his own views, providing now a less critical perspective on Derrida's theory of that relationship.¹ Others have tried to work out the implications of that relationship, with varying interpretations.² The issue comes down to how successful the mediation is between ethics and politics, and then whether he provides any worthwhile political guidance that reflects his ethics.

What has not been adequately argued is how and why hospitality is Derrida's fundamental ethic, and then how that particular ethic is related to politics. This chapter will build on the recent discussions, but it will provide a more solid basis for thinking about a politics of hospitality. It will also relate that ethic to politics through the negotiation of the nonnegotiable, or alternatively, the experience of the possibility of the impossible. Finally it will examine how the ethic of hospitality is applied in his cosmopolitical thought and his theory of pure forgiveness.

So far in this study we have observed a common thread in the political thought of Derrida: the experience of the possibility of the impossible is what constitutes human existence.

¹ For the development of Simon Critchley's thought on this subject, see *Ethics of Deconstruction*, 2nd ed. (Edinburgh, Edinburgh University Press, 1999); *Ethics-politics-subjectivity: essays on Derrida, Levinas and contemporary French thought* (New York: Verso, 1999); and "Five Problems in Levinas's View of Politics and the Sketch of a Solution To Them," *Political Theory* vol. 32, no. 2 (April 2004), 172-185.

² Marguerite La Caze, "At The Intersection: Kant, Derrida, and the Relation between Ethics and Politics," *Political Theory* vol. 35, no. 6 (December 2007), 781-805; Miriam Bankovsky, "Derrida Brings Levinas to Kant: The Welcome, Ethics, and Cosmopolitical Law," *Philosophy Today* vol. 49, no. 2, 156-71; Diane Perpich, "A Singular Justice: Ethics and Politics between Levinas and Derrida," *Philosophy Today* vol. 42, supp. (1998), 59-70.

We have seen this logic at work in the way he approaches foundings, decisions, events, history, and sovereignty. A decision is not just a brute, performative act, but always opens itself up to the coming of the event. It is the primacy of the other, the experience of the primacy of the other, that is fundamentally at work in Derrida's thought. It is what marks his work from beginning to end.

But what might this mean for social relationships, and more specifically political relationships? If the experience of the impossible is the experience of the other, how might that be translated into social theory? What is the status of the socius, of the friend, and of the substance that constitutes the polity? What is it that links us as human persons, if anything?

To experience another person appears to be one of the most ordinary things we do. With other people we laugh, cry, love, and speak. With other people we worship, play, work, and build. In each of these experiences it is not inappropriate to say that we experience other people in them. Furthermore, as Derrida observes in *The Politics of Friendship*, the greatest political act for Aristotle is to produce the most friendship possible.³ The most proper political act is therefore to create the most social glue that would bind a polity together—it is to create the conditions whereby more and more people experience each other as friends. This is a most ordinary way to talk.

However, for Derrida this traditional, ordinary way of speaking is not a wholly adequate way to speak about the experience of the other. This is because there is something quite impossible about experiencing the other. If it is true that every other is a radical alterity, that every other is in a relationship of difference, even *différance*, then there is an irreducible disconnect between two people. One need not extend the discussion to the political realm, where

³ Derrida, *The Politics of Friendship*, 8; *Politiques de l'amitié*, 25.

the problem of friendship is amplified in larger and larger polities. Indeed, even in the most intimate of relationships, between two lovers or between a mourner and his dead friend, the relationship is in one sense impossible because of the radical alterity that persists between them.

The central aporia of human relationship is therefore that we experience the other, a person who is radically different from me, but who I experience nonetheless. It is somehow *possible* to experience the *impossible* other. This is not an aporia that we should resist, but rather endure. The laws of iterability and invention, the first aporias we dealt with in this study, can be of some use to us here.⁴ Both laws state that human experience is constituted by the repetition of the same as other. Communication depends upon the security of a code that can be applied in different contexts. Invention depends on the possibility of a publicly recognized machine taking on a wholly new form for the public to use. Duplication in both instances is never pure repetition, but always has difference built into it.

While it is not appropriate to think of human persons as duplicates, it is helpful to think the formulation of the repetition of the same as other. According to traditional formulations, human persons are bound together by the same substance. The search for this substance may lead us down different paths, but the search is motivated by a common intimation: that we all hold something in common. This is set against the obvious reality that human persons are irreducibly distinct creatures, despite their unity. If Levinas is right to say that justice is the “relation to others,”⁵ then any community we build must be done with radically distinct materials. The homonoia (concord) that we experience is therefore an impossible experience, but it is something we nonetheless experience. Indeed, the Greek notion of homonoia leads us to think of

⁴ For a discussion of the aporia of hospitality, as well as its relationship to iterability, see Haddad, *Derrida and the Inheritance of Democracy*, 7-22.

⁵ Derrida, *Specters*, 26; *Spectres*, 48-49.

differentiated harmony, not homogeneous unity. As Derrida says, to borrow a phrase from Maurice Blanchot, we experience a “community without community.”

At the outer limit of this kind of thinking is what happens when we come face to face with the other. Murder becomes the exemplar of the possibility of the impossible. It is impossible to murder the Other because to extinguish the Other is impossible—as we observed in the first chapter, death for Dasein is the possibility of the impossible. Therefore to come face to face with the Other is its own prohibition against murder—the imperative need not come from the outside since it is built into the relationship with the Other.

What intensifies this whole discussion is another key move that Derrida makes throughout his work: the destabilization of traditional oppositions. Speech and writing was the first opposition dismantled, but the same could be said of nature/convention, essence/accident, and a host of others. The same could also be said here between the same and other, host and guest, and friend and enemy. Each of these when properly analyzed reveal not pure opposition but mutual interplay and intermingling. In the end, what makes the “community without community” possible is that the other lives within me. And by consequence, the prohibition against murder of the Other is a murder against the other that lives within me. This is the nature of ethical responsibility: “the commitment to an other that is entrusted to me, for whom or which I have to answer.”⁶

Hospitality as Governing Metaphor

With this in mind, hospitality is probably the most useful term for understanding Derrida’s ethics and politics. This is because it best helps us to understand the experience of the other as the experience of the impossible. It is also the most helpful because Derrida considers it

⁶ Jacques Rancière, “Should Democracy Come?” in *Derrida and the Time of the Political*, 287.

to be the primordial human ethic, an unconditional and absolute ethic that governs all of human life.⁷ The question remains, what is the nature of this hospitality?

For Derrida, the ethic of hospitality begins with the notion that the earth is the common possession of humanity.⁸ Nobody has a primordial claim to any particular piece of land. Private property and borders are therefore artificial constructions, and their legitimacy is always preceded by that common possession. Homes as the sites of ordinary hospitality likewise are legitimate only if we recognize that all people have a primordial ownership of all things. Hospitality therefore is simply the host's welcoming the guest into a space that is already his own.

More than this, it is in following Levinas that Derrida inherits the notion that the self receives from the Other, in discourse and in relationship, far more than it can contain—for it receives an infinity, which is of course impossible. In this sense the host (self) is receiving a guest who exceeds the hospitality the host can provide. There is a welcoming of the face of the other that is more than the welcome can embrace. Furthermore, he adopts from Benveniste the notion of hospitality as substitution, the concept of the “guest-master,” which suggests that the opposition between host (master) and guest is not as stable as we might at first think.⁹ In hosting, the host actually turns into the guest, and the guest turns into the host—they operate in a relationship of reciprocal excess, which is of course impossible. Hospitality as substitution is the experience of the other as the experience of the impossible.

⁷ For a critique of Derrida's notion of unconditional hospitality, see Richard Kearney, *Strangers, Gods and Monsters: Interpreting Otherness* (New York: Routledge, 2003). For more sympathetic perspectives, see Mustaf Dikec, “Pera Peras Poros: Longings for Spaces of Hospitality,” *Theory, Culture and Society*, no. 1, vol. 19 (2002), 227-247; Penelope Deutscher, “Already Lamenting: Deconstruction, Immigration, Colonialism,” *Studies in Practical Philosophy*, no. 1, vol. 3 (2003), 5-21; Couze Venn, “Altered States: Post-Enlightenment Cosmopolitanism and Transmodern Socialities,” *Theory, Culture and Society*, no. 1, vol. 19 (2002), 65-80.

⁸ Jacques Derrida, *On Cosmopolitanism and Forgiveness*, trans. Mark Dooley and Michael Hughes (New York: Routledge, 2001), 20; Derrida, *Cosmopolites de tous les pays, encore un effort!* (Paris: Éditions Galilée, 1997), 52.

⁹ Derrida, *Adieu to Emmanuel Levinas*, 18; *Adieu à Emmanuel Lévinas*, 42.

The responsibility entailed in showing hospitality to the infinite other also involves a facing the utterly unique. In other words, it is not just that the other is different from me, but it is different from every other alterity, every other other. We know from Derrida that the decision requires a passive reception of the altogether other—something that occurs for the first and the last time. The same is true as we relate to other persons around us. When we face the other, we face what is akin to the instant of madness that Derrida finds in the decision. It is nothing other than an utterly unique singularity that has never been found before and will never be found again. There is a certain sense of awe that is required when we face some other who is a repetition of the same as other, an utterly unique other.

Therefore, although we welcome the guest, we do so in a relationship of radical separation. Our relationship to the other is primordially one of radical alterity. In the welcome of hospitality there must first be a separation between the two persons. The fundamental disjunction that we remember from Anaximander's fragment via Heidegger is appropriate here as well: "Hospitality assumes 'radical separation' as experience of the alterity of the other, as relation to the other, in the sense that Levinas emphasizes and works within the word 'relation,' that is, in its ferential, referential or, as he sometimes notes, deferential *bearing*."¹⁰ The reason for the disjunction is in part the reception of an infinite other into a finite household. Levinas renames metaphysics as ethics, which "opens itself to—so as to welcome—the irruption of the idea of infinity in the finite."¹¹ Ethics as first philosophy is the experience of hospitality, but it is an experience that is fundamentally disjoined.

Along these lines, Derrida makes a distinction between the foreigner and the absolute other. The foreigner in ancient Greece was someone who had rights, according to prescriptions

¹⁰ Derrida, *Adieu to Emmanuel Lévinas*, 46; *Adieu à Emmanuel Lévinas*, 88.

¹¹ *Ibid.*

on the books at the time. What the foreigner has is a family name, something to identify him according to a lineage and an ethnos. In essence the foreigner has some credentials that would give him credibility in the foreign country. It is the foreigner that we question as soon as we greet him—we begin by interrogation, asking him for his papers and credentials. Not so with the absolutely other. The absolutely other has no family name, no ethnos, and no lineage. He has no credentials that would allow him access across the border, much less in the halls of government, marketplace, or courts. While one might think that this absolutely other is an idealized person who does not actually exist, Derrida insists that we must think at the absolute limit in order to properly think absolute hospitality. It is this absolutely other that we must have in mind as we think about absolute hospitality. Anything short of that will always be a conditioned hospitality.¹²

The opening to the face of the other becomes even more intense when we consider that the other is not only infinite and radically different, but holy. Holiness has a rich and multifarious etymology, but its significance for hospitality has to do with the concepts of being set apart and elevated. Holy sites in the Old Testament were set apart from all other common sites, and because they were holy, they were to be protected. The noun *Giwar* in Arabic means both “protection” and “neighborliness,” and in that association we get the command to protect our neighbors, in the same way we would protect a holy site.¹³ Our neighbors are holy because of their absolutely singular status as unique image bearers of the divine, and as such deserve any protection we can offer them. The primordial call to hospitality is imposed upon us by the need to protect those things in the world that are sacred, including the other as manifested in the

¹² Jacques Derrida, *Of Hospitality*, trans. Rachel Bowlby (Stanford, CA: Stanford University Press, 2000), 25, 27; Derrida, *De l'hospitalité* (Paris: Calmann-Lévy, 1997), 27, 29, 31.

¹³ Jacques Derrida, “Hostipitality,” in *Acts of Religion*, ed. Gil Anidjar (New York: Routledge, 2002), 401.

neighbor. Derrida makes the further remark that the etymology of “protection” binds us not only to our neighbors and friends, but also to our enemies. This chain of meanings gives rise to the notion of the cities of refuge, where even murderers could be given temporary asylum.¹⁴

Now we can see with all of this rich ethical language regarding the obligation to show hospitality, that the closing of the door and the commitment to war presupposes the possibility of hospitality, and not the other way around. This is because peace comes from the hospitality that is primordial. To forget the face is to do so in the background of a pre-originary peace. Contrary to Kant, peace is not something that is achieved in spite of a pre-originary conflict but is rather a reclamation of the peaceful hospitality that conditions everything. This is why Levinas can say, as noted before, that murder is an impossibility, if by impossibility we mean a break with what is primordial. It only happens in defiance of that pre-originary truth.

We can also see now that while there is a peace that is associated with absolute hospitality, that peace can only arise among two separable and separated persons. It makes no sense for peace to occur within the same, but only for the same as other. This is an important point to stress, since it belies the notion that peace arises only from homogenization. There is certainly a temptation to speak of a primordial peace arising from sameness, and that hostility and war only emerge out of difference. Instead, it makes better sense to speak of peace among persons who are different. To be at peace with another, to show hospitality to another, is to show deference to the other. Showing deference is an acknowledgment of the difference of the other. While Kant would argue that peace is a cessation of a primordial hostility, Derrida argues that peace is a primordial relationship of hospitality toward the other. On Kant's reading, it is the trace and threat of hostility that always makes for an uneasy, conventional peace. On Derrida's

¹⁴ Derrida, “Hostipitality,” 401.

reading, it is the trace of primordial hospitality that can always be found even in war. This is because warmaking is always an effacement: it is always the face of the Other—a recognition of hospitality toward the Other—that is obliterated in the act of war. We can therefore remember that even in war the originary welcoming of the face persists.¹⁵

But while there is certainly a pre-originary duty to show hospitality to the other, Derrida argues that a true gift of hospitality must be given generously. According to a Kantian perspective, an ethical action is only ethical if it is done out of pure duty. If a person performs an action in response to external incentives, then that action is not purely ethical. For Derrida, while the host must certainly show hospitality in response to an obligation that is prior to the host-guest relationship, that same host must do so out of a spirit of kindness and generosity: “[I]t is also true that if I welcome the other out of mere duty, unwillingly, against my natural inclination, and therefore without smiling, I am not welcoming him either: One must therefore welcome without ‘one must.’”¹⁶ Here Derrida is in the neighborhood of the Pauline priority of love over all other actions and virtues: if one can speak in tongues or perform miracles but does not have the overflowing of love within him, then those actions are meaningless. The generous smile of love must always accompany duty if we are to truly be hospitable people. In summary, then, hospitality is an open, generous, gracious, unconditional welcome of the face of the Other.

Hospitality as Substitution

Derrida also observes that within the concept of hospitality, there is a hospitality at work, a work of substitution that makes a home for otherwise heterogeneous terms. His appropriation of Levinas leads him to associate the words recollection and welcoming as a way to make problematic the distinction between host and guest and thus introduce the concept of substitution

¹⁵ Derrida, *Adieu to Emmanuel Levinas*, 91; *Adieu à Emmanuel Lévinas*, 160-162.

¹⁶ Derrida, “Hostipitality,” 361.

as constitutive of hospitality. To recollect something ordinarily refers to a mental act, meaning to remember or recall something that was not present to mind a moment ago. More broadly, recollection has to do with returning to the origin and coming home. There is a further equivalence between dwelling and recollection, insofar as dwelling is a coming into one's own, into a land of asylum and refuge. Therefore, within the concept of recollection, there is inherently a welcoming *oneself* back into the home one has created.

Consequently, the host must act as host and guest *at the exact same time*. Hospitality must be patient, but it also must extend invitations. It must be unconditional, but it also must create cultures of welcoming. A host is always in the predicament of not knowing when the guest will arrive but having food ready for them when they do. The host must select the food, but she must be ready to welcome the food brought by the guests. A music list will be prepared by the host, but the host must be ready to eat in silence if that is what the guests demand. The host must be ready to play the part of the host, but must *at the same time* be ready to give that role up to the guest. The host must be prepared to welcome the guest, but she must also be open to the violent rape of an unexpected and even unwanted visitor. She must be prepared to welcome the other who she is not prepared to welcome.¹⁷

What does it mean that the host is a guest in her own house? What Derrida and Levinas remind us of is that a home is first and foremost made *hospitable* to the host herself. Derrida picks up on the feminine character of such a hospitality, but we need not dwell on that feature in order to learn the general lesson. The furniture, bedding, and food will all be situated to make the host comfortable, for it is the host who will most often live in the house. Indeed, hospitality is a primordial, pre-originary ethic that conditions all of life—it is what we do for ourselves

¹⁷ Derrida, "Hostipitality," 361.

wherever we go. When traveling to foreign lands, people do what they can to make themselves comfortable—they try to create hospitable situations for themselves. Hospitality is prior to everything, including the ownership of property. The call to hospitality supersedes the right one may have over one's home: it is absolute and unconditional.

The notion of substitution is all bound up with the understanding of intentionality presupposing a hospitality. Contrary to Husserlian phenomenological intentionality, the act of intention always presupposes a relationship to the other. In that relationship, one must welcome the other into one's own space, into one's own ipseity. There is no intentionality without a relationship to the other. The alter ego that Husserl wanted to maintain within himself was really an ego of radical separation. Derrida says that phenomenology imposes the interruption of the separation upon itself: it is a work of interruption that operates from the inside. Hospitality is an "interruption of the self by the self."¹⁸

What Derrida and Levinas attempt to redefine is subjectivity itself: subject as host and subject as hostage. Rather than think of the subject as over against the object in a place of opposition, the subject actually becomes hostage to the other within itself. The subject is now both host and hostage at the same time, performing what is clearly the impossible. It is what Derrida calls a "separation without negation," an affirmation of the other within the subject without its being sublated into a Hegelian *Aufhebung*.¹⁹ Along with this redefinition of subjectivity is the primordially of responsibility toward the Other. As Levinas says, responsibility toward the Other is not an appendage to the subject's essential attributes, but exists even prior to the subject's place as a host-hostage. It is in this responsibility toward the Other that the subject-hostage metaphor makes sense. For our obligation to the other involves a

¹⁸ Derrida, *Adieu to Emmanuel Levinas*, 51; *Adieu à Emmanuel Lévinas*, 96.

¹⁹ *Ibid.*, 54; 101.

substitution, a life of sacrifice for the Other, even to the point of death. We make ourselves hostage for the good of the other. But this substitution is again not something added on after the fact, but is part of the primordial constitution of our existence as those who exist for the others within us.

All of this is bound up with what Derrida calls the “implacable law of hospitality,” which is stated in the following manner: “[T]he *hôte* who receives (the host), the one who welcomes the invited or received *hôte* (the guest), the welcoming *hôte* who considers himself the owner of the place, is in truth a *hôte* received in his own home.”²⁰ We see within this quote that the French word “*hôte*” can mean either host or guest, depending on the context. However, the rationale of substitution is not just etymological, but is derived from the Jewish experience in the Old Testament as well as the Christian experience in the New Testament. It is ultimately in the Christian idea of substitution and its attendant idea of becoming-hostage that absolute hospitality finds its main expression.²¹

Derrida finds hospitality in the riches of the three Abrahamic religions, through the French thinker Louis Massignon. Massignon followed the path of Abraham and when he did so, he realized that he was indeed not only the father of three of the great religions, but also the host-guest par excellence. Abraham was one who took on a name not his own (Abram to Abraham) to intercede for a people not his own (Lot and the Sodomites) into a land that was not his own. What Abraham did not fully realize at the time was that he was a guest showing hospitality to his hosts, a stranger in a foreign land which would someday belong to his own people.²² In a strange irony, Abraham was traveling through a land that was promised to his descendants but that he

²⁰ Ibid., 41; 79.

²¹ Derrida, “Hostipitality,” 376.

²² Ibid., 370.

would never himself fully possess, all the while showing hospitable kindness to the people who owed him hospitality.

But it is the visitation of Yahweh in Abram's life that changes his life forever. It marks the beginning of an entire history of God's primordial role of guest in the lives of his people. The God of the Old and New Testaments is a God who dwells with his people. Although the Israelites live in a habitat made by God, they are called to make a home for him. At first this is just the proximity of the pillars of fire and cloud that would light their way. Then there is the obligation to build both a tabernacle and finally a temple where he would dwell.

While the Israelites ultimately reject the presence of God as a guest in their midst, God sends Christ into the world to dwell among his people in order to rescue them. Ultimately Christ fulfills the role of host-guest. He comes from a home in heaven where hospitality persists in perfect harmony among the three persons of the Trinity, to visit a world that opposes him, to rescue a people who belong to him but have rejected him. In his earthly ministry he welcomes the lowest of the low, the prostitutes and the tax collectors, people who would not only be the guests of society, but its pariahs. He behaved as a guest in a world that was rightfully his to claim, denying the temptation to forge a political revolution in favor of a world where all would be welcome into his universal kingdom. He then performs the ultimate act of sacrifice, becoming enemy number one in order to transform his people into the friends of God. He then unconditionally welcomes all people into his kingdom, calling those who are his enemies to lay down their weapons and embrace him. One of the final pictures of Christ and his people is that of a great supper, where the Savior of the world will finally take his rightful place as dinner host, and the people of God will be the guests. The great host who became the guest to make enemies into friends finally reclaims his place as the Great Host, a title he never really relinquished.

It therefore makes sense that hospitality is one of the central ethical frameworks of the Old and New Testaments. While love is the chief Pauline virtue, hospitality is its chief expression. The command to care for the poor and oppressed in the Old Testament is accompanied by the command to care for the widow and orphan in the New. The church becomes the dwelling place of God where faith is the only condition for entrance. Furthermore, outreach to the outside world is to be characterized by hospitality. As Christians stand in (substitute) for Christ—as they house Christ’s Spirit within them—they are to face the non-Christian world in a spirit of hospitality, in order to win them over to Christ. As Christ was hospitable to his people, so his people are to be hospitable to the outside world. The hospitality is to go as far as becoming hostage to the world—to the point of persecution—in order to honor Christ and bear witness to his work.²³

The Passage from Ethics to Politics

The ethic of hospitality is an absolute, unconditional ethic. Indeed there is no such thing as a moral injunction that is not all-encompassing in its demand. There is no room in an ethic for partial obedience, like a child who would choose to obey his parent only when convenient. The choice to disobey does not abrogate the absoluteness of the command itself. More than this, however, the unconditionality of the ethic is immeasurable. The call to hospitality can never be fulfilled, saturated, or achieved. Just like the end of history can never be fully realized, our obligations toward the other can never be complete. Hospitality is without measure.

However, we live in a world where choices must be made, borders drawn, limitations recognized, and laws followed. In other words, we live within a world that is marked by both the

²³ Derrida, “Hostipitality,” 379.

unconditional and conditional, the absolute and the relative, the measured and the immeasurable.

Derrida admits to the tension within his thinking on hospitality:

It is as though hospitality were the impossible: as though the law of hospitality defined this very impossibility, as if it were only possible to transgress it, as though *the* law of absolute, unconditional, hyperbolic hospitality, as though the categorical imperative of hospitality commanded that we transgress all the laws (in the plural) of hospitality, namely, the conditions, the norms, the rights and the duties that are imposed on hosts and hostesses, on the men or women who give a welcome as well as the men or women who receive it. And vice versa, it is as though the laws (plural) of hospitality, in marking limits, powers, rights, and duties, consisted in challenging and transgressing *the* law of hospitality, the one that would command that the ‘new arrival’ be offered an unconditional welcome.²⁴

How does Derrida aim to deal with this aporia? We see a first effort at this answer when he discusses Levinas’ longing for a hospitality that is both *beyond* and *in* the state. Going beyond the state is a look toward the messianic future that we discussed in chapter 3: it is a “going beyond” the “state of Caesar” to the “state of David,” a politics beyond politics as we ordinarily understand it.²⁵ It is hard to know if Levinas wants to totally defer that dream of a politics to come, or if that dream should be somewhat instantiated in the politics we live within today. He certainly distinguishes between ordinary politics and a “messianic politics,” but it is less clear how effectual the latter was to be in the former. It could also refer to an order that is specifically non-political: family life, nongovernmental organizations, and transnational institutions all of which are committed to an ethic of absolute hospitality. However, when he says that “the messianic City is not beyond politics,” it is clear that a messianic politics ought to be somewhat effectual in the politics of Caesar. It is also clear that the hospitality that was part and parcel of

²⁴ Derrida, *Of Hospitality*, 75; *De l’hospitalité*, 77.

²⁵ Derrida, *Adieu to Emmanuel Lévinas*, 74; *Adieu à Emmanuel Lévinas*, 135-136.

the Jewish Torah is meant to apply to the whole of humanity as well. There is a sense in which the “beyond in” proposed by Levinas is another play on hospitality: in this case it is the political that must show hospitality to the absolute law of hospitality.

Derrida argues that we need an “intermediate schema,” a *via media* between ethics and politics, between unconditional hospitality and legal hospitality.²⁶ There needs to be an intermediate schema because the two concepts are radically separate and indissociable *at the same time*.²⁷ Just like the pairs guest/host and friend/enemy, these two aspects of hospitality both depend on each other and are repelled by one another. But as with law and justice, the pair unconditional/legal hospitality operates differently than many of the other conceptual pairs with which Derrida deals. Like justice, unconditional hospitality is prior to and above legal, conditional hospitality. While unconditional hospitality needs legal hospitality to have any effect in the world, Derrida is clear to say that the former has a conceptual priority over the latter. In other words, unconditional hospitality acts as the norm against which legal hospitality is measured.

We receive some more clarity when he addresses this issue in “Ethics and Politics Today.”²⁸ He says that what really is happening (or ought to) within politics is the “negotiation of the nonnegotiable.”²⁹ Rather than attributing urgency to ethics and patient calculation to politics, he argues that both are urgent: urgency for the here-now and for waiting. The puzzle of

²⁶ Derrida, *Of Hospitality*, 147; *De l'hospitalité*, 131.

²⁷ There is considerable debate in Levinas scholarship on how ethics relates to politics in his thought. While it is outside the scope of this dissertation to adjudicate that debate, Madeleine Fagan argues that for Levinas, “the ethical is always already political” and there is an “aporia within the concept of the ethico-political.” Whether or not this is an accurate reading of Levinas, it is virtually identical to my reading of Derrida’s view of the ethico-political. See Fagan, “The Inseparability of Ethics and Politics: Rethinking the Third in Emmanuel Levinas,” *Contemporary Political Theory* 8, no. 1 (Feb 2009): 21.

²⁸ Jacques Derrida, “Ethics and Politics Today,” *Negotiations, Interventions and Interviews: 1971-2001*, ed. Elizabeth Rottenberg (Stanford, CA: Stanford University Press, 2001), 295-314.

²⁹ *Ibid.*, 304.

that aporia aside, he observes that political actors always make ethical claims. Political actors that protest unjust murders are doing so in the name of an ethics of life preservation. Hostage negotiators are negotiating the nonnegotiable of human life. Budgets are negotiated according to the nonnegotiable of equity and fair treatment. Immigration laws are negotiated according to the nonnegotiable of absolute hospitality. Politics is the arena of negotiation, but negotiation is only secondarily between two negotiables; rather, politics first negotiates with the nonnegotiable.

The line between ethics and politics is therefore rather blurry, and perhaps even a moving target. Derrida concludes along with Levinas--that although a better hospitality is incumbent upon us, that although our current laws of hospitality fall far short of adequately welcoming the other--the voice that would speak about the mediation of ethics and politics is silent. There is an impasse here that cannot be delimited, even if the dependence of politics upon ethics is necessary to maintain. There is a formal relationship that cannot be effaced, even if the exact content of that relationship must remain undetermined, lest we succumb to machine-like generalities. The most we can hope for is a "better" or "less bad" political arrangement.³⁰

Regardless, to live within the aporia of absolute hospitality and legal hospitality is to live within the possibility of the impossible. As Marguerite La Caze argues, "[C]ertainly Derrida's conclusion that we must negotiate between unconditional hospitality and conditional hospitality seems to be the beginning of thought on a set of important ethical questions rather than the end of reflection."³¹ There is no other way for us to responsibly conduct our politics, unless we want to escape into high-minded idealism or crass self-interest. It is the ordeal of struggling through this aporia that typifies the best of liberal, representative democracy. A government that engages in principled discussion and debate, with the aim of reaching pragmatic compromises, would

³⁰ Derrida, *Adieu to Emmanuel Lévinas*, 115; *Adieu à Emmanuel Lévinas*, 198.

³¹ Marguerite La Caze, "Not Just Visitors," *Philosophy Today*, no. 3, vol. 8 (2004), 319.

seem to be a government that understands the limits placed upon it by absolute and legal hospitality alike. This means that appeals ought not to be immediately made to a moderate middle, but rather should start with the unconditional and then take into account the considerations of legality and practicality. Even with all this in mind, it must be remembered that partisans wrongly become so frustrated with democratic compromise because it does not satisfy their unconditional demands. Democracy to come will begin with unconditional demands, never being satisfied with partial advances but understanding that such is the world we inhabit. But to expect politics to absorb the full weight of the unconditional would be to confuse the unconditional with the conditioned. Derrida does not give us a solution for how to live within this aporia, only that we must live within it. A solution would only squash existence itself.

Hospitality of the Third

Yet we are faced with another aporia as we think about the passage from ethics to politics: the question of the third and universality. What has probably been assumed in this entire analysis is that hospitality is a relationship between two others, between two persons. But the world in which we live—the political world—does not just involve two people, but what Levinas calls the third. The question therefore is the following: as we think about hospitality, do we have to make room for the third, as we glance over and notice not just the third, but the rest of humanity staring at us? Or is there something built into hospitality that already includes the third?

The answer offered by Levinas, and presumably Derrida, is that hospitality necessarily includes a welcoming of the third. There is a “call of the third” that issues forth an aspiration to seek hospitality within politics. The problem with the introduction of the third is that it

introduces an “anonymous universality,” which itself is a kind of tyranny.³² As soon as we emerge out of the face to face of the I-Thou (or however one wants to term that relationship), we enter a world that is more and more anonymous. We come to depend increasingly on a state apparatus that maintains an order in a polity where fewer and fewer people know each other as friends, and nobody can show hospitality to all the people in the polity. Moreover, as Levinas puts it, the hospitality that arises from the I-Thou is transformed into the We, which results in a state that judges according to “universal rules,” and not ones that honor the singularity of the other.³³ Here Levinas and Derrida must have in mind the problems that issue from a mass democratic society, where citizens are no more than wards of the state, atomized individuals who do not have relationships of hospitality with each other. In relationships of hospitality, the presumption is that laws are made with the singular other in mind. These laws therefore can bend to the specific needs and desires of the other, in the same way a host would make specific arrangements for a guest’s dietary needs. This particularity begins to be lost as soon as the We replaces the I-Thou. As Derrida says, “[t]he violence of the political mistreats the face yet again by effacing its unicity in a generality.”³⁴

But what becomes evident is that the inclusion of the third is inescapable in our obligations of hospitality. The substitution that happens primordially with the other happens just the same with the third. The subject as ipseity “affects” the substitution, but this substitution is “plural *a priori*.”³⁵ The third has a face just like the Thou of the I-Thou, and because of that is included in the welcoming hospitality that goes forth toward and with the other. The We

³² Emmanuel Lévinas, *Totality and Infinity*, trans. Alphonso Lingis (Pittsburg: Duquesne University Press, 1969), 306.

³³ Ibid., 300.

³⁴ Derrida, *Adieu to Emmanuel Lévinas*, 98; *Adieu à Emmanuel Lévinas*, 171.

³⁵ Ibid., 110; 190.

therefore is just as primordial as the I-Thou, even if it introduces numerous practical difficulties in its wake.

We receive greater clarification when Derrida raises the issue in *The Gift of Death*, although a final solution does not emerge.³⁶ Here he explores the aporia between the singular and the universal, when faced with the following question: if hospitality is about welcoming the other, and the welcome of the other is a face to face encounter with the absolutely singular other, then how can we welcome all of the *other* others? How do we respect the singular expression of the person in front of me while equally respecting the universal demand to love all people?

For Derrida, responsibility consists of obeying both a general, universal law while submitting to the absolute singularity of the other. The prime example of this is the story of the test God put Abraham through when he commanded that he sacrifice Isaac. The test represents a simple duality that persists in all human experience—the obligation to obey a universal law (in this case, to not murder) and the obligation to obey the law of the singular other before me (in this case, the command by God the other to kill his own son). Abraham is called by God, who is the wholly infinite Other, to sacrifice his only son Isaac. This command is puzzling to Abraham since it not only violates the general, universal prohibition against murder, but it also would vitiate the promise God made to bless the whole world through his seed. The puzzlement on the part of Abraham indicates the secrecy on the part of God, since he reveals the command to kill Isaac, but he does not reveal the reasons. Abraham is silent about it as well, harboring his own secret thoughts on the issue. However, while it appears to be an extreme case, it illustrates what we all experience as humans, the aporia of responsibility that we all must endure. The internal

³⁶ Jacques Derrida, *The Gift of Death*, trans. David Wills (Chicago: The University of Chicago Press, 1995); Derrida, *Donner la mort* (Paris: Éditions Galilée, 1999).

struggle that Abraham experiences is simply a more intense version of the struggles as we carry out our responsibilities in the world.

Derrida observes that nobody would hesitate to condemn the murderous act of Abraham to kill Isaac, an act for which Abraham is fully guilty since he was only stopped by an act of God. However, what do these same people say when instead of feeding those who are starving halfway across the world, we choose to feed our family? Is this not a preference for the singular other (family) over against every other other (starving humanity)? What justifies such a choice? Derrida says that these high-minded people “are in no way perturbed by the fact that, because of the structure of the laws of the market that society has instituted and controls, because of the mechanisms of external debt and other comparable inequities, that same ‘society’ *puts to death* or...*allows to die* of hunger and disease tens of millions of children...without any moral or legal tribunal.”³⁷ And this kind of dilemma occurs all the time, where we are caught within a situation that favors a singular other over against a more general other.

A couple observations are worth making on this particular issue. There seems to be a meaningful difference between two aporias that Derrida seems to conflate, such that one is really an aporia and the other is not one at all. On the one hand, there is an aporia between the general and particular. This aporia has on one side a general, universal law, such as prohibitions against murder and theft. It is a law that is binding on all people at all times. On the other side is a particular law, a duty we would have toward a particular other that we would not have to someone else, such as family and community obligations. This is a very ordinary duality that only seems to be a problem when the two laws come into conflict. But there seem to be many situations where these two laws would not conflict. How is the feeding of my family, which

³⁷ Derrida, *The Gift of Death*, 86; *Donner la mort*, 119.

surely is a choice to *not* feed a family in Africa, a moral problem? It is in fact necessary that my family be fed, and I am peculiarly situated to meet that need. Further, I am a person of limited resources who can only do so much at one time. This is what Derrida seems to suggest when he insists that this aporia is something we experience every day. We are finite creatures who can only do so much in our efforts to show hospitality to the others around us, while in truth every choice we make is a choice not to do something else. There does not seem to be anything morally problematic about this aporia, as such.

What Derrida seems to have a larger problem with is that aporia that occurs when the general and the particular do not equally obligate a person. In the case of Abraham, he had a general obligation to not commit murder pitted against a particular obligation to obey the voice of God. However you want to term this aporia (general/particular, religious/ethical), he was legitimately stuck in a double bind, that between the preservation of his son and obeying God. Derrida connects this dilemma with the dilemma we all have when we have actually built systems that make us culpable in injustice. Have we participated in an economic system that has contributed to the poverty of others, a participation that is innocuous on its face and morally unproblematic by itself? Do we sacrifice Isaac in order to obey the secret voice of God? It is this kind of aporia with which Derrida would justifiably have a problem.

In other words, it is not hard to go along with Derrida when he says that the aporia demonstrated by the sacrifice of Isaac is “inscribed in the structure of our existence.”³⁸ When we choose one person over another, one other over another other, we are in effect *sacrificing* the one over the other. The lives we lead are constituted by sacrifice, indeed a gift of death. The relevant question becomes not whether such an inscription is true, but whether it is justifiable. For the

³⁸ Derrida, *The Gift of Death*, 85; *Donner la mort*, 118.

reasons just stated, it seems that in some cases it could be justifiable and in other cases it may not be. But in the cases where it is not justified, it would no longer seem to be an aporia. This is because, as we already know from Derrida's more specific work on aporias, that aporias present *no problem*. It is not an aporia if by contributing to an unjust system I impoverish millions of people. Indeed, that is not an aporia but a problem that deserves correction, an injustice that demands restitution.

This is all to say that the hospitality owed to all the others in a political society is not so easily determined. While Derrida may follow Levinas in his embrace of the third, it is not clear what that may mean when we have to select some friends over others. If it is true that we owe hospitality to every other other, then how are we to fulfill this obligation exactly? The answer to this question is not entirely clear. The problem is that we are all bound within polities that require us to choose one over another on a daily basis, where our group of friends is not coextensive with the size of the polity itself.

Cosmopolitanism

We also observe the application of the ethics and politics of hospitality by way of his work on global politics, especially in a short essay, "On Cosmopolitanism."³⁹ We know already that there are such things as nations, groups, and borders—in short, there are sovereignties. These realities would seem to defy absolute hospitality, for absolute, unconditional hospitality pays no respect to legal conventions. By destabilizing the relationship between host and guest, unconditional hospitality further destabilizes national borders and sovereignties. If the host becomes the guest, and the guest becomes the host, the borders we draw between nations are not arbitrary, but they are conventional, even blurry. If the guest in a country is actually the host,

³⁹ Derrida, *On Cosmopolitanism and Forgiveness*; *Cosmopolites de tous les pays, encore un effort!*

then what absolute claim does anyone have to their home, except to say that we all have the primordial responsibility to make a home, to show hospitality even to ourselves? This is the abiding logic that drives Derrida's global political analysis.

As has already been noted, despite the temptation to relegate the notion of absolute hospitality to the world of ethics, quite apart from the practical world of politics, Derrida sees unconditional hospitality and legal hospitality as indissociable. As with law and justice, unconditional hospitality and legal hospitality need each other. The former needs the latter to keep from being "a pious and irresponsible desire,"⁴⁰ and the latter needs the former to provide normative guidance. The former binds the latter to practical realities, but the latter opens up the former to endless possibilities.

But Derrida's conclusion to his short essay on cosmopolitanism does not give us much by way of solid proposals on how to further the conversation. Instead, he calls for "experience and experimentation,"⁴¹ an openness to new ideas on how to improve on the laws of hospitality that we currently have, in the space between the unconditional and legal. This is the law of iterability and the law of invention at work—this is indeed the nature of democracy to come. It is a spirit of experimentation, a pragmatic pursuit of an ideal that will never be realized but must never be effaced. Democracy to come is the political application of the spirit of invention, a spirit that has already been recognized as an absolute hospitality toward that which is new, in accord with a publicly recognized code. Hospitality therefore takes on a double meaning in Derrida's thought: an openness to the radically other in time, and an openness to the radically other person.

The only application we receive in this essay is the idea of the cities of refuge, city-states that would unconditionally welcome asylum-seekers and refugees, and whose laws would rise

⁴⁰ Derrida, *On Cosmopolitanism and Forgiveness*, 23; *Cosmopolites de tous les pays, encore un effort!*, 57.

⁴¹ Ibid.

above the particular sovereign laws of nation-states. The first examples of these are biblical. In Numbers 35, the text speaks of cities set aside for those who have accidentally killed another, lest they be killed themselves. It will give them space and freedom from anyone who may want to avenge the killing, before an actual trial could take place. This was not to be the case for those who did commit murder intentionally, but only for those who did so accidentally. The original reason for the cities of refuge is modified in the medieval period, but the same internal principle applied. In the medieval world, certain cities were granted special sovereignty to determine laws of hospitality, always conditioned by the universal hospitality of unconditional acceptance.

In the modern period and the development of Kant's cosmopolitical thought, the issue becomes a little more complicated. While Kant agrees with the tradition that all human beings naturally have "common possession of the surface of the earth," this common possession does not include those things that are artificially constructed.⁴² These artificial constructions would include states, nations, borders, and sovereignties. On this logic, even though all people of the globe would have access to the Nile River by virtue of its coming from nature, only those who are citizens of the countries through which the Nile flows would have legal access to it.

According to Derrida, two implications result from the Kantian position. While the "right of residence" is a natural right for all people, it must be secured by treaties between states. Of course this means that when states ignore such a right, they are ignoring the primordial law of hospitality. States would be required to recognize this right only on an ad hoc and conventional basis. All that Kant is willing to offer as required is the "right of visitation," which does not allow guests to *reside* in the host country unconditionally, but only to visit without hostility. The

⁴² Derrida, *On Cosmopolitanism and Forgiveness*, 20; *Cosmopolites de tous les pays, encore un effort!*, 52.

primordial right belonging to the guest has therefore much less generous application in Kant's framework.

It should be noted that nothing in Derrida's analysis commits him either to a world government or an elimination of sovereign borders. Indeed, that would be to miss his point entirely. At their best, sovereign borders must be seen as conventions that respond to the unconditional law of hospitality. Because of that law, borders may become more porous and open to the coming of the guest. It is just that what is unconditional is the common citizenship and ownership of all people. Sovereign borders are conditions set by people groups and certainly have no absolute, permanent warrant.

However, Derrida is very skeptical about the role of sovereignty as it relates to international human rights, especially the rights of those who want to cross borders. The international system is not so much a system but an ad hoc arrangement of alliances formed by sovereign states. The problem with sovereignty as an idea and practice is that it implies and demands an absolute control over a territory. There is no sense in talking about a country sharing its sovereignty with another, or making room for other sovereignties to lay claim to their own territory, even the sovereignties of individual persons. Sovereignty is associated with ipseity, whose figure is a circle or wheel—it is a power that comes back onto itself. This raises the question why Derrida would not support some stronger version of an international framework that would enjoin states to obey, with limitations, the universal law of hospitality.

His skepticism about sovereignty as a guarantor of immigrant rights is accompanied by his personal passion for those who are without papers, or "*sans-papiers*."⁴³ Those who are without papers are immigrants who have fled their home country and have no documents that

⁴³ Jacques Derrida, "Derelictions of the Right to Justice," in *Negotiations*, 133-144; Derrida, "Manquements du droit à la justice," in *Marx en jeu* (Paris: Descartes & Cie), 73-91.

would certify their right to be in the country to which they emigrated. Derrida is most incensed at laws that would make it criminal to house those who are in the country illegally. In this regard, the obligation to legal hospitality overrides even the ethical obligation to absolute hospitality. These kinds of laws have a perverse way of effacing the very ethic that is supposed to govern all immigration law. Writing in 1996 against a French law that would do this very thing, Derrida argues that the great tragedy of the regulation is its ostensible effort to show hospitality to the foreigner, in the name of a long history of French hospitality. In truth, hospitality is shown to the foreigner only when it serves the interests of those who are already there. If undocumented immigrants provide an economic benefit to the host nation, then the laws will be liberalized. As soon as those immigrants do not provide a benefit, the open arms of the host country suddenly close. That country has a politics that deems certain people “unworthy” of hospitality according to an imaginary rubric of acceptance. The host country is forced to fabricate a record of guilt on the part of those without papers, in an effort to justify the refusal to show them hospitality.

For Derrida, this kind of law represents all that is wrong with immigration policies among sovereign nations. If the ethic of absolute hospitality is truly unconditional, then such an ethic ought to condition at least to some extent both the laws of the land and the behaviors of its citizens. To have as a defacto policy the requirement that immigrants are welcome only if they meet conditions stipulated by the host country is to completely efface the spirit of unconditional hospitality. Instead of eliminating conditions for entry, the conditions are created wholly by the host country. The obligation of the host to treat the guest as a host has been completely vitiated. Further, that everyday citizens would have as an impulse to welcome people without papers should speak to the law of unconditional hospitality, not be deemed a criminal offense. To

completely ignore both the unconditional law of hospitality and the impulses of one's own citizens--and to do so in the name of hospitality—is to participate in a truly regressive politics.

Difficult questions regarding hospitality and immigration remain for Derrida even as he provides us with a helpful framework. What kinds of conditions would he set for immigration? What to do about immigrants with criminal records or terrorist connections? What about those who would cross with full knowledge that they break the law? It is one thing to craft more permissive immigration policies but quite another to allow those who break the law to walk away with no consequences. Furthermore, should not the same expectation we place upon hosts to act as guests apply equally to guests to act as hosts? In other words, a guest who acts as host within a foreign country should not give up all responsibilities attached to his being a guest. Or is the priority given to the guest to act however she would like?

While Derrida's intermediate schema may not give us all the answers we want, what seems to be clear is that legal hospitality should never eliminate the call for all people to obey the law of unconditional hospitality. A law that prohibits ordinary citizens from welcoming strangers into their houses would be such an inappropriate limitation. If these same citizens continue to harbor the strangers after learning of their illegal status, then it would be the prerogative of the government to uphold their own laws. But to criminalize ahead of time even the basic impulse to show hospitality, an impulse that is so clearly primordial, could be quite damaging to the basic ethic of a polity. If friendship truly is the glue that binds a polity together, it seems wrongheaded to discourage the kinds of actions that would promote such a friendship.

Forgiveness as Hospitality

The typical trappings of a hospitable person or a hospitable culture are not hard to determine: a warm fire, good food, pleasant conversation, and a soft bed. On a broader level,

providing access to employment, housing, and health insurance could be construed as normal practices of social hospitality. But as one who is driven to think a concept at its limits, Derrida wants to know what hospitality looks like when the guest is not just a guest, but a true enemy. What kind of hospitality would you show to someone who stole from you or terrorized your citizens? What kind of hospitality would a society show to an entire group, when that group was responsible for gross injustice? For Derrida, it is the concept of forgiveness that must provide an answer to these questions, and it is forgiveness that represents the limits of absolute hospitality—hospitality without measure.

In his thinking on forgiveness, Derrida takes the concept to the extreme. For forgiveness to be pure, it must be done with a sense of forgetfulness. In other words, the one doing the forgiving must not know that he is forgiving. This is indeed absolute hospitality—for one to show true hospitality he must in one sense be completely unprepared. He must be overwhelmed by the guest, ready and not ready for his visit. Likewise, when one forgives another, he must not be conscious of the forgiveness. If one is conscious of the forgiveness, then he is doing so according to good conscience and duty. To truly forgive, one must not be aware of the forgiving act. It seems like Derrida has in mind something like willful ignorance, if one wants to truly forgive.

Furthermore, if forgiveness is to be pure, it must be unconditional. One of the conditions commonly placed upon forgiveness is the condition to be asked forgiveness. On this model there would be an exchange between the forgiver and the forgiven: the latter must ask forgiveness from the former if the forgiveness will take. This assumes that one of the requirements of forgiveness is remorse or apology on the part of the wrongdoer. For Derrida, forgiveness is true only if it goes beyond the order of exchange. It must be uncoerced, with no plan for redemption

or resolution. Certainly the Christian tradition supports this view, for in Christ's admonition to forgive seventy times seven times, there is no equal admonition to wait first on an apology. Forgiveness must be freely given.

As we might expect, if there is a relationship of forgiveness between the guest and host, that relationship will be reciprocal, even aporetic. If the guest comes into someone's house and is in the wrong, it is clearly the host's responsibility to forgive the guest. At the very same time, it is the responsibility of the guest to forgive the host, since the host is never fully prepared to show hospitality. We know this from experience when hosts inevitably complain about the dirtiness of the house or the sourness of the dessert. Derrida argues that unconditional forgiveness is inherently mutual and reciprocal. It is always the case that forgiveness will be necessary for both host and guest.

It is important to note here that according to Derrida, persons are infinite and therefore exceed the capacity of the host to properly welcome. When one comes face to face with the other, whether that is the wholly Other God or the other person, one is immediately overwhelmed, knowing right away that she does not have the capacity to properly house the other. We think of Moses having to turn his face when the presence of God passes, or a peasant who barely has the gumption to turn his face up in the presence of royalty. In this sense, the responsibility to forgive is primordial to human experience, in the same way that hospitality is primordial. There is an inevitable, primordial inadequacy in human relationships that demands forgiveness—although because forgiveness is a gift, it can never be demanded. The call to forgive necessarily follows from the call for hospitality: the latter provokes the need for the former.

Derrida illustrates these dynamics through the experience of the Nazi Holocaust. From the perspective of the Jewish people, an originary guilt persists for those who have survived the Holocaust. As *Dasein*, as one who is there, who has survived, there is a feeling of guilt in relationship to those who have died. In this sense one is always having to ask forgiveness, since one is always in a state of survival as it relates to those who have died. That forgiveness is never granted since there is no one there to give the forgiveness. The Jews, and all of us who are still living, are in an impossible position of asking for forgiveness that we will never receive. There is a limitlessness both to the guilt we feel and the number of times we will ask to be forgiven that guilt. We know that those who have died are behaving as our *substitutes* and our *hostage* to our survival—they stand in as the ones who had to die.⁴⁴

A final aporia of forgiveness involves the question of silence. On the one hand, forgiveness must not be spoken, for in the word of forgiveness--in the reaching out to the other in a spoken word of forgiveness—it necessarily obligates the other to respond in apology. This would make impure the forgiveness intended since it would drag the parties back down into a relationship of exchange. An offer of forgiveness turns the relationship into a relationship of calculation and intentionality. On the other hand, to keep silent would also not be forgiveness, since forgiveness requires a speech act. To wait to forgive until either party dies would also not be adequate, for what good is forgiveness if the other is not there to receive it? For Derrida, there is no solution to this aporia, except to say that with all aporias, forgiveness must happen on the border between life and death. More importantly, there is no rule given in advance for

⁴⁴ Derrida, "Hostipitality," 383.

forgiveness. Like an act of hospitality, it is a spontaneous, free act done for the other, in the name of the other.⁴⁵

Derrida takes his analysis of forgiveness even further when he requires of forgiveness that it forgive the truly unforgivable. We are meant to think of these terms at their limits, apart from any determined concept, although we are encouraged to imagine what those actions might be. His reasoning is rather straightforward, if difficult to fully understand. If it is possible to forgive someone—if what is forgiven is in the realm of possibility—then it is not absolute, unconditional forgiveness. In order to forgive someone, it must be *impossible* to forgive that person. He is calling us in the experience of forgiveness to experience the possibility of the impossible. Forgiveness must be beyond the scope of possibility, but it is something that we must do. The aporias are indeed thick and thorny.

How are we to determine what counts as the unforgivable? Clearly if we are to think of something, then it needs to be at the limits of human evil and depravity. Derrida clearly has in mind those crimes that would not be rectified by a legal restitution. How can justice really be done for a mass murderer? Derrida also has in mind the apartheid of South Africa. Here we have two groups within one nation, the white minority and the black majority, the former oppressing the latter. Clearly justice would demand that the white minority pay for their evil and the black majority be paid for their suffering. But can justice really be done for these people, especially for those who have died, those we can only hold in our memory? Such atrocities would be classified as the unforgivable. If there is no punishment that fits the crime—if the crime far exceeds any possible punishment—then what is needed is something that far exceeds the crime. Such a thing would be forgiveness, an act that goes beyond the order of restitution and exchange.

⁴⁵ Derrida, “Hostipitality,” 399-400.

However, Derrida disapproves of the Truth and Reconciliation Commission in South Africa because forgiveness is done in a political, conscious, and theatrical fashion. The commission received sanction from the United Nations according to a definition of “crimes against humanity,” and it was done for the purpose of therapy, mourning, and reconciliation. For Derrida, pure forgiveness “should remain exceptional and extraordinary, in the face of the impossible: as if it interrupted the ordinary course of historical temporality.”⁴⁶ True forgiveness should be spontaneous and not done with a pre-set intent to resolve any longstanding issues. It should not require sanction from any external body but should flow from the one who is wronged, almost in an instant of madness. As soon as a third party enters the arena of forgiveness, it is no longer forgiveness but becomes politically contrived theater. It must be remembered that there is nothing natural, predictable, or necessary about an act of true forgiveness. Derrida cites a woman whose husband had been tortured by the white Afrikaaners in South Africa. She stood before the Truth and Reconciliation Commission, saying that only an individual victim can forgive, not a state or an institution, and that she was not ready to forgive.⁴⁷ This woman knew the nature of true forgiveness.

Derrida is not opposed to the processes of reconciliation and amnesty for the purposes of transitional justice. These have their place and in a sense are indissociable from forgiveness. But he is intent on retaining the purity of true forgiveness because of its mystical, secret quality. When a woman truly forgives another for having committed a heinous crime against her husband, for having beaten, tortured, maimed, and killed him, there is an inaccessibility to that act of forgiveness. Only the woman can understand what is going on there. Nobody on the outside—no state, tribunal, or criminal—can understand the nature of her anguish or the nature

⁴⁶ Derrida, “Hostipitality,” 32.

⁴⁷ Ibid., 43-44.

of her forgiveness. This is part of what Derrida means by “democracy to come,” when women like that perform inaccessible acts of hospitable forgiveness to the other who has committed such great evil against her and against her loved ones. In this way democracy to come exceeds the political, but it is necessary for the health and peace of the political. The health of the order of exchange (the political) requires uncoerced acts of hospitality and forgiveness that arise from an order beyond the political.⁴⁸ This is the dream for Derrida--that unconditional forgiveness would be dissociated from sovereignty--a dream that is impossible only because it has not yet been achieved.

Conclusion

Even though forgiveness is a subset of hospitality, it bears a slightly different relationship to the political than does hospitality. As we already noted, there is to be a negotiation between unconditional hospitality and legal hospitality, such that the former conditions the latter and the latter gives teeth to the former. There is no magic formula for how this is to work, but we know that a negotiation of the nonnegotiable is, as it were, nonnegotiable. However, forgiveness does not condition the political, except to say that it is part of the excess of generosity that individuals have toward others. In this sense, forgiveness is of an order completely set apart from the political. Its only impact would be if a complainant forgave a defendant, thus absolving the defendant from any crimes he may have committed. But it makes no sense for forgiveness to be negotiated with the political such that there would be forgiveness codes in the law.

The relationship between hospitality and forgiveness as it bears on the question of ethics and politics is instructive for how we need to think about Derrida’s ethical and political thought in general. Interpreters need to be vigilant in determining what ethical injunctions ought to

⁴⁸ Derrida, “Hostipitality,” 55.

condition the political. This is especially so since it is not always clear in Derrida which injunctions these are. It seems clear from the preceding analysis that forgiveness is not one of those injunctions that can be politicized, since it is something that can only be freely given. Indeed, we could say the same thing about unconditional hospitality, since for hospitality to be pure, it cannot be coerced. However, every sovereign state both has and requires laws of hospitality—so the connection is more natural.

To conclude, it seems that Derrida is basically right to suggest that a negotiation between the ethical and the political is what needs to take place in order for responsible politics to occur. We may need a more detailed theoretical elaboration to help us determine what that mediation would be. But the negotiation can never be reduced to a set of rules or calculations, for that would efface the singularity of what is to come, as well as the singularity of each individual person. The political can indeed be described as the experience of the possibility of the impossible. Put that way, no calculation could ever do justice to its delimitation.

Chapter 6

Democracy

Derrida's life is one marked not only by academic pursuits, but throughout he found himself caught up in the events of the day. When he does take practical action, his tone often changes from the guarded, irenic style of his philosophical writing to one of forceful polemics. In "Taking Sides for Algeria," he argues that a "true democracy" has three requirements: regular, predictable elections; free speech and press; and respect for changes in power as a result of elections.¹ While not the whole of democracy, without these three elements, democracy in Algeria or elsewhere is but a name. Respect for the vote is basic to all of these requirements. First, citizens need to know that they will have the opportunity to voice their opinions through the vote, and to do so on a regular, calendar-guided basis. Elections conducted on an arbitrary basis are not sufficient to guarantee that the voice of the people will be heard with regularity. Tied to that is the necessary expectation that one's vote will matter, that corruption will not alter election outcomes or that incumbent governments will not refuse to hand over power to the election winner. Beneath all of this is the education of the people through the media, so that votes will be well-informed and not misled by government media. This requires a free press, one that is not afraid of prior restraint.

Many examples of these viewpoints and activism could be cited, but what is harder to find until late in his career is any theoretical reflection on democracy. The later Derrida is known for his move to themes of religion and politics, with discussions of messianicity, justice, law, and hospitality. The phrase he uses most regularly to signify his philosophy of politics and history is "democracy to come." However, even patient readers may have begun to lose their patience as

¹ Jacques Derrida, "Taking Sides for Algeria," in *Negotiations*, 121; Derrida, "Parti pris pour l'algerie," *Temps Modernes* 50, no. 580 (1995): 238.

the term “democracy” remained largely undefined and undetermined. The confidence that he may one day elaborate on democracy was not helped by a 1989 interview where he says that “[w]hat’s important in ‘democracy to come’ is not ‘democracy,’ but ‘to come.’”² We also get this sense in *Specters of Marx*, when he remarks that “democracy to come” signifies the opening of a “gap between an infinite promise...and the determined, necessary, but also necessarily inadequate forms of what has to be measured against this promise.”³ In an interview where he states his preference for democracy, he strikes a similar note when he says that “democracy is the place of a negotiation or compromise between the field of forces as it exists or presents itself currently (insufficient democracy, European democracy, democracy American-style or French-style, for example) and this ‘democracy to come.’”⁴ In other words, from this quote what is significant in the phrase is the temporal sense that leads us to think of the coming of the event as this unforeseeable horizon that we passively create as beings in the world, as well as the space created between democracy’s promise and its inadequation. Democracy would seem to be just an accidental bystander to this more basic philosophical analysis of human existence.

A fair question therefore to ask of Derrida is the following: why *democracy* to come? Why not aristocracy to come, monarchy to come, or even Marxism to come? Indeed, Derrida himself places the term “Enlightenment” and “friendship” in front of “to come,” and elsewhere describes democracy as the “least lousy possible”⁵ term, providing further proof that perhaps what is more significant is the prepositional phrase “to come.” This is an especially good question given his strong critiques of liberal democracy’s loudest proponents, although those are

² Derrida, “Politics and Friendship,” in *Negotiations*, 182; Derrida, *Politique et amitié*, 90.

³ Derrida, *Specters of Marx*, 81; *Spectres*, 111.

⁴ Derrida, “Politics and Friendship,” 180; *Politique et amitié*, 87.

⁵ *Ibid.*, 181; 89.

not straightforward critiques of democracy as such.⁶ Still, the vast majority of Derrida's "to come" usage employs "democracy." Furthermore, there are many clear indications throughout his writings that he is in favor of the democratic form. What always seemed to be lacking was a full-throated defense of democracy, or at least an explanation of its essence and an evaluation of its merits.⁷

For the purposes of this dissertation, I want to focus on democracy as an aporetic structure. As Derrida puts it, "democracy is the political experience of the impossible, the political experience of opening to the other as possibility of impossibility."⁸ More specifically, the aporia that governs Derrida's reflections on democracy is that between equality and freedom, that aporia invoked by Aristotle in his description of the birth of democracy when people recognized that they were all "equally free." This works itself out in Derrida's discussion of the indetermination of the concept of democracy, the autoimmunity of democracy, and democracy's homogeneity and heterogeneity.

The Free Concept of Democracy

Throughout Derrida's career, he was certainly committed to the ideal of liberty. In "Passions," Derrida specifically connects democracy with literature. He ties the destiny of literature to the space opened up by democratic freedom. As he says, "[n]o democracy without literature; no literature without democracy."⁹ In other words, the right to say and write anything,

⁶ Derrida, *Specters; Spectres*.

⁷ For important work done on Derrida and democracy, see Haddad, *Derrida and the Inheritance of Democracy*; Häggglund, *Radical Atheism*; Bennington, *Interrupting Derrida*; Alex Thomson, *Deconstruction and Democracy* (New York: Continuum, 2005); Matthias Fritsch, "Derrida's Democracy to Come," *Constellations*, 9, no. 4 (2002): 574-597; Peter Gratton, "Questioning Freedom in the Later Work of Derrida," *Philosophy Today*, 50, Supplement: 133-138; Michael Naas, "'One Nation...Indivisible': Jacques Derrida on the Autoimmunity of Democracy and the Sovereignty of God"; Pheng Cheah and Suzanne Guerlac, ed., *Derrida and the Time of the Political*.

⁸ Derrida, "Politics and Friendship," 194; *Politique et amitié*, 116.

⁹ Derrida, "Passions," in *On the Name*, 28; *Passions*, 65.

the freedoms of speech and press, is presupposed by democracy.¹⁰ This even includes what Derrida calls the right to “nonresponse,”¹¹ which is a form of response. Conversely, the survival of literature depends on the vitality of these democratic freedoms. Implied here is that the freedom to speak and write is tantamount to a democratic society, and that the censure of any speech or press puts democracy in danger. Other freedoms that are held dear by democracy—movement, association, religion—are under threat if the right to literature is suppressed. Further, the freedom of response and nonresponse in literature is absolute—to limit it at all is to limit it entirely. What good is a freedom to speech and press if there is always fear that the government may censure at least part of it, if only a small part? Such a freedom would be in name only.

These freedoms of speech and press, tied to what Derrida calls the “forces of democratization,” the “rapid circulation of images” and the “capillarity of discourses,” all contribute to totalitarianism’s destruction.¹² Writing in *The Other Heading* in 1989, the example he uses is the telephone. Like any advance in communications technology, totalitarian governments are quick to suppress it because it allows people to form a “public opinion,” an opinion that may very well be critical of the government. Is there any doubt that today’s example would be wireless technology? The Green Revolution of Iran was certainly a flash point for the use of Twitter in communicating a message within a totalitarian state. It is now commonplace for media outlets to rely on social media and digital technology for their information and reporting. The ability for non-democratic states to regulate such activity is becoming more and more difficult. Not only do media outlets have so much more freedom by virtue of digital technology, but the consumers themselves have much more sovereignty as they sift through daily events.

¹⁰ For an analysis of the relationship between democracy and free speech, see Thomson, *Deconstruction and Democracy*, 32-37.

¹¹ Derrida, “Passions,” 17; *Passions*, 41.

¹² Derrida, *The Other Heading*, 42; *L'autre cap*, 44.

Rather than submitting to a state-controlled newspaper or the hegemony of mainstream media, citizens now have the ability to create their own news, so to speak, by choosing whom to follow on Twitter or which of many news networks one will watch. The democratization of technology has not only loosened the firm grip of government but that of the powerful media outlets as well.

Derrida is not far from a traditional Enlightenment perspective when he also argues for a “dissociation of the theological and the political” as constitutive of democracy.¹³ In the case of Algeria, there needed to be a space made for different interpretations of the Koran, as well as space made for other religions. The free exercise of faith is necessary for a vibrant democracy, as is equal treatment of various religious expressions. It is not for the political power to decide what is or is not the true religion, but it is the political power’s task to ensure that that question be asked freely and without restraint, so long as a religious expression does not cause harm to other citizens.

While Derrida champions freedom, it is still not clear what it is exactly, and how it fits into democratic life. Derrida observes that democracy often receives a bad reputation because of freedom. Plato famously helped inaugurate this tradition when he characterized democracy as a society where everyone pursues their own pleasures equally--hardly a ringing endorsement for a healthy society. Generally speaking, democracy is seen as a form of government where deference is made to the lowest common denominator of taste and wisdom, because everyone is given *equal* opportunity to share his or her views. In other words, it is not freedom by itself that presents the difficulty; it is the granting of freedom to everyone *equally* when challenges arise. Thomas Jefferson, a great supporter of democracy, was so well aware of this problem that he

¹³ Derrida, “Taking Sides for Algeria,” 122; “Parti pris pour l’algerie,” 239.

deemed it necessary to provide schooling for all citizens, in order to make up for the natural deficiency of the lower classes through education.

In *Rogues*,¹⁴ Derrida picks up on this theme in his discussion of the roué, a man of ill-repute, a debauched, underemployed rabble-rouser. It is a person of this character that comes to the fore when monarchic sovereignty makes way for democratic sovereignty, when the sure rule of One gives itself over to the chaotic rule of the many: “For democracy...will have always been associated with license, with taking too many liberties, with the dissoluteness of the libertine, with liberalism, indeed perversion and delinquency, with malfeasance, with failing to live according to the law, with the notion that ‘everything is allowed,’ that ‘anything goes.’”¹⁵ The democratic man, according to Derrida, is like the neoliberal capitalist who scams people for a profit, always looking for economic gain at the expense of others.

But of course this association of democracy with license (*exousia*) must face off against the association of democracy with liberty (*eleutheria*).¹⁶ In other words, within democracy there is a destabilization with regard to the meaning of freedom. On the one hand, we have the well-documented *ills* that are associated with democracy: license, debauchery, and the pursuit of self-fulfilling pleasure. On the other hand, we have the well-documented *goods* that are associated with democracy: freedom, liberation from oppression, and the ability to pursue the good life without governmental restraint. Both of these truths are true of democracy at the same time, and although in tension, they represent democracy’s truth.

This indeterminacy with regard to the meaning of freedom (between liberty and license) has always haunted the liberal democratic tradition. On the one hand, our precomprehension of

¹⁴ For a helpful summary of *Rogues*, see Samuel Weber, “Rogue Democracy,” *Diacritics*, 38, nos. 1-2 (Spring-Summer 2008), 104-120.

¹⁵ Derrida, *Rogues*, 20-21; *Voyous*, 43.

¹⁶ *Ibid.*, 22; 44.

the nature of democracy precludes the enforcement of what we might call the higher form of freedom: liberty as a feature of a mature, responsible citizen. Personal responsibility cannot be coerced anymore than misbehavior can be fully eliminated. As long as the human person lives along a continuum between the higher and lower forms of existence, there is always a risk that we may all lean toward the lower. Indeed, such a conception of the depravity of human nature has inspired theorists from Augustine to Locke to limit the role of government, knowing that humans would have to occupy the seats of government as well.

At the same time, the liberal democratic tradition has always known that the democratic form will only survive if liberty (the higher form of freedom) characterizes the larger share of its citizens. If a few miscreants were devoted to license, it did not matter as long as the majority of a polity's citizens were devoted to liberty and the pursuit of the good. But because the state could never ensure this outcome, it belonged to the citizens themselves to pull it off. This recognition inspired mediating institutions that would foster the development of responsible freedom: churches, schools, local clubs, and voluntary organizations. Still, the problem remains that in order for democracy to remain true to itself it must give equal time to all people, regardless of virtue.

As Derrida says, on the one hand equality is ensured because everyone takes a turn governing and being governed, representing and being represented. In a world of time and space, the only way for everyone to be *equally free* is for everyone to have an equal turn governing and being governed. On the other hand, freedom is ensured since the wheel makes a full turn, or a return back onto itself. The ipseity of democratic sovereignty is ensured by a full revolution of the wheel. Thus, in typical Derrida fashion, the *roué* of the wheel makes possible the impossible co-existence of a society of *roués*.

But Derrida focuses on freedom as basic to democracy for another, more profound reason: that our interpretations of the concept of democracy are themselves free. The reason Derrida privileges democracy over other forms is not necessarily because of its obvious benefits, but because it is the only form of government that is open to its own perfectibility and transformation. Democracy to come therefore retains the word democracy because within the concept of democracy itself is the notion that a better version of itself is still *to come*. “Democracy” and “to come” live within a mutually reciprocal and necessary relationship with each other. It is not just any regime that can count as “less bad,” or as Winston Churchill put it, “the worst form of government, except for all those other forms that have been tried from time to time.” It is the malleability of both the concept and the practice of democracy that warrants its privilege: “[i]f Derrida privileges the concept of democracy, it is not because he thinks it can guarantee a good or just society but because the concept of democracy more evidently than other concepts takes into account the undecidable future.”¹⁷

Further, the reason Derrida is confident in this privileging of democracy is that Plato in the *Republic* remarks on its beauty—in short, the equal freedom borne within it. It is indeed the beauty of democracy that is perhaps the most convincing proof of its worth. Democracy’s beauty in turn depends on the multiple, diverse number of constitutions and types of people found within it. Within democracy are any number of political forms: one may find the autocratic man or the aristocratic man or the oligarchic man, in addition to the democratic man. What sets apart democracy is that it is made up of all kinds of different people, all with the equal chance at governing and pursuing what they deem best for their lives. So while we find democratic forms of government all over the world today, Plato announced the now persistent truth that there is no

¹⁷ Hägglund, *Radical Atheism*, 171.

such thing as a democratic constitutional form among other constitutional forms. It is, rather, a political space whereby all kinds of people may equally pursue the good life in freedom, and by extension, many kinds of democracy: constitutional democracy, monarchic democracy, and dare we even say, Islamic democracy.

Derrida takes up the issue of whether and why democracy is not presentable as such, doing so by way of Rousseau. Rousseau marshals several reasons for democracy's unpresentability. The first is that it is contrary to nature that the many would govern and that the few be governed. It is more natural that the few virtuous would take the reins of government, and that the many unvirtuous would be governed. Secondly, democracy does not present itself because the virtues required for its sustenance are hard to produce: diligence, self-control, and wisdom. This is not because of a weakness in human nature but because of democracy's unstoppable desire to constantly change its form.¹⁸

An aporia therefore emerges. While Rousseau follows Plato in putting forth the plasticity of democracy—its lack of a form or idea—he also touts the virtues of the same. Indeed, he speaks of the necessity of following the democratic constitution. This is because, that despite the unpresentability of democracy as a form or constitution, fidelity to democracy is necessary because the dangers of freedom are always to be preferred to servitude. The risk of democratic freedom, with all the possible evils we know from classical sources and everyday experience, is better or “less bad” than a government that eliminates conflict through autocracy. Rousseau believes that if men were gods, then they would rule democratically. Such a government would be perfect. Because men are not gods, a perfect democratic government is impossible. But the

¹⁸ Derrida, *Rogues*, 73-74; Derrida, *Voyous*, 108-109.

alternative to the imperfect democratic possibility is far worse. The equality that is so dangerous is also what makes possible democracy's future, chance, and promise.

Democracy therefore is once again apparent as an experience of the impossible as possible. Its impossibility lies in the inability for it to ever present itself as fully democratic, as such. Likewise, its concept is forever being determined, while never being fully determined. It is impossible for democracy as idea to be fully present. But its possibility lies in the fact that we experience democracies all the time and everywhere. As Derrida puts it, today the political is almost completely coextensive with the democratic, even if we may not know what the democratic even is. Our experience of democracy exceeds our knowledge of its essence.

Democracy and Autoimmunity

Democracy's commitment to the other leads to a closely related aporia: that its privileging of the other can work to effect its own demise, a feature Derrida calls autoimmunity. Democracy's commitment to *equal freedom*, to alternating its leadership, to providing a mode of changing its governors, can open itself up to those with nondemocratic aspirations taking control. As Plato notes, democracies are like bazaars, full of all sorts of people, some of whom want to see the democratic way of life come to an end. There is no other way for a democracy to be on this account—any other more assured way of existing would not be a democracy. Democracy always has within itself the ingredients for its own dissolution. Because democracy is inherently concerned with counting and calculation (votes), it is only a matter of accumulating enough nondemocratic types to bring a democracy to its knees. Whether it is Hamas in Gaza or Pinochet in Chile, democracy's other is always there ready to risk its destruction.

This autoimmune suicide that seems constitutive of democracy leads us to some thorny questions that do not have clear answers because of their aporetic structure. Does democracy's

commitment to freedom and equality require it to be open to the free play of those who would seek to bring democracy down? Or is it ever proper to suspend certain democratic freedoms in order to preserve democracy? Would it then still be democracy? Autoimmunity commands that democracy put off, send off, and exclude those who are deemed to be enemies of democracy. Perhaps that means we send them to another polity (extradition), or at least exclude them from the voting booth (criminals). Either way, a conscious decision is made by democracies to perform undemocratic actions in the name of preserving democracy. Such is the essence of autoimmunity. Yet it is equally the essence of autoimmunity for democracies to allow for the dissolution of democracy in the name of democracy. Either way, the autoimmune effect is an inescapable feature of democracy, and the knots are impossible to untie. Given the indeterminacy inherent in the concept of democracy, it is hard even to know how to ask the question, much less give an answer. What we do know is that we have a certain “precomprehension”¹⁹ of democracy’s essence, even if it never fully presents itself to us. This is a knowledge of democracy that can only come to those who live within it. For example, we have a sense about us that if certain security measures are taken too far, that we may not cease to be a democracy, but that perhaps we open ourselves up to those elements that may seek to slow the process of democratization. Still, as soon as we think we have come to the essence of democracy, as soon as we think we have determined a definition of democracy, we find that within that definition are the makings of its own demise. Built within the concept of democracy is the dissolution of its concept.

¹⁹ Derrida, *Rogues*, 18; *Voyous*, 39.

Derrida offers several examples, but the one that seems most illustrative is of September 11 and its aftermath.²⁰ Of course he is not the first to notice the strangeness of a democratic society that seems to suspend democratic freedoms (enhanced interrogation, upgraded security measures) in the name of democracy's preservation. Or that democracy's favoring of the other opened itself up to immigrants who arrived on American soil only to train themselves to destroy the democratic symbols that made it possible for them to commit such acts in the first place! What Derrida offers us is a theoretical framework for understanding that democracy can be no other way. Democracy ceases to be democracy when it no longer favors the welcoming of the other, even if that welcome threatens even the ability to welcome. Likewise democracy ceases to be democracy when it no longer seeks to make it safe and secure for those who would enjoy the benefits of a democracy. Democracy as undetermined concept ceaselessly operates in this aporetic, autoimmune dance of free play. Its elusiveness is apparent in both its theoretical formulation and in its practice. Could it be, finally, that the best witness to democracy is democracy's hospitality and openness to those who would most oppose it? This seems to be Derrida's conclusion on the aporetic nature of democracy.

This analysis should not surprise any close reader of Derrida. This is because it is entirely consistent with the aporetic lens he uses throughout his writings. In this respect, the analysis of democracy as autoimmune is very similar to his analysis of the gift. It may seem strange as we think about Derrida's views on democracy, equality, and liberty that we briefly re-examine his views on the gift. But we know from his writings on the gift, that justice is not to be reduced to bare exchange and equity. For Derrida, the notion of economy "implies the idea of exchange, of

²⁰ Ibid., 40; 64-65.

circulation, of return.”²¹ This is connected to domesticity and the home, and the figure for it is the circle. Each of these notions is tied to traditional concepts of ipseity, which implies a return of the self back onto itself.²² Derrida resists these notions in his invocation of the gift, which always exceeds and interrupts bare circular exchange: “[I]s not the gift, if there is any, also that which interrupts economy? That which, in suspending economic calculation, no longer gives rise to exchange? That which opens the circle so as to defy reciprocity or symmetry, the common measure, and so as to turn aside the return in view of the no-return?”²³ Justice as bare exchange depends on a “common measure” by which all citizen-subjects are to be judged, but the gift exceeds this measure. For a gift to truly be a gift, “there must be no reciprocity, return, exchange, counter-gift, or debt.”²⁴ As soon as the notion of debt creeps into a gift act, the gift is annulled. As soon as the donee give back to the donor, the gift is annulled. This is so much the case, as we observed in our discussion of hospitality and forgiveness, that if the donor is conscious of the gift, the gift is likewise annulled. This is because the donor, in acknowledging the gift, gives back to himself in self-congratulation, even if a material thing is not returned by the donee. The gift must exceed exchange, but it must also exceed even the knowledge that there is a gift. But of course it is not possible for a donor to withhold or ignore the act of giving a gift. This leads Derrida to call such a gift “the impossible.”²⁵

The gift is what occurs when the circle of exchange is interrupted, but because of its nonphenomenal, unconscious nature, it must be done in an instant. Just like the decision, the gift

²¹ Jacques Derrida, *Given Time: I. Counterfeit Money*, ed. Peggy Kamuf (Chicago: University of Chicago Press, 1994), 6; Derrida, *Donner le temps: I. La fausse monnaie* (Paris: Éditions Galilée, 1991), 18.

²² For a deconstruction of the economy of the circle with regard to language, see Jacques Derrida, “The Pit and the Pyramid: Introduction to Hegel’s Semiology,” in *Margins of Philosophy*, trans. Alan Bass (Chicago: University of Chicago Press, 1982), 69-108; Derrida, “Le puits et la pyramide,” in *Marges de la philosophie* (Paris: Les Éditions de Minuit), 79-128.

²³ Derrida, *Given Time*, 7; *Donner le temps*, 18.

²⁴ Ibid., 12; 24.

²⁵ Ibid., 7; 19.

also can never be *present* to us—it is always in a relationship of *différance* to us. As soon as the gift takes up time, or is in time, it is no longer a gift: “in this sense one would never have the time of a gift.”²⁶ But even to speak of the gift—to put the word “gift” into a sentence—is to name it. But to name something is to acknowledge a dimension of possibility for that thing—it is to acknowledge its ontic status. Moreover, as we analyze the gift as such, we recognize that a gift presupposes an intention to give some *thing* to somebody. As he says, “In order for there to be gift, gift event, some ‘one’ has to give some ‘thing’ to someone other, without which ‘giving’ would be meaningless.”²⁷

Derrida’s genius therefore commits us to see very plainly the gift’s simultaneous possibility and impossibility. More to the point, the “conditions of possibility of the gift (that some ‘one’ gives some ‘thing’ to some ‘one other’) designate simultaneously the conditions of the impossibility of the gift,”²⁸ such that they would annul the gift. In other words, it is not as if the possibility and impossibility of the gift pertain under different conditions. Rather, it is the same conditions that make possible, as it were, the possibility *and* impossibility of the gift. The intention to give by the donor is both what makes the gift possible, and what makes the gift impossible. The gift therefore participates—like the decision, event, hospitality, and forgiveness—in the possibility of the impossible.

The parallels between analyses of democracy and the gift are not hard to follow. A democracy is like a wheel or circle, always coming back onto itself in its ipseity. But unlike other forms of government, a democracy also opens up its ipseity. Ipseity is represented by the wheel of democracy only insofar as it is also open to the other. Democracy can never be

²⁶ Ibid., 9; 21.

²⁷ Ibid., 11; 24.

²⁸ Ibid., 12; 24.

completely closed. It is here where the conditions that make the wheel of democracy possible also make it impossible. For it is in the equal granting of power in the wheel metaphor that makes possible the opening of the wheel to its own destruction. A wheel cannot open itself without ceasing to be a wheel. But this is exactly the nature of democracy—a society of free equals which in its equal freedom makes possible the destruction of that very freedom and equality.

Democracy as Homogeneity?

So far we have discussed the ways in which the concept of democracy is governed by the aporia of freedom and equality, that in granting equal treatment to all people, it is possible that the concept and practice of democracy be transformed, even into something that is not democracy. But how we do justify freedom and equality? From where do they come? As noted, in *Rogues*, Derrida uses the figure of the wheel as a way to think about the nature of democracy, to the point where he has a difficult time conceiving of democracy without it.²⁹ The wheel works as a metaphor for democracy in several ways. The first is that a wheel turns and rotates in the same way a democratic government takes turns in its leadership. Therefore the wheel is a symbol of both equality and homogeneity. The origin of this idea is in Aristotle, who argues that in a society of equals, it is only proper that each citizen take his turn in the task of governing. If everyone has an equal stake in society, then each person should have an equal share of its leadership. But because it is a rotation, like a wheel, this democratic government moves forward down the path. Each person has an equal share in its leadership, and each has an equal chance to place his imprint on society. The wheel moves forward, rolling over previously untrod ground, even if those who once ruled will rule once again when the wheel makes a full rotation.

²⁹ Derrida, *Rogues*, 6-18; *Voyous*, 25-39.

For Derrida, that the wheel makes a full rotation brings to mind the sovereignty of the people. Tocqueville is famous for his observation of the remarkable equality of the American people, leading to their passion for democratic rule. According to Tocqueville, in most societies in the history of the world, sovereignty is not shared among all the people of society. An autocracy is the sovereignty of one, and an aristocracy is the sovereignty of the few. For both of these, “[f]orce is divided, being at the same time within the society and outside it.”³⁰ Force is exerted upon the social body without most of them taking responsibility for it. The ownership and responsibility of rule does not belong to most of those who will feel its effects. There is a basic disproportion in the responsibilities of governing.

What distinguishes democracy is that sovereignty does not belong to something outside the social body, but rather comes back onto itself just like a wheel. This is the essence of ipseity. Democracy is the social form of the sovereign self writ large. Just as a person is completely in control of his or her own thoughts and actions, so a people is responsible for its own rule in a democracy. As Tocqueville says, in a democracy the people is “the cause and the end of all things; everything rises out of it and is absorbed back into it.”³¹ In this way the people are like God, who is not only the force behind everything, but is also the purpose of everything.

This feature of democracy should not be missed. While the tradition may argue that a monarchy or even an aristocracy can forge greater unity in society since they are not bogged down by a multiplicity of governors, what those forms lack is full participation by the body politic. Democracy is the only form of government that aspires to full popular participation, and in that way it can aspire to homogeneity. A government that represents only some of the people

³⁰ Ibid., 14; 34.

³¹ Ibid.

will still affect the entire population; a democracy aspires to hear all of the people's voices in its effort to act on behalf of them all.

But the fact of full participation begs the question: how is this justified? According to Derrida, full participation can only be justified by a basic equality of a polity's citizens. But this further begs the question: how is equality justified? This is the tricky question. Derrida discusses the question of homogeneity at great length in *The Politics of Friendship*.³² In each case there is a logical relationship between homogeneity and equality. He cites the myth of the birth of democracy from Plato's *Menexenus*, a myth that depends on an ethnocentric, genealogical understanding of community.³³ The myth states that those who are born of the same mother are naturally equal, and that their natural equality demands a legal equality. This birth was no ordinary birth—the children came from good mothers and good fathers, thus allowing for their achievement of virtue and wisdom. The result is not a democracy composed of the middling sort, but an aristo-democracy. There is both a natural and legal equality, but because of their common, noble birth, it is a virtuous democracy. What ensures this nobility is that the land's ancestors never married foreigners and barbarians, thus retaining the high quality of Greek virtue in the blood line. Both the mothers and the land itself deserve praise. Socrates is clear that the Greek city is not like other cities, where masters rule over slaves or the strong over the weak. Indeed, the only inequality in the Greek city stems from a difference in *reputation* of virtue and wisdom. Natural and legal equality is total throughout the Greek society. The necessity that Socrates observes between the natural and the legal is an unbreakable necessity. It combines both a constative description of equality based in a noble, common birth, and a performative promise of a legal equality.

³² Derrida, *The Politics of Friendship*; Derrida, *Politiques de l'amitié*.

³³ Ibid., 93; 114.

Derrida also cites Kant's vision of "pragmatic friendship," where someone takes it upon himself to become friends with an indeterminate number of people, what he calls the "friend of man."³⁴ The friend of man is in love with the whole human race, a pragmatic humanitarian sensibility. This friend is not a mere philanthropist, but is guided by an Idea. This Idea is equality required by justice, represented in the figure of the father and brothers. The brothers live in submissive equality, all born to the same father who himself is not a man. Friendship exists between the brothers, but not between the brothers and the father, who share a reciprocal love. The father makes friendship possible, and wills the happiness of all the brothers—but he himself cannot participate in the friendship. But the important point is that the brothers kill the father, and after doing so live in equality with each other.

Both of these visions--the Platonic myth of a common mother and the Kantian story of a common father—are useful for understanding the relationship between homogeneity and equality. In both cases, a homogeneous human substance provides a natural basis for equality. But this has Derrida of two minds. On the one hand, the linking of fraternity, homogeneity and equality is indispensable. As he says, he never wants to eliminate the concept of fraternity, since it helps provide the glue for our societies. Further, while the origins of democracy can only be mythological, they are still necessary. We know ourselves to be equal beings, and therefore we tell a story to justify that sense of equality. Whether it is because of divine creation or a common father or mother, we know that we ought to be legally equal. There is built within this discourse a desire for the family, a desire for one family to bind all human beings together. Not just the family in general, but a specific family must do the work to bind everyone together, and act as a representation for humanity. The specific family to which Derrida points is the French family.

³⁴ Ibid., 260; 291.

One is a universal brother only insofar as he is first a French brother: “fraternity is universal only in first being French.”³⁵ As Victor Hugo says, the twentieth century would see a great, exemplary nation that would represent humanity; and that great nation would be France. It will be like an older sibling (an older brother) to the rest of the nations, and will have legislation which is as close to a copy of natural law as possible.

But while the need to posit a universal family is deep within us, Derrida is of another mind when he says that the fraternity in question is imaginary, even though the adherence of friendship to fraternity does not want to be imaginary and conventional. The myth of political communities being founded in homogenization is indeed a fiction, a phantasm, and a justification for setting political boundaries. It would seem that according to the myth of *Menexenus*, democracy as a concept and practice is rooted in an autochthonous belief about community, a belief that has produced the worst of nationalism, ethnocentrism, and xenophobia. The problem with homogeneous accounts of community is precisely in its exclusion of those who do not belong to the nation or ethnos. Derrida therefore wonders whether any thinking of democracy throughout history has escaped such a belief, whether democracy can ultimately be severed from a genocentric conception of community. For if it is, then all that we hold dear as democrats—calculation, rule of the majority, care for the singular—would be called into question.

This leads Derrida to wonder if it is possible to call for a deconstruction of democracy in the name of democracy. Is it possible to find a democracy that is not rooted in this ethnocentrism and autochthony? More to our point, is it possible to found an equality on something other than homogeneity? What Derrida calls for is a thinking of democracy and equality that breaks away from the genealogical, through a genealogical analysis, to go back to the origin and recognize an

³⁵ Ibid., 264; 295.

originary heterogeneity, to recognize that indeed there is no common birth mother. Derrida recognizes the risk involved in keeping a name historically associated with consanguinity and autochthony, which “can impose homogenizing calculability while exalting land and blood.”³⁶ Is there another way for us to think equality that eschews the fraternalist account? Would we still have equality?

In sum, Derrida wants to justify equality according to an account that does not include a homogenizing, ethnocentrist origin. He understands the power of such an account, but he knows the destructive effects of excluding those who do not belong to the common mother. He desires an originary heterogeneity, even if that cannot be experienced as such. But he sees no alternative, if the alternative is to submit to ethnocentrism.

Democracy as Heterogeneity

Throughout *Politics of Friendship*, Derrida strives to find an equality “that would not be homogeneous, that would take heterogeneity, infinite singularity, infinite alterity into account.”³⁷ What he finds as he examines various passages from the history of philosophy is a primordial dissymmetry at the heart of democracy. For example, he notices that one of the problems at the heart of any discussion of democracy is what to do about inequality of virtue. That democracies are supposed to be governments of the many does not efface the reality of difference in virtue among its citizens. What Aristotle calls primary friendship is that friendship among equals in virtue. Those of the highest virtue are not going to find many with whom they can be friends, since people of that caliber are few and far between. Most people in any society are mediocre in virtue, and democracies depend on that middling kind of person. What binds democracies together is therefore not a friendship of virtue, but a secondary friendship of usefulness. This

³⁶ Ibid., 106; 129.

³⁷ Derrida, “Politics and Friendship,” 179; *Politique et amitié*, 84.

allows citizens of different levels of virtue to come together in assembly to discuss and decide those matters that are of use to all.

In much of *Politics*, Derrida works through texts that find problems with absolute equality. In the first chapter, he cites Cicero who distinguishes “perfect friendship” from “friendships of ordinary folk.”³⁸ While common people can become friends, it is the people of great virtue who illuminate the meaning of friendship. It is about those who exemplify friendship that poems and songs are written. Nobody will write verse about friends who, to put it in Aristotle’s terms, are friends either for their mutual pleasure or utility. Only friends of equally high virtue will be the subject of high literature. Derrida cites another dissymmetry from Aristotle: that between loving and being loved. The action associated with friendship is love, but if one wants to know what it means to be a friend, one must actually do the loving. While it is certainly a good thing to be loved, that by itself will never allow one to know the essence of friendship. It is even possible to love those who have died, to mourn for a friend at his funeral, even if he is not there to reciprocate. In other words, while friendships can and ought to be reciprocal, analytically speaking, it is only possible to know friendship if one is active in his love of the other, and not just passive in his reception of the other’s love. One can be in a friendship without knowing what it means to be a friend, if all he does is receive the other’s friend-love.

In the second chapter of *Politics of Friendship*, Derrida examines Nietzsche’s *Beyond Good and Evil*, where Nietzsche seems to oppose those with “democratic taste” and favor an elite cadre of philosophers.³⁹ What Derrida observes is that Nietzsche actually envisions an excess of all the ordinary features of democracy: more democratic than the democrats, more free than the free-thinkers, more equal than the egalitarians. But Nietzsche’s vision is still for an elite

³⁸ Derrida, *The Politics of Friendship*, 3; *Politiques de l’amitié*, 21.

³⁹ Ibid., 40; 60.

group of the future that does and will embody these things. This is not a recipe for an all-inclusive community, but rather for a small, anchoritic, secretive community of free-thinking equals. Moreover, even within this community each free spirit is truly free in that he maintains solitude. It is an elite community, but Derrida remarks that Nietzsche is the first of the twentieth century to speak about a “community without community,” a society of people seeking “mutual recognition without knowing each other.”⁴⁰ It is a performative pronouncement of a “great politics,” not one subject to public opinion.

What Nietzsche seems to recommend is the founding of a “politics of separation.”⁴¹ This is a community without community, a community that is bound only by their agreement to be silent with each other, to not share secrets with one another. This is not the politics of community that has characterized reflection on the political for centuries. But is this perhaps the truth of those reflections? For it is possible that what binds people together is the distance they choose to keep from each other. Likewise, Derrida follows Nietzsche in saying that “good friendship is born of disproportion,” that to be a good friend, a friend worth having, one thinks of the other higher than he would himself.⁴² It presupposes intimacy without actually being intimate. The new logic calls friendship back to what it should have been the whole time: “[It] calls friendship back to non-reciprocity, to dissymmetry or to disproportion, to the impossibility of a return to offered or received hospitality; in short, it calls friendship back to the irreducible presence of the other.”⁴³

What is therefore called into question by this Nietzschean madness, and anyone proposing a “community without community,” is the possibility of a democratic commons.

⁴⁰ Ibid., 42; 62.

⁴¹ Ibid., 55; 73.

⁴² Ibid., 62; 81.

⁴³ Ibid., 63, 82.

Oligarchy and aristocracy would be the only forms of government that could sustain this kind of friendship. The aporia that Nietzsche wants us to face is the rarity of such a common achievement, that community without community. To be friends with the truth--as philosophers aim to be--is indeed a rarity. Nietzsche finds the "common good" an intolerable contradiction, since the good and the virtuous are accessible only to a few.⁴⁴ He calls the philosophers of the future to abandon the temptation to be in agreement with everyone, or even most. The philosophers of the future will perhaps be those who despise "democratic taste" in favor of friendship with the truth, a rare feat indeed.

While Derrida follows the tradition that would call into question calculable equality, we are still not much closer to an understanding of an equality that takes into account infinite singularity and infinite alterity. "What would an equality then be, what would an equity be, which would no longer calculate this equivalence? Which would, quite simply, no longer calculate at all? And would carry itself beyond proportion, beyond appropriation, thereby exceeding all reappropriation of the proper?"⁴⁵ If justice is no longer bare exchange and equity, then how do we calculate a disjoined equality? Is this even possible? This new way of thinking would call forth a new idea of love that, according to Nietzsche, even renounces the right to property. Christian love is possessive—love of neighbor means to possess the neighbor. Whether this is an accurate way of thinking of Christian love, Nietzsche is clear that possession is not part of his idea of love. The new friendship, the new hospitality, will not set conditions for the other's welcome.

The answer to Derrida's question is that we need a friendship, democracy and equality that thinks the other as *infinite*. Derrida wants us to translate friendship as *philia*, and therefore as

⁴⁴ Ibid., 45; 65.

⁴⁵ Ibid., 64; 83.

the possibility of thinking thought, of thinking the other. It is here that we are to think of the law of the other as the law that precedes all other laws: juridical, political, and even moral. Here we are to think heteronomy before anything else. Responsibility actually comes from the other before he even has a chance to say anything—it precedes us. But the key issue is in the relationship of autonomy and heteronomy (law of self and law of the other), and its attendant political translation. Autonomy and heteronomy must suspend their oppositional relationship in order for us to hear the “what must be” in the political translation.⁴⁶

What is therefore called for in this political translation is that the democracy to come should always respect and welcome the infinite heterogeneity of the other. This heterogeneity is not inequality or superiority, nor is it a submission to the hierarchy that exists in society and politics that for too long has repressed too much of humankind. The aporia is instead “a matter of thinking an alterity without hierarchical difference at the root of democracy.”⁴⁷ The question is how to think equality while at the same time thinking heterogeneity, dissymmetry, and infinite distance. If we are to think a democracy to come apart from traditional fraternalist conceptions of democracy, then it must be done in a way that does justice to infinite heterogeneity.

What we learn is that Derrida actually proposes an equality of infinitely and immeasurably free beings. It is a calculable equality without calculation. Democracies are consumed with counting: counting votes and polling numbers seem to occupy an enormous amount of the public conversation. Derrida argues that democracy opens up the question of “the citizen or the subject as a countable singularity”: “There is no democracy without respect for irreducible singularity or alterity, but there is no democracy without the ‘community of friends’...without the calculation of majorities, without identifiable, stabilizable, representable

⁴⁶ Ibid., 232; 259.

⁴⁷ Ibid., 232; 259.

subjects, all equal.”⁴⁸ The question therefore is how are we to think about the citizen-subject and the polity of which she is a part? Are we to think of the singularity of each citizen, of the justice owed to each unique other, quite apart from any universal, generalizable law? Or are we to think of the calculable majorities, the half plus one that by virtue of their being larger than the minority, have the power of enforcing their will on the minority? Derrida argues that the question of democracy enjoins us to think both of these at the same time. Every democracy must face the injunction to do justice to singularities while following the will of the majority. Whether this is moving toward a more proportional representation system or ensuring the rights of minorities in the court system is not an issue Derrida engages. Still, the injunction to do justice to every other other persists.

To return then to *Rogues*, Derrida observes that herein lies one of the chief aporias of democracy. As we just observed, because of their commitment to equality, democracies are characterized by an equal sharing of power among the people. This means that people come together in assemblies, in the name of a oneness and unity that they do not have when apart. More than that, the image of the wheel reminds us that democracies always return to themselves, both in terms of the calendar of voting and the constant change of leadership. Democracies also bear within themselves some kind of myth that would bind all its citizens together as brothers and as friends.

However, at the very same time and also because of their commitment to equality, democracies are characterized by a concern for the other, alterity, and difference—in short, for the hospitality we discussed in the last chapter. We get a sense of what he means when he mentions Levinas’ notion of right:

⁴⁸ Ibid., 22; 40.

Levinas speaks of an infinite right in what he calls “Jewish humanism,” whose basis is not “the concept ‘man’” but rather the other [*autrui*]: “the extent of the other’s right” is “practically an infinite right.” Here *équité* is not equality, calculated proportion, equitable distribution or distributive justice, but rather, absolute dissymmetry.⁴⁹

This notion of the dissymmetry of right comes up in Derrida’s discussion of Aristotle’s view of proportionality. For Aristotle, an aristocrat’s relationship to a conman is decidedly a relationship of disproportion when it comes to virtue. By *rights* the aristocrat ought to look down on the conman, despising his behaviors and character. However, Aristotle points out that the aristocrat would give to a conman because of his humanity, and not because of what he is as an individual. The concept of the human overrides the individual’s lack of character, and therefore Aristotle introduces a new measure of proportionality. The human *qua* human is infinite in measure, and therefore deserves an infinite amount of respect. This does not efface the basic equality that arises from the measurable units of citizen-subjects. Rather, this is what Derrida calls an equality that “would be at once calculable and incalculable; it would count on the incalculable.”⁵⁰ We could thus have a democracy that does not ignore the differences in individuals—or even the rare possibility of a higher form of friendship—but maintains an equality based on the incalculable worth of the human.

The same thinking leads Aristotle to justify giving the slave the possibility of friendship. It is not a person’s given social status that makes a man free enough to pursue a friendship—it is his humanity. More than that, it is the human soul of a slave that obligates everyone to show friendship toward the slave. It is the human soul that requires us to show justice to the slave, to enter into contracts with them and abide by them, and to share in the goods of the community

⁴⁹ Derrida, “Force of Law,” 250; *Force de loi*, 49.

⁵⁰ Derrida, *The Politics of Friendship*, 196; *Politiques de l’amitié*, 222.

equitably. The slave as tool does not “inspire friendship,”⁵¹ but the slave as a human soul certainly does.

This does not answer all of our questions, but it takes us down a path that would have us think that justice—and democracy and equality along with it—must have more to it than exchange, equity, and calculation. Indeed, if the experience of the other is at the forefront of our ethics and politics, then the infinite worth of the other must dictate how we think about equality of rights.

The missing link in the analysis so far is a theory of the human person that has within it equality’s twin in the democratic form: freedom. Indeed, freedom is the final answer to the persistent question of how to think equality that is not reduced to bare exchange and calculation. This is because the freedom of which Derrida speaks is infinite and immeasurable in nature. In a discussion of Jean-Luc Nancy’s theory of freedom as sharing, the problem is that when we determine this sharing, the freedom of sharing, we realize we are dealing with the immeasurable. As Nancy puts it, “freedom measures itself against the nothing.”⁵² The spacing is immeasurable and unconditional, but in a democratic society we only deal with measurable, equal units. The problem is that democracy presupposes equality of number, but the worth of each numbered unit is without measure. How does a political system maintain its integrity when it calculates votes based on units that are themselves immeasurable? The problem is that if freedom is sharing, then how do immeasurable units share? As Derrida puts it, “The whole difficulty will be located in the injunction of the sharing, in the injunction to share the incommensurable in a just, equitable, equal, and measured fashion,” which has “all the traits of the impossible itself.”⁵³

⁵¹ Ibid., 197; 223.

⁵² Jean-Luc Nancy, *The Experience of Freedom*, 71.

⁵³ Derrida, *Rogues*, 47; *Voyous*, 73.

Derrida observes however that this aporia at the heart of democracy has been there since the classical period. It is the aporia of freedom and equality. Indeed, this is the aporia that has haunted the discussion from the beginning of this chapter. It is this aporia that haunted Plato and Aristotle and has haunted liberal theorists in the modern period. How can we think together the notion that the self is immeasurable but that in its freedom it shares with other immeasurable selves in an equitable manner? Freedom would seem to have us think immeasurability while equality would have us think measurability. Freedom would have us think unconditionality while equality would have us think conditionality. Freedom would have us think priceless while equality would have us think a calculated price. Democracy would have us think all of these things together at the same time, and therein lies the aporia, the experience of the possibility of the impossible.

Derrida finds the roots of this aporia in Aristotle's description of the birth of democracy. On Aristotle's account democracy was born because people recognized that they were all alike free, and that therefore they must be equal in every respect. The logic of this inference is questioned by Aristotle (and presumably by Derrida), but what troubles Derrida the most is not the aporia between freedom and equality. Rather, what puzzles him is that equality, ordinarily thought to signify something calculable, becomes itself incalculable because it has been enveloped into freedom. In other words, the singularities who are equal are incommensurably equal because of their freedom. The aporias are indeed quite thick.

If we accept Nancy's analysis, we begin to see the inadequacy of our language. Self, singularity, ipseity, and sovereignty all have accretions of the classical notion of freedom, and if we are to go along with Nancy, we must think them anew. But is that even possible with these words? How are we to think of a self that is essentially divided, that essentially shares? What

good is it to even use the word “self” anymore? It is one thing to admit to the essentiality of sharing, but it is another to impose that upon a language that is historically tied to another conceptuality of freedom.

The Problem of Democracy and Sovereignty

Does this theoretical elaboration on the nature of democracy have any relevance for practical politics, particularly global politics? Derrida observes that it is only in post-Kantian modernity that a discussion of democracy has been relevant to international relations, the relations among states, and issues of war and peace. However, the discussion is still in its infant stages, since just as Rousseau saw the concept of democracy to be excluded from discussions of foreign policy, so now a full-throated discussion of a democratic, universal world government appears to be a thing of the future. For example, for Kant the expression “majesty of the people” is an absurdity, since only a state could have majesty (sovereignty).⁵⁴ To speak of a league of peoples as sovereign, when each of those states is itself sovereign, does not make any sense.

For global affairs, “democracy to come” refers—among other things--to what he calls an “interminable political critique,” a tool used to expose and critique anything that would come into conflict with the “democratic demand.”⁵⁵ This would be a critique of states and world systems that marginalize and exclude anyone who ought to have an equal stake in the future of their society. This would purportedly include those who do not have an adequate political voice, who quite literally do not have a meaningful vote in their political system, either because the government is not a democracy *de facto*, or because the government’s democratic processes are hindered by corruption. This might also include those who because of their economic status do not feel their political voice is significant, even if the right to vote is granted. It might also

⁵⁴ Derrida, *Rogues*, 81; *Voyous*, 118.

⁵⁵ *Ibid.*, 86; 126.

include the world system, where international institutions like the United Nations are dominated by the few and powerful, rather than giving an equal voice to even the weakest. Anywhere a preference for the “other” or the “more than one” is not granted, “democracy to come” is there to offer a critique.

As I noted in chapter four, democracy to come also calls for a democratization that somehow goes beyond conventional notions of sovereignty. Although it appears that he might be headed in this direction, Derrida is clear that he is not trying to eliminate sovereignty. Rather, he wants to promote countersovereignities that weigh against state sovereignties. For example, he finds the Declaration of Human Rights to be a prime example of a sovereignty that ought to act as a counterweight against state sovereignty. If a sovereign state is violating basic human rights of its citizens, the Declaration of Human Rights ought to act as a ballast against that violation. There ought to be a mechanism of some kind that would intervene and violate the sovereignties of those states that are violating the sovereignty of individuals. Instead of seeing state sovereignty as absolute and indivisible, we see a world full of sovereignties, each of which have a legitimate claim to their space. Is the United Nations the institution to make this happen? International Criminal Court? Derrida is cynical about the history of these institutions, but he does not think their insufficiency justifies an elimination of these *kinds* of countersovereign institutions.

How does democracy enter this discussion? While in a perfect world the United Nations General Assembly, a quasi-democratic body, would be the decision and enforcement mechanism of the U.N., it actually falls to the much less democratic Security Council to make anything happen. Derrida goes so far as to say that the “fate of the democracy to come, in its relation to world order, depends on what will become of this strange and supposedly all-powerful institution

called the Security Council.”⁵⁶ The Security Council’s permanent members are the great powers who also happen to possess nuclear weapons, “a dictatorship that no universal law can in principle justify.”⁵⁷ Moreover, any democratic decision made by the General Assembly is always subject to the veto of the Security Council. We have therefore a democratic sovereignty going against an undemocratic sovereignty.

To add to the undemocratic nature of the United Nations and the Security Council, article 51 of the Charter of the United Nations “recognizes the individual or collective right to defend oneself against an armed attack ‘until the Security Council has taken the measures necessary to maintain international peace and security.’”⁵⁸ During the Cold War, this clause gave cover to the two permanent members on the Council, U.S.A. and U.S.S.R., who were able to resort to force (or the threat of force) when their own survival was seen to be at risk. These two powers, and now the great powers of our day, effectively maintain the world order by virtue of this clause. We thus have a world situation wherein a democratic system is belied by the fact that the institutions that compose the system are dominated by the powerful few. In fact, in a strange irony, it is the sovereignty of the few that established the “conceptual architecture”⁵⁹ of the world system, conceptual architecture that includes the aporetic concepts of democracy and sovereignty. The sovereignty of some threatens the democracy of the whole.

But the problem of the world order is built into the relationship between democracy and sovereignty, two concepts that are inseparable and contradictory—in a word, aporetic. As Wendy Brown notes, “sovereignty is inherently antidemocratic insofar as it must overcome the dispersed quality of power in democracy, but democracy, to be politically viable, to be a (political)

⁵⁶ Derrida, *Rogues*, 98; *Voyous*, 141.

⁵⁷ Ibid., 99; 141.

⁵⁸ Ibid., 99; 142.

⁵⁹ Ibid., 100; 143.

contender, appears to require the supplement of sovereignty.”⁶⁰ If the desire is to devise and implement a truly democratic world system, where the other’s voice is heard, then the *cracy* of the democracy must be there to ensure its effectiveness. It is not so much that democracy and sovereignty are at odds, but that sovereignty and force are built into democracy by virtue of the *cracy*. This means that some force will be responsible for ensuring that the world system is democratic, that human rights are not violated. Ultimately, however, pure sovereignty answers to no one and does not provide reasons for its actions. The sovereign claims the exception by virtue of its being the sovereign. Contrary to freedom, pure sovereignty does not share and does not participate in spacing. Its ipseity is complete and intact—nothing interrupts its circle.

What threatens the democratic global order is therefore the autoimmunity of democracy itself. If the demos requires a *cracy* (power or force) to represent and enforce its will, and if power, force, and sovereignty are defined by the exception, then there is always the risk of a sovereign power acting outside of the will of the demos. As long as sovereignty is part of the democratic order, a chance persists that democracy itself will be threatened. What happens is that individual sovereign states speak sovereignly on behalf of the “democratic world order,” whether it represents their interests or not. In the name of democracy, they call out rogue states for violating international norms, and in Derrida’s view, betray the democracy they are meant to uphold. By going beyond and against the will of the majority of states, they act themselves as rogue states.⁶¹ For a rogue state is nothing other than a sovereign state who uses the right of exception to act undemocratically.

While this may be a recipe for despair, the democratic demand always calls for countersovereignties to stand up against the rogue states of the world. Democracy to come

⁶⁰ Wendy Brown, “Sovereign Hesitations,” *Derrida and the Time of the Political*, 118.

⁶¹ Derrida, *Rogues*, 102; *Voyous*, 145.

recognizes that the heyday of nation-state sovereignty is coming to an end. Globalization has made a space for nonstate actors to act as counterweights against the hegemony of the nation-state. There is a growing recognition that states are not as powerful as they may have once been, even if the notion of sovereignty will never leave us. It would seem that globalization would make a welcome space for Derrida's vision of a more and more democratic world order. Indeed, while sovereign powers need not explain their decisions, we still live in a world that demands a legitimate rationale for state actions. Even the most powerful nation-states cannot run roughshod over international norms without some kind of explanation, even if their power overwhelms the system that is meant to rein them in. The voice of the demos will always play a role in a world democratic order as long as people still believe in that democratic order.

While the focus of Derrida is on the global order, this same aporia of democracy and sovereignty could just as easily be applied to domestic politics. If it is true that every democracy requires a force to enforce its will, then a risk for its perversion is always in play. Indeed, throughout his writings Derrida hints at--without developing--the problem of majority rule in a democracy. If the majority of a population typically gets its way in a democracy, what does that mean for the interests of every other other? This is not a new problem in modern democracy, and theories as diverse as Habermasian discourse theory and proportional representation have been attempts to solve it. Still, democracies always face the problem of a sovereign force not acting on behalf of many of its citizens. That political parties and interest groups see voters and members as clients, or that campaigns are seen as warfare, is evidence enough that democracies tend to leave some people out. Derrida also notes that the name democracy acts as a qualifier to any number of regimes that call into question whether that combination is democratic. The classic example is a government where the virtuous few govern with the approval of the many. This is

certainly the case in modern representative democracies, where we use terms like “political class” and “ruling elite” to describe democratically elected officials. Is there in democracy to come the desire to include everyone?

Conclusion

We have observed in this chapter that the aporias of democracy are thick and multiple. There is an aporia of homogeneity and heterogeneity, freedom and equality, license and liberty, and sovereignty and democracy. Freedom itself bears within it the aporia of self-determination and sharing. If this study has proven anything, it is that democracy occupies the perfect place for a philosophy that endures the aporetic tension of existence. In all its dimensions, democracy is the logical result of the investigation from the first five chapters. Democracy depends on an unconditional khora that cannot be experienced directly but acts as the source of our living free and equal (chapter 2). It also is that experience toward which we aspire, even if the realization of it is impossible (chapter 3). Democracy also bears within it the aporia of sovereignty, such that a body politic has sovereign control over itself while being open to its own dissolution (chapter 4). Finally, democracy is the form par excellence that welcomes the stranger in a gesture of unconditional hospitality (chapter 5). What binds it all together is the central motif of aporia, that democracy truly is the political experience of the impossible as possible.

Conclusion

I have tried to provide a clear understanding of Jacques Derrida's political theory as constituted by aporia, as the experience of the impossible as possible. The logic of the study proceeded along the following lines. After an investigation of what Derrida means by aporia, I then applied it to various themes within Derrida's work. These themes were not selected at random but instead followed a logical sequence, answering a series of questions. The study began with an examination of the founding, where we ask the question: how are institutions and republics founded, and how can they be justified? This led to the conclusion that foundations and origins are best captured by khora. Khora is the perfect symbol to mark his later thought, since it is the place that is not a place, the womb that gives birth to nothing. Whenever he says anything positive about law, society, democracy—anything political or social in nature—it always fall short of full determination and presence. So after we have determined that foundations exceed determination, we are left with the question, how are we to live in the world? The answer is of course aporetic, since when we make a decision, we are never stocked with all the information necessary to make a responsible one. Nor are we ensured that the decision we make will lead to the desired results. Decisions are always haunted by undecidability. Whether we buy into Marxism or liberalism, our embrace of either should always be chastened by this fact of existence. Rather than embracing a view of the decision that would glorify the human will, Derrida calls us instead to open ourselves to the coming of the other, in a posture of absolute hospitality.

The study then took a turn toward the more explicitly social and political. It turned to the theme of political sovereignty, where we ask the question, how is the ruler to govern, and on what basis? This is significantly connected to the question of foundations and decisions, for

Derrida draws out the tradition of onto-theological sovereignty that purports to claim divine authority for itself. The implication of such a claim is to make no room for hospitality, since the decisions are already determined according to divine decree. Derrida argues that just as the decisionmaker must open herself to the other, so the sovereign ruler must open itself to the other—even one's enemy. This is striking because it destabilizes our traditional notions of sovereignty, most especially nation-state sovereignty, a move that Carl Schmitt calls depoliticization. For if nation-states must now open themselves up to strangers and enemies, what integrity do they have left as sovereign entities? We are then left with the question, what is the overriding social ethic that would follow from such a view of foundations, decisions, and sovereignty, and what does that look like politically? We are left with hospitality, which is itself an aporetic concept. It turns out hospitality really is the opposite of the onto-theological concept of sovereignty. Instead of having a sure understanding of justice, hospitality makes room for the strange thought. Its aporia leads even to substitution, where the host becomes the guest and the guest becomes the host. The borders of sovereignty have become eminently porous. The political application of hospitality is also aporetic, since such an absolute hospitality must still negotiate with the world of borders and limits—the world of legal hospitality. We are then left with a tenuous embrace of democracy as the form of government and the experience of life that follows from a politics of hospitality. For it is in democracy--which Derrida calls the political experience of the possibility of the impossible—that we show hospitality not only to the foreign thought, but to the foreigner herself. Democracy is like the “khora of the political”¹ because it exceeds determination and lives within an aporia. It values both freedom and equality, homogeneity and heterogeneity, calculation and the incalculable. It is a form of government that is constantly

¹ Derrida, *Rogues*, 82; *Voyous*, 120.

redefining itself according to the value of hospitality that helps define it. In a sense, democracy is the inevitable outcome of the line of reasoning that ran throughout this study, for it enshrines the virtues of undecidability, hospitality, and shared sovereignty.

But while I hope I have provided a clear argument about the merits of Derrida's political theory as defined by the experience of the aporia, I would like to offer a few comments in conclusion that will both provide inspiration for future study as well as raise concerns about the limits of his philosophy. First, one of the most interesting pieces of this study revolves around the twin themes of sovereignty and hospitality. One of the features of what Derrida consistently calls "democracy to come" is a new way of thinking about sovereignty. As has already been noted, Derrida wants to abandon the notion of sovereignty that is sure of itself in its selfsame ipseity. Sovereignty needs to learn to think its other, to open itself up in a gesture of hospitality. Derrida is on a quest to determine what language to use to describe this new way of thinking about sovereignty and hospitality: shared sovereignty and conditioned unconditionality are two of the phrases he uses to think this difficult concept. Of course, this is not only an intellectual move, but is a description of what is already happening in the world, where nation-states no longer have the power they once had in the world order. Indeed, perhaps what is most helpful about this analysis is that this is a case where our theory needs to catch up with our practice. One need not live in a democracy to understand that the best evidence that sovereignty is *always* shared is that sovereign rulers always have to worry about being challenged. Totalitarian governments are totalitarian in name only, since the very threat of their demise indicates their lack of total sovereignty. In other words, there is no such thing as absolute sovereignty—it is always shared.

The challenge that awaits us therefore is not only to further refine our conceptualization of shared sovereignty, but also to think about how this works itself out practically. The lacuna of course is that our international system is based on an association of sovereign states, who are assumed to retain complete sovereignty over their borders. Indeed, Derrida recognizes the legitimacy of nation-states and does not wish to abolish them in favor of a world that eliminated political borders. Still, within our international system we recognize that states are indeed not totally sovereign. Built within international charters are prohibitions against torture, war crimes, and the like, which explicitly limit the power of sovereign states. What is at least implicitly recognized here is that nation-states are not the only candidates in line to share sovereignty. There are international organizations like the United Nations and its Security Council, which certainly receive their marching orders from nation-states, but have a kind of independence on their own. There are numerous nongovernmental organizations that advocate for a change in laws within nation-states. Multinational corporations and terrorist organizations are also actors that share sovereignty, even if not done in a legitimate way. What is therefore missing from Derrida's analysis is a more elaborate theory of sovereignty, one that takes into account the multiple actors who could rightfully claim a share in sovereignty.

This leads to one of the more difficult areas of Derrida's political theory: his view of human persons. In the later chapters of the present study, it becomes clear that Derrida is uncomfortable with traditional notions of the self, subjectivity, freedom, and human nature. This is because of their complicity in the metaphysics of presence and their association with selfsame ipseity—the very notions Derrida means to deconstruct. Derrida therefore shies away from using this type of language, but I wonder what he loses in the process. Personalist accounts of humanist and Christian varieties always depend on the inviolable, unchangeable dignity of the human

person. Liberal political theory is based in part on the inviolability of a person's life and property. For Derrida, if the sovereign self is no longer a stable entity, what does that mean for his moral and political theory? Is the human person inviolable? We receive a sense of this when he puts forward the aporia of calculable equality and incalculable freedom in a democracy. Democracies are defined by this tension between that which can be measured and that which is immeasurable. It could be that a theory of the human person could be built from this aporia. However, we never receive a clear presentation from Derrida on this score.

The question of personalism also raises questions related to Derrida's views on democracy as a form of government. I think it is very insightful that democracy's appeal is in its refusal to obey any dogmatism or fixed meaning. However, can we go beyond this barebones definition of democracy toward something greater? For example, what would Derrida think of the notion of constitutional democracy? Would Derrida have any room for what we would call the pre-political? In other words, while it is true that in a pure definition of democracy—that people are equally free to define their government as they see fit—it is quite possible that democracy could demolish itself, do any democratic theorists really buy into this definition of democracy? Is it not one of the great inheritances of western civilization that democratic majorities are limited by fundamental constitutional provisions? For example, according to Derrida's definition of democracy, there is always a *threat* that a sovereign nation could establish a national religion. However, according to the American constitution, such a law would never pass constitutional muster because of its clear violation of the First Amendment. Healthy constitutional democracies operate with a pragmatic give-and-take, but always doing so within a larger constitutional context. Is there space in Derrida's democratic theory for such a conception?

Fixed constitutional principles seem to be the kind of thing that would be anathema to Derrida, which leads to another intriguing element of Derrida's political theory: its intersection with religious thought. As observed in chapters 2 and 3, Derrida is committed to a theory of religion that is indeterminate and abstract. This leads him to use terms like *khora* and phrases like *messianic without messianism*. There is an obvious appeal to this strategy. It allows him to take from the riches of religion without being bogged down by its narrow provincialism. For Derrida, as soon as a society commits to one particular religious expression, violence is the inevitable result. So, this allows him to borrow from the Jewish and Christian Scriptures the moral richness of hospitality. This is the motive behind finding hospitality expectations before the giving of a moral law and the instantiation of a particular chosen people. To have a revelation without revelation would allow for a universal ethic, binding on all people. As an alternative to the rationalism and scientism we inherit from the Enlightenment, this is a welcome approach. Science and reason cannot guide us in any meaningful way. Their tasks are far more limited and must exist within a larger existential framework. The evocation of religion is a natural way to provide a context for us to live our lives.

Furthermore, there is much to be said for the invocation of *khora* as a way to understand religious experience, although it is not wholly adequate. *Khora* is useful as a metaphor because it prevents us from violating what is known as the creator/creature distinction. Derrida is helpful to observe that our language does not transport us into the presence of the transcendent, whether that is God or the Good. Neither does language really capture God's essence in a pure way. The best that language can do is provide an analogy of truth, a partial understanding of the nature of God. There is an irreducible disjunction that exists between God and his creatures.

Where Derrida's theory breaks down is in his basic dismissal of revelation. While he is absolutely right that there are common moral principles that can be found in any number of religious traditions (e.g., hospitality), it is odd that he would rely on revelation of any kind to ground his own ethical theory. This is because his own theories of religion depend on an indeterminate source of authority, one that rises above any specific religious tradition. The problem is that revelation is decidedly specific and narrow in its nature. Either God reveals something or he does not. Furthermore, that revelation is a determinate word that can be deciphered (albeit imperfectly) and either obeyed or ignored. But revelation requires a Revealer, and the revealers we have on option are jealous of their subjects' obedience. For example, the Christian God in the form of Jesus Christ specifically claims that all authority in heaven and earth had been given to him, and that no one comes to the Father except through the Son. Now, whether one believes this or not is beside the point. What is important to note is that according to the Christian faith (and the same could be said for the other major religions), there is no option to believe in some ethical system that is abstracted from the specific revelation of Christ. The word of God cannot be parsed like that—it must be taken as a whole.

The failure to buy into a specific revelation is understandable, given the violence that has ensued from well-intentioned religious people. However, the failure to believe in a particular revelation is a symptom of a more fundamental refusal to submit to authority. One need not be a dogmatic madman to believe that a particular revelatory tradition is true and others are not. Derrida does not seem to have space for a view of revelation that could ensue in a balanced consciousness, one that was not bent toward violence and exclusion. What if the overriding ethic of the Christian Scriptures was not to eliminate or coerce others into belief, but rather to show love and hospitality to those who are outside the Christian fold? It is entirely possible that a

particular revelatory tradition has a universal appeal, such that the ethic is one of inclusion and peace, not exclusion and violence. Furthermore, one need not believe in a revelation and also think that we have somehow turned God into an object—the great purpose of the ontico-ontological difference and *différance*. Indeed, even within the words of the Jewish, Muslim, and Christian revelations is the clear declaration that God’s ways are not the ways of man, and that God is utterly other from man. But one can still hold to such a high view of transcendence and still believe that God could reveal himself in an immanent way. It seems that Derrida in his fondness for aporetic formulations would be quite open to the aporia of transcendence and immanence.

So could Derrida commit himself to a constitutional democracy? Is there any room for norms in his political theory? The closest Derrida can come to such a commitment is through what I have already mentioned as the “precomprehension” of norms.² In *Rogues*, he argues that we have a certain pre-understanding of what it means to live democratically, as free and equal beings. This has obvious appeal because it does not commit Derrida to a particular, determined understanding of freedom and equality as concepts. While we still have to articulate what it means to be free and equal beings, we do so only out of an experience of being free and equal. The articulation arises out of our participation in the reality. Like the traveler in Kafka’s “Before the Law,” we have a relationship with the origin of the law that cannot be fully bridged—yet the relationship remains. It is our task to live out the meaning of that relationship as best we can, all the while knowing we will never be able to stand in the full presence of the law’s origin.

The final appeal of Derrida’s political theory is therefore that it matches the existential mode in which contemporary philosophy finds itself. Aporia is a symbol for existential tension.

² Derrida, *Rogues*, 18; *Voyous*, 39.

But this tension is not simply one of paralysis, but is a call to act for justice in the here and now, knowing that we can never be fully sure of the justness of the acts themselves. Our patience in waiting for the event to come does not absolve us to live in relationship with the incalculable worth of the human persons with whom we must share our homes, our land, and the entire earth.

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